

VILLAGE OF POWELL COUNCIL

MAY 2, 2000

A regular meeting of the Village of Powell Council was held on May 2, 2000, and called to order at 7:35 p.m. by Mayor Mark Klein. Other Council Members present were Richard Cline, William Nolan, Art Schultz, George Kaitsa and Dave Chambers. Peggy Guzzo was absent. Also present were Stephen A. Lutz, Village Manager; Dawn Nauman, Clerk of Council, David Betz, Director of Development, Ken Molnar, Director of Law, Rob Rice, Village Engineer, residents and representatives of the press.

APPROVAL OF MINUTES

The minutes of April 18, 2000 were approved as printed.

CITIZEN PARTICIPATION

There was none.

FIRST READING: ORDINANCE 2000-16: AN ORDINANCE AUTHORIZING COMPLETION OF THE GRACE DRIVE RECONSTRUCTION AND EXTENSION CAPITAL IMPROVEMENT PROJECT, FURTHER AUTHORIZING THE VILLAGE MANAGER TO SOLICIT BIDS, ACCEPT THE LOWEST AND BEST BIDS FOR THE ABOVE-REFERENCED PROJECTS, AND CONTRACT EACH PROJECT IN AN AMOUNT NOT TO EXCEED THE ESTIMATES, IN ACCORDANCE WITH APPROPRIATIONS FOR THE CALENDAR YEAR 2000 AND DECLARING AN EMERGENCY.

Stephen A. Lutz, Village Manager, said that this Ordinance is primarily administrative and that it permits going out to bid for the Grace Drive project. He noted that the Resolution accepting a bid for the project is also on this evening's agenda.

MOTION: Mr. Chambers moved to suspend the rules on Ordinance 2000-16. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0

Mayor Klein opened the meeting to public comment. Hearing none, he closed the public comment period.

MOTION: Mr. Kaitsa moved to adopt Ordinance 2000-16. Mr. Chambers seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2000-17: AN ORDINANCE RATIFYING AGREEMENTS WITH VARIOUS PROPERTY OWNERS FOR THE PURPOSE OF COMPLETION OF THE GRACE DRIVE RECONSTRUCTION AND EXTENSION CAPITAL IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY.

Stephen A. Lutz, Village Manager, said that this Ordinance provides for the necessary agreements with 16 property owners impacted by this improvement and extension. He said that they have 14 signed agreements at this time and they anticipate the last two to be completed soon.

Mayor Klein opened the meeting to public comment. Hearing none, he closed the public comment period.

Mr. Kaitsa commended Mr. Lutz and David Betz, Director of Development, for their efforts in getting these agreements in place.

Mr. Schultz asked for more information on the agreement with the Sunnyview Company. Mr. Betz said that the Village is obtaining almost a half-acre of property to provide for road right of way plus an additional 10-foot easement for sidewalks and utilities. He said it was the most substantial acquisition related to this project.

MOTION: Mr. Kaitsa moved to suspend the rules on Ordinance 2000-17. Mr. Nolan seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Kaitsa moved to adopt Ordinance 2000-17. Mr. Chambers seconded the motion.

VOTE: Y 6 N 0

RESOLUTION 2000-07: A RESOLUTION ACCEPTING THE BID OF STRAWSER PAVING CO. INC. FOR COMPLETION OF THE GRACE DRIVE RECONSTRUCTION AND EXTENSION AND AUTHORIZING EXPENDITURES NOT TO EXCEED ONE MILLION SEVEN HUNDRED THIRTY ONE THOUSAND THREE HUNDRED EIGHT DOLLARS AND SEVENTY THREE CENTS (\$1,731,308.73) FOR COMPLETION THEREOF PURSUANT TO THE PROVISIONS OF ORDINANCE NUMBER 2000-16.

Stephen A. Lutz, Village Manager, reviewed that there were 8 bids for this project, and that the lowest bid was well beneath the engineer's estimate. He said that Staff suggests awarding the low bid in the amount of

\$1,505,485.85 plus a 15% contingency to permit the Village Engineer to make change orders in the field as needed. He said they expect to hold a pre-construction meeting soon which will result in a project schedule.

Mr. Lutz reviewed that there is currently no traffic signal warranted at the intersection of Grace Drive and Powell Road, but this project will include the infrastructure to facilitate that signalization later if it is warranted. He said the intersection of Powell Road/Beech Ridge Drive and Bartholomew Boulevard will also include turn lanes. Mr. Lutz reviewed that a bikepath is also included. Rob Rice, Village Engineer, noted the summary of bids that were provided to Council (Exhibit).

