

VILLAGE OF POWELL COUNCIL

MAY 16, 2000

A regular meeting of the Village of Powell Council was held on May 16, 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 and Dave Chambers. Peggy Guzzo arrived at 8:00 p.m. George Kaitsa 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 May 2, 2000 were amended and approved.

CITIZEN PARTICIPATION

There was none.

RESOLUTION 2000-08: A RESOLUTION SPECIFYING THE MUNICIPAL SERVICES TO BE FURNISHED TO 86.8 ACRES, MORE OR LESS, WHICH IS PENDING ANNEXATION TO THE MUNICIPALITY OF POWELL

Stephen A. Lutz, Village Manager, reviewed that the owners of the Murphy Parcel have petitioned to have their property which is currently outside the Village annexed to The Village of Powell. The Delaware County Commissioners will hold their hearing on this issue on June 12. This Resolution is necessary for Commissioner's approval.

David Betz, Director of Development, briefly reviewed the revised sketch plan for this property.

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

Mr. Chambers asked where the green space is in the plan. Mr. Betz identified 8 -10 acres of open space, including parkland, easements, and an existing park. Mr. Chambers asked if the barn is included in the annexation. Mr. Betz said that portion of the property is, but the barn will most likely be removed.

MOTION: Mr. Cline moved to adopt Resolution 2000-08. Mr. Nolan seconded the motion.

VOTE: Y 5 N 0 (Absent: Guzzo)

RESOLUTION 2000-09: A RESOLUTION TO INFORM STATE LEGISLATORS AND STATE EXECUTIVE LEADERS OF SUPPORT FOR EQUITABLE ANNEXATION REFORM AS PROPOSED BY THE OHIO COALITION FOR EQUITABLE ANNEXATION (OCEA) AND OPPOSITION TO "ANNEXATION REFORM" WHICH RESTRICTS CITY GROWTH AND PROPERTY OWNERS' CHOICES.

Stephen A. Lutz, Village Manager, reviewed that Council has had previous discussion about this issue. He said a summary of information on this Resolution has been included in the packets. He made reference to a newspaper article stating that Delaware County Commissioner Weurtz will be testifying against this legislation.

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

Mr. Cline suggested that this Resolution be tabled until Ms. Guzzo and Mr. Kaitsa attend a Council meeting. He said his understanding is that this legislation will not be out of committee any time in the near future.

MOTION: Mr. Cline moved to table Resolution 2000-09 until June 6. Mr. Chambers seconded the motion.

Mr. Chambers said he is in support of this Resolution opposing the Bill.

VOTE: Y 5 N 0 (Absent: Guzzo)

RESOLUTION 2000-10: A RESOLUTION TO ESTABLISH A SPECIAL REVENUE FUND.

Stephen A. Lutz, Village Manager, reviewed that this Resolution is necessary to manage funds for the new Parks and Recreation Department. This enterprise fund will track expenses going out and funds coming in.

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

Mr. Schultz asked how the amount was chosen for this account. Mr. Cline said that this Resolution creates the fund, while Ordinance 2000-18 appropriates money for the fund. He said the Finance Committee reviewed this issue and felt the determined amount was suitable for start-up.

MOTION: Mr. Cline moved to adopt Resolution 2000-10. Mr. Chambers seconded the motion.

VOTE: Y 5 N 0 (Absent: Guzzo)

SECOND READING: 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.

Stephen A. Lutz, Village Manager, reviewed that a public hearing on this issue is scheduled for the next meeting.

David Betz, Director of Development, reviewed Judge Hill's request to add 1.56- acre of land to a 3-acre parcel which is already zoned planned industrial and has a development plan. This will allow him to develop the entire parcel as planned industrial. He said that there will likely be an amendment to the existing development plan for this parcel. At this time, the permitted uses are limited to warehousing and light industrial uses.