Mayor Klein opened the meeting to public comment. Hearing none, he closed the public comment period.

Mr. Kaitsa asked if change orders need to come before Council for approval. Ken Molnar, Director of Law, said that typically, if the change order is within the contingency funds, it doesn't come back before Council. However, he said, that is Council's prerogative. Mr. Rice said that many change orders are made in the field and they need to be done in a timely manner. Mr. Kaitsa suggested that the Village Engineer and Village Manager have the authority to approve any change order up to \$50,000.

Mr. Kaitsa said that Council has discussed a traffic study identifying signalization along Powell Road, particularly as it impacts people exiting Bartholomew Run and Olentangy Ridge subdivisions. He asked how those issues tie in with this project. He asked if the infrastructure for traffic signalization will be taken to Bartholomew Boulevard as well. Mr. Cline asked if it would be a good investment to include the infrastructure for a light at Bartholomew/Beech Ridge/Powell Road in this project so that Powell Road is not impacted by construction again at a later date. Mr. Rice said that the infrastructure for a light at Bartholomew Boulevard could be included with the Grace Drive project, but it could delay the project. He said he doesn't think adding the infrastructure for a light at a later date will be that detrimental.

Mr. Chambers asked if Strawser has completed previous work in the Village. Mr. Betz said they completed the South Park in 1991. Mr. Schultz asked if the work was satisfactory. Mr. Betz said it was.

Mr. Schultz asked if it is correct that this project will provide turn lanes from Powell Road onto Grace and Beech Ridge Drive. Mr. Rice said it will. Mr. Lutz said that a signal is not included at this time because it is not warranted. Mr. Schultz suggested that the cap for change orders be \$25,000. Mr. Lutz said if there is a particularly large change order, Council can be contacted.

Mr. Schultz asked when one takes something other than the lowest bid. Mr. Rice said you take the lowest and best bid, and that there are other factors to consider, such as unfavorable results of previous jobs completed in the Village. Mr. Schultz asked how this bid compares with the initial bond levy budget. Mr. Lutz said that when they did the original bond issue of 2.8 million, it was anticipated that \$1.7 million would be spent for Grace Drive. This bid is within 10% of that. Mr. Schultz asked about the lighting that will be used on East Olentangy Street. Mr. Rice said there are some Villagescape lighting fixtures, and then subdivision lighting along Grace Drive. Mr. Schultz if there will be room for pavers if it is decided to add streetscape later. Mr. Rice said there will.

Mr. Nolan said that previously, Gary Wilcox of Traffic Engineering Services made recommendations for safety measures at Powell Road and Bartholomew Boulevard. He asked if the turn lanes proposed for this project are similar to his recommendation. Mr. Lutz said that they are. Mayor Klein agreed that it makes sense to divert to the right, traveling west on Powell Road, and to continue straight all the way to Grace Drive.

Mr. Nolan asked about the 15% contingency. He asked if a 10% contingency is more usual. Mr. Rice said that they have added 15% because of the magnitude of the project and concerns about possible issues that may arise during the project. Mr. Lutz said that whether it is a 10 or 15% contingency, the Village Engineer will oversee the project. He noted that there is a concern about the quality of the soil.

Mayor Klein asked about the landscape plan. Mr. Betz said that can be brought to the next meeting. He reviewed that there will be street trees and mounding.

Mayor Klein asked about the schedule for the project. Mr. Rice said the contract requires that the road be complete by June 2001, but that the road should be open for through-traffic by fall.

Mr. Kaitsa asked if it is correct that the low bid is the base bid plus all five alternatives. Mr. Lutz said it is. Mr. Kaitsa said he would like to support this project, but he needs unequivocal assurance that there will be a plan to ensure that residents of Olentangy Ridge can get out onto Powell Road. Mr. Lutz recommended that that issue

not be tied into this project. He said a comprehensive study of Powell Road is on the Action Item List. He said that Grace Drive is designed primarily for four corners avoidance.

Mr. Nolan said that Powell Road traffic and signalization was a unanimous top priority during the Council goal-setting process, and that Council supports Mr. Kaitsa's concerns. Mr. Schultz agreed that signalization is not being voted on this evening and he feels study of the issue is necessary.

MOTION: Mr. Cline moved to adopt Resolution 2000-07. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0

THIRD READING: ORDINANCE 2000-11: AN ORDINANCE ADOPTING THE ASHMOORE PARK SITE MASTER PLAN.