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

Mr. Nolan noted a letter received from Tom Wright regarding this issue. He asked if Mr. Wright would have received notification of this hearing. Mr. Betz said he would not, as he is not within the 250 feet. Mr. Lutz said that he spoke to Mr. Wright to let him know the public hearing will be held on this issue at the next meeting.

Mr. Cline asked if procedurally, Council may vote on this issue at the next meeting. Mr. Lutz said they may.

Ms. Guzzo said at the last meeting, one reason given for rezoning this land to Industrial is because the current configuration would be "awkward." She said she disagrees, because just to the east, there is a direct line of farm residential zoning, while to the south there is more industrial. She said that the Comprehensive Plan says to reduce land used for non-residential uses. She said she understands that Judge Hill wants to rezone his property to sell it, but she sees no benefit to the village in approving this Zoning Map Amendment. She questioned why Council would even consider rezoning this parcel when it is unclear what exactly will go there.

Mr. Schultz said the issue is whether the parcel continues to the south or the east, because the owner is intent on selling 4 acres of industrial property even if the Zoning Map Amendment is denied. He said the applicant made the point that it is a better use to go to the east rather than the south. He said greater details of what will be done on the site will be reviewed during the Development Plan process. Ms. Guzzo expressed concern about the possible uses that are permitted with this zoning.

Ms. Guzzo said that area residents were unaware of this application. She said they are not within the 250 feet required for notification, but they are clearly effected. Mr. Schultz said that the kind of zoning they are requesting already applies to a 4-acre parcel on this tract, so the actuality is that they'll have another acre of what already exists. Ms. Guzzo said that there was a development plan for this property in 1995, but it is not a final plan and therefore "not totally protected by the Zoning Code." She said she sees no advantage in adding additional land to that Zoning. She said no one has told her of any economic benefit. She said she would like area resident's opinions on this issue.

Mr. Betz reviewed the dividing line between industrial and residential zoning on this tract. He said at the same time the Planning and Zoning Commission reviewed this request, they reviewed a sketch plan for an elderly housing community adjacent to this property. That plan was turned down because of density, but another plan may come back.

Mr. Chambers asked if there also isn't an existing tree line along the southern edge that the applicant hoped to preserve. Ms. Guzzo said that the owner is required to have green space anyway for commercial development, so that would still be preserved. Mr. Betz identified the tree line and said that Staff will need to look at how best to preserve the trees without the Zoning Map Amendment. He said development would be easier if the tree line was along the property line.

This Ordinance was taken to a third reading.

FIRST READING: ORDINANCE 2000-18: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2000 AND DECLARING AN EMERGENCY.

Stephen A. Lutz, Village Manager, reviewed that this Ordinance will fund the Parks and Rec. Department. He said such departments are not typically self-sufficient but require some subsidies. He said that the proposed programming was reviewed at the last meeting.

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

Ms. Guzzo said she thought salary for the Parks and Recreation Director was appropriated in the budget. Mr. Lutz said the salary reflected in the attachment to this ordinance is for 7-8 part time employees.

Mr. Chambers asked if the Parks and Recreation Advisory Board had a chance to look at the proposal. Mr. Lutz said they have and they are very excited about getting the program going.

Mayor Klein asked when the programming will begin. Mr. Lutz said that Staff is finalizing the Powell Quarterly right now, and that it will include a programming and registration form. Mr. Lutz reviewed that the Powell Quarterly should go out the Week of May 29, and that the programming deadline is June 12 or June 18. Mr. Lutz said that they will advertise in newspapers and also through the schools.

Mr. Cline said the Finance Committee has recommended "rounding up" the funding needed to keep from having problems with unanticipated costs.

Mr. Schultz said the sooner this information is released to the press, the sooner there will be awareness of these programs, and that the newsletter seems short notice. Mr. Lutz said that they plan to have a press release, but the funding is necessary to start the program. He commented on how quickly Jeff Snyder was able to get this program up and running in such a short period of time. He said the summer program is aggressive. Mr. Chambers said when there is a final draft, they can be handed out at the pool. Mayor Klein asked that each Council member have the opportunity to review the information, also.