Stephen A. Lutz, Village Manager, said that this is the third reading of this ordinance, and that public comment was provided on this plan at the last meeting. David Betz, Director of Development, reviewed the elements of the plan. He noted that the biggest issue with this plan was the mulch path through the woods.

Mayor Klein opened the hearing to public comment. Hearing none, he closed the public comment.

Mr. Nolan said he went to the park site and it is a beautiful area. He said that residents concerns about the mulch path may be valid in that they are concerned about protecting trees. He said he supports the plan as proposed, but he is inclined to leave out the mulch path. He said he feels this is a great plan.

MOTION: Mr. Cline moved to adopt Ordinance 2000-11. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0

COMMITTEE REPORTS

Development Committee: Mr. Schultz said that the Committee reviewed a draft of the Roadway Roadmap plan. He said that Staff will incorporate the committee's comments and distribute them at the next meeting. He said the Committee recommends sending the plan to adjoining communities, Village Homeowners' Associations, or possibly to all residents by direct mail. The Committee briefly discussed the Village Green Master Plan.

Finance Committee: Mr. Kaitsa said the next meeting is May 11. He said Staff is working on a project list, which will include a cash-flow model.

Administration Committee Mayor Klein reported that the next meeting is scheduled for May 16, 6:30 p.m.

MUNICIPAL MANAGERS REPORT

Stephen A. Lutz, Village Manager, reported on the following items:

Hill Property Rezoning: (ORDINANCE 2000-10: AN ORDINANCE ADOPTING A ZONING MAP AMENDMENT FOR JOHN AND CAROLYN HILL FROM R, RESIDENCE DISTRICT TO PI, PLANNED INDUSTRIAL DISTRICT FOR 1.056 ACRES TO CREATE A 4+ ACRE PARCEL SUITABLE FOR DEVELOPMENT OF AN OFFICE/WAREHOUSE BUILDING. Referred to Planning and Zoning Commission on 4/18/2000.)

A brief discussion was held regarding the application for Zoning Map Amendment submitted by Judge John Hill and the requirement that it include a development plan. Ken Molnar, Director of Law, reviewed that he sent a letter to Council stating that there is a plan for the abutting property that could be considered the development plan for Judge Hill's request for a Zoning Map Amendment.

Mayor Klein said that several members of Council and Planning and Zoning Commission have met with Staff to discuss creation of a set of rules that should apply to Zoning Map Amendments. Staff has been asked to develop a checklist to address those concerns. He said he feels that requiring a final development plan for a zoning change is not practical. He noted that the Murphy Property will require a change in zoning, and requiring a final development plan for the whole tract is not realistic. He said that it was Planning and Zoning's recommendation to approve this Zoning Map Amendment without the final development plan because it is consistent with that planned for adjoining parcels. In addition, this is a discretionary item.

Mr. Cline said his concern is that the Zoning Code says any Zoning Map Amendment "shall be accompanied by a development plan as otherwise described by the Zoning Code." However, there are many kinds of development plans described in the code, and only one is a final development plan. He asked if the parcel the 1.056-acre land will join has a development plan. Mr. Betz said it does, and that such plan included splitting the property in two for office warehouse buildings.

Mr. Cline said he feels if Judge Hill says he wants to amend the application to incorporate by reference the final development plan already on file, he is qualified TO DO SO even under the most strict reading of the ordinance.

He asked how to move forward. Dawn Nauman, Clerk of Council, said that there has been one reading of the ordinance. Mr. Molnar said that that this applications can be brought back from the Planning and Zoning Commission at the next meeting. He said the issue of future Zoning Map Amendment's can be handled separately.

MOTION: Mr. Kaitsa moved to remove this issue from Planning and Zoning Commission and bring it back before Council. Mr. Klein seconded the motion.

John Hill, 9158 Liberty Road, asked if Council could draw it from the table and act on it this evening. He said he appreciates the time Council has taken with his request. He said he thinks this zoning change is good planning. He said he did share a development plan for all of his property with the Planning and Zoning Commission.

Mr. Nolan asked if there is any reason Council can't make this happen tonight. Mr. Betz noted that there has been no public hearing on this ordinance. Mr. Nolan said he doesn't necessarily agree that Council can't reconsider their interpretation that a *final* development plan is required. He said that his interpretation of the legislation was that Council would have some idea of what will be developed. Mr. Betz said if a sketch plan is submitted with a Zoning Map Amendment, then the development plan is later inconsistent, then the plan isn't being followed. Mr. Cline said that discussions about this issue have been in favor of something between a sketch and a preliminary plan, and Staff is in the process of making that clearer. Mr. Betz said he thinks it could be a matter of interpretation. Mr. Schultz said he is more interested in the bigger issue, and that is what does it mean that a development plan is required.

Mr. Kaitsa concurred with the comments made this evening. He said the intent was to know how land will be used, and if a sketch plan can be binding, it would be acceptable. He said he would like the Zoning Code amended to reflect the change rather than leaving it as a matter of interpretation. Discussion ensued.

VOTE: Y 6 N 0

Ms. Nauman noted that 30 days is needed to hold a public hearing for a Zoning Map Amendment. After a brief discussion, it was decided that at the next meeting, there will be a second reading and a third reading and public hearing of the ordinance will be held on June 6.

Alzheimer's Association Meeting

Council briefly discussed a request by the Alzheimer's Association to waive the fee for the use of meeting rooms. Mr. Chambers said he would support waiving the fees, as the association's only purpose is to benefit the public. He said that the Olentangy Swim Association would have to pay \$25.00 to use the room according to the current rules, and he feels that is inappropriate. Mr. Kaitsa said that if this is waived, it should also be waived for the pool. He said, however, he is concerned about setting a precedent. Mayor Klein said if other non-profit groups are charged for the room, this group should pay the same fee. Mr. Cline agreed.

Mr. Nolan said that \$25.00 was set up to cover expenses for upkeep of the room. Mr. Lutz said it is a minimal charge. Mr. Nolan said if they waive the fees, they are subsidizing other groups. Mr. Schultz said that for the reasons he has just heard, and the fact that this group is comprised largely of residents outside of the Village of Powell, he feels the fee should remain consistent with other nonprofit groups.

County Auditor Survey

Mr. Lutz reviewed that Council has been asked to respond to a survey regarding location of offices for the Delaware City/County Health Department. Mayor Klein said the request is to answer the questions on the survey or refer this to the committee. Mr. Nolan asked if it is correct that this wouldn't be an issue if the health levy had passed. Mr. Lutz said that is correct. He said their current funding can't be utilized for office space. Mr. Nolan asked if they will assess the communities within their jurisdiction. Mr. Lutz said the County Budget Commission would make the assessment. Mr. Kaitsa said he feels the least expensive alternative should be considered.

Senate Bill 289 (Annexation)

A brief discussion was held regarding Senate Bill 289. Mr. Lutz said hearings on this issue will begin tomorrow. He reviewed the proposal. Mr. Kaitsa said he would likely vote against a resolution opposing the bill. Mr. Nolan agreed. Mr. Schultz said that he feels this bill may be stacked in favor of unincorporated areas. Mr. Chambers said he would support the city position. Mr. Cline said that he feels this bill takes away the power of a municipality to annex land and would put the Village and other municipality's fates in the hands of Townships. Mr. Klein said he would support the city position. After further discussion, it was decided that the model resolution should be put on the next Council agenda so that Council may identify their opposition or support for the bill by.

OTHER REPORTS: Parks and Recreation Programming.

Council reviewed the Parks and Recreation Programming memorandum submitted by Parks and Rec. Supervisor Jeff Snyder. Mr. Lutz said the Finance Committee will be reviewing this at their next meeting. He said this is an "all-inclusive" approach.

Mr. Chambers spoke favorably of the report. Mr. Kaitsa agreed, and asked if there will be different leaders for different programs. Mr. Lutz said there will be. Mr. Kaitsa asked how the Village stands with unappropriated funds. Mr. Lutz said there is a healthy unappropriated balance.

Mayor Klein said he is very excited about the project, and he is glad it is aggressive. He noted that a \$30 fee for an 8-week program is a tremendous bargain, and he questioned whether the charge is sufficient to fund a full-day day camp. He said he thinks \$30 per week would be more appropriate.

Mr. Cline said he approves of the analysis and the samples of programs offered. He said his only question is whether the revenue is ready. He said he doesn't think it is unreasonable to ask the Village to invest \$53,000 to start up program if it is understood that some or all will come back. Mr. Lutz said that revenue information should be ready for the finance committee meeting. Mr. Nolan noted that residents should pay less for programming than non-residents.

Mr. Schultz suggested that kids who live in village be given preference as leaders for programming. Mr. Lutz said they are actually looking at teachers who are out on summer vacation before younger leaders. Mr. Schultz expressed a desire for family event programming. He agreed that \$30.00 for 8 weeks "is probably not nearly enough." He said he feels \$30 per week is too much. He said he would like to find something in between and err on losing money rather than charging too much.