MOTION: Mr. Cline moved to suspend the rules on Ordinance 2000-18. Mr. Schultz seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Cline moved to adopt Ordinance 2000-18. Mr. Chambers seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2000-19: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2000 AND DECLARING AN EMERGENCY.

Stephen A. Lutz, Village Manager, reviewed that last year, the Village received \$4,000 from BUS General Partnership for tree replacement. The trees have been replaced, and BUS would like their deposit back. He said that money isn't currently appropriated to provide them their refund.

Mayor Klein asked if this is necessary every time someone puts a deposit down. Mr. Lutz said the Village doesn't receive many deposits, and if they do, they return them during the same year. Because this was deposited last year, it is not appropriated to be returned.

MOTION: Mr. Chambers moved to suspend the rules on Ordinance 2000-19. Mr. Cline seconded the motion.

Mr. Schultz noted that in the correspondence about this issue, there was mention of trees which were recently replaced. He asked if this deposit should be held back in case the trees just replaced were to die. Mr. Lutz said it shouldn't.

VOTE: Y 5 N 0 (Abstain: Guzzo)

Mr. Molnar suggested that the reason for the emergency clause in this ordinance be identified.

MOTION: Mr. Cline moved to amend Ordinance 2000-19 so that a second Whereas paragraph is added to the first section which reads "Council determines that this Ordinance requires emergency action to enable the Village to discharge it's fiscal responsibility in a timely manner," and to further add such language to the last section of the Ordinance. Mr. Schultz seconded the motion.

VOTE: Y 5 N 0 (Abstain: Guzzo)

MOTION: Mr. Cline moved to adopt Ordinance 2000-19. Mr. Schultz seconded the motion.

VOTE: Y 5 N 0 (Abstain: Guzzo)

COMMITTEE REPORTS

Development Committee: Mr. Chambers reviewed that the next meeting will be held on June 1, at 7:30 p.m., at which time the Committee will walk the Village Green.

He asked for comments about the Roadway Roadmap Plan. Ms. Guzzo said that she thought Council passed a vote that Liberty Road would stay open south across the railroad tracks. Mr. Lutz said both Council and the Planning and Zoning Commission have indicated that that is the most desirable choice, but the Comprehensive Plan has not been amended. Mr. Lutz said that the Commission is looking at the various ways that Murphy Parkway can tie into Liberty Parkway. Ms. Guzzo asked, without the Planning and Zoning Commission's recommendation on Murphy Parkway, shouldn't Council hold off on distributing the Roadway Roadmap.

Mr. Schultz said that the plan summarizes issues that still need to be discussed as well as the overall plan. Mr. Chambers said that the purpose of this document is to make the plan the part of the newsletter, to provide copies to hand out at meetings such as this, etc. He said it will also be updated as roadway connections proceed. Ms. Guzzo said the map should show clearly Liberty Road remaining open south over the railroad.

Mayor Klein said that in his experience as a Council member, he has found that a great many people do not understand the Village's transportation plan. He said that this is the first step in adequately communicating the transportation process for the residents. He said he would be in favor of including this document with the Powell Quarterly and making it available for anyone that that requests information regarding the transportation plan.

Mr. Nolan asked what is the window for getting comments to staff prior to publishing the Powell Quarterly. Mr. Lutz suggested that it be included in the next Powell Quarterly since this one already has an insert.

Finance Committee: Mr. Cline reviewed the Questionnaire the Committee recently answered regarding the Delaware Health Department's need for a facility (Exhibit). Council supported the Finance Committee's response to the survey.

Mr. Cline said that the Committee has reviewed the fee schedule, and there are proposals for minor changes. Mr. Lutz said that an ordinance amending the fee schedule will be presented at the next Council meeting.

Administration Committee: Mr. Lutz said at the next meeting, scheduled for June 20, the Committee will discuss the procedures for the joint Council and Planning and Zoning Commission meeting to review the Comprehensive Plan.

FIRST READING: ORDINANCE 2000-18: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2000 AND DECLARING AN EMERGENCY.

Mr. Lutz said that Mr. Molnar noted that Ordinance 2000-18 should also have additional language relating to the emergency clause in this Ordinance.

MOTION: Mr. Cline moved to recall Ordinance 2000-18. Mr. Schultz seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Cline moved to amend Ordinance 2000-18 so that a second Whereas paragraph is added to the first section which reads "*Council determines that this Ordinance requires emergency action to enable the Village to begin it's Parks and Recreation Program this summer,*" and to further add such language to the last Section of the Ordinance. Mr. Chambers seconded the motion.

VOTE: Y 6 N 0

MOTION: Ms. Guzzo moved to suspend the rules on Ordinance 2000-18. Mr. Cline seconded the motion.

VOTE: Y 6 N 0

MOTION: Ms. Guzzo moved to adopt Ordinance 2000-18 as amended. Mr. Cline seconded the motion.

VOTE: Y 6 N 0

MUNICIPAL MANAGERS REPORT

Stephen A. Lutz, Village Manager, gave a report on the following items:

Council 511b.

-RELATIONAL FUNDING CORPORATION

FACSIMILE TRANSMITTAL SHEET

TO: Powell Council	FROM: Tom Wright
COMPANY: Village of Powell	DATE: 05/16/00
FAX NUMBER: 885-5339	TOTAL NO. OF PAGES INCLUDING COVER: 2
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: Letter	CC:
<input type="checkbox"/> URGENT <input checked="" type="checkbox"/> FOR REVIEW <input type="checkbox"/> PLEASE COMMENT PLEASE REPLY : <input type="checkbox"/> PLEASE RECYCLED	

Please present and have read this letter at tonight's council meeting.

Thank You,
Tom

Office: 614-793-4130
Fax: 614-793-4219
Email: twright@allcor.com

425 METRO PLACE NORTH
SUITE 200
DUBLIN, OHIO 43017
VOICE: 614-793-4200 FAX: 614-793-4219

May 16, 2000

City Council Members
Village of Powell
Powell, Ohio 43065

Dear Council,

We were made aware on this date about a zoning change that is up for consideration at tonight's Council meeting. Due to the timing we are not able to change our plans and attend your meeting however we did want to pass along our feedback on changing the zoning of Judge Hill's property on North Liberty.

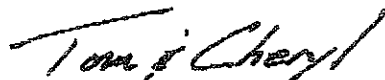
As I understand the proposal, Judge Hill would like to change the portion located behind his horse barn to Industrial. As well, it is our understanding that the usage for the property has not been stated as of yet. We have a couple concerns with this as a resident of a neighboring residential area:

1. That by converting this parcel to Industrial we are setting ourselves up for the remainder of the property to change to industrial.
2. By not knowing what purpose the property is intend for we are setting ourselves up for an unknown liability on the residence and the village as a whole.
3. Should you become comfortable with the business that it is intended for, what is to prevent a change later down the road that is not acceptable. Once the property is changed industrial it is difficult to go back to the prior zoning.
4. Have you considered the impact of what an industrial zoning would do to the amount of traffic both from employees and commercial vehicles to that area of the village.

We realize that the village is somewhat land locked and the availability for commercial based tax generation is limited, but we feel it is important to consider the view of those citizens in the community. We would ask that you hold off on this very important decision until further review of the plans is considered and shared with the near by citizens. We are sure those residents of the village that live on the north end of town would have input in to change of this land use.

Thank you for your time and consideration,

Sincerely,



Tom and Cheryl Wright
10 Ridgeside Dr.
Powell, Ohio 43065

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