Mr. Nolan asked if such programming is open to children who live outside the Village. Mr. Lutz said it is, but with a different fee structure. Mr. Nolan asked if residents also have priority for programming. Mr. Lutz said that the first week of registration could be open to residents only.

Parks and Recreation resignation

It was decided that an article will be placed in the paper and Powell Quarterly that there is a vacancy on the Parks and Rec. Board.

Powell Safety Town

Mr. Nolan asked how this program will be funded. Mr. Lutz said the PTA, Health Department, and Registration Fees will fund it. He said that there will be no expenditure by the Village. Mr. Nolan asked if consideration has been given to holding Safety Town during evenings or weekends hours. Mr. Lutz said if this is a success, consideration could be given later.

FINANCIAL REPORTS

The Accounts Payable Report was marked received.

Arbor Day

Mayor Klein noted that there was an Arbor Day Celebration held on Friday, April 28, where trees were planted on the Village Green by local cub scouts.

CLERK OF COUNCIL CORRESPONDENCE

Dawn Nauman, Clerk of Council, reviewed a liquor license stock transfer notification received by Council for 240 N. Liberty Street. Council did not request a hearing.

OTHER COUNCIL MATTERS**Action Item 2000-07: Powell Road Traffic Study RFP**

Rob Rice, Village Engineer, asked Council to identify issues to be included in the traffic study of Powell Road.

Mr. Kaitsa said he would like the entire stretch of Powell Road to be studied. He said that access to subdivisions and from subdivisions needs to be considered. He said that whether there is sufficient turn lanes at the four corners should be considered. He said he would like a comprehensive view of traffic in the village.

Mr. Chambers said the study should go all the way from Old Sawmill Road to S.R. 315 and all possible signalization and turn movements should be considered.

Mr. Schultz agreed with Mr. Chambers and Mr. Kaitsa. He said that access onto Powell Road is a common complaint and concern from subdivisions on the east side of Powell Road. He said he would like to look at turn lanes at the four corners, but that such turn lanes should be the last option.

Mr. Nolan said he would like the entire stretch of Powell Road to be studied with the following considerations:

- That the four corners "is a mess" heading east.
- That the safety of children and pedestrians crossing Powell Road is a concern.
- That residents getting out of subdivisions is a concern.
- That vehicle speed, lanes, and pavement markings all need to be considered

Mr. Nolan said he would rather not assume that the same traffic engineer will complete the traffic study.

Mr. Cline said he only disagrees with the concept of revisiting turn lanes at the four corners. He said he feels that after four years of study, Council can say they have made a decision, and nothing any expert tells him will change his opinion that turn lanes are not an option. He said it is appropriate to study restricting turning maneuvers once Grace Drive is open.

Mayor Klein said he believes the study should go from Old Sawmill Road to 315 and should consider the impact of traffic signalization at Grace Drive. He said that crosswalks need to be addressed and considered for improvement. He said he is interested in studying traffic calming devices.

Mr. Kaitsa said that sequencing of traffic lights should be considered, including flashing lights during certain periods.

Action Item 99-18: Relocation Downtown Poles: Mr. Lutz said they are waiting for the telephone company to remove the phone lines from these poles. He said that AEP said they think they can get permission to take them down.

Action Item 99-02: At Grade Rail Crossing: Mr. Lutz said that CSX has said, to receive their approval for an at-grade rail crossing, Murphy Parkway must connect both to the north and south. He said there is a development plan before the Planning and Zoning Commission to accomplish the connection to the north. This item was moved to August 1.

Action Item 2000-02: Powell Road/315 Intersection Study: Mr. Lutz reported that Moody Nolan is completing their study of this intersection, and they will meet with the Village when it is done. He said the good news is it doesn't look like they will be limiting turning movements at that intersection.

MOTION: Mr. Klein moved to adjourn to Executive Session at 9:45 p.m. in accordance with ORC Section 121.22 (G) (1) Personnel Matters; Employee Compensation. Mr. Cline seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Cline moved to adjourn from Executive Session at 9:50 p.m. Mr. Chambers seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Kaitsa moved to reconvene in regular open session at 9:50 p.m. Mr. Nolan seconded the motion.


VOTE: Y 6 N 0

ADJOURNMENT


MOTION: Mr. Cline moved to adjourn at 9:51 p.m. Mr. Schultz seconded the motion.

VOTE: Y 6 N 0

DATE MINUTES APPROVED: May 16, 2000


 Mark F. Klein
 Mayor

Date


 Dawn Nauman
 Clerk of Council

Date