

**VILLAGE OF POWELL COUNCIL**

**JUNE 20, 2000**

A regular meeting of the Village of Powell Council was held on June 20, 2000, and called to order at 7:30 p.m. by Mayor Mark Klein. Other Council Members present were William Nolan, Art Schultz, Dave Chambers, Peggy Guzzo, and George Kaitsa. Richard Cline 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 June 6, 2000 were amended and approved.

**CITIZEN PARTICIPATION**

Craig Woods, 668 Retreat Lane, incoming President Olentangy Rotary Club, said that they made application for serving alcohol at Rotary's annual dinner at the Powell Village Green next Tuesday. He said it was his understanding that the Chamber of Commerce had been allowed to have a wine tasting at this facility. He said the vote to allow this was not approved, and that may have been because he wasn't present to answer questions at the last Council meeting.

Ms. Guzzo said she was persuaded to allow the Chamber of Commerce to serve alcohol because it wasn't a private event, but a wine tasting for the whole community. She said that she doesn't feel comfortable allowing for private parties and alcohol at this facility, but she will agree with the majority of Council if the policy is to allow alcohol. Mr. Woods said he respects Ms. Guzzo's views, and although this event is not open to the community, the Rotary is a community organization made primarily of Powell Residents. Rotary's focus is on community service.

Mayor Klein said this issue was discussed during the Administration Committee meeting this evening. Staff was asked to contact some nearby communities to see what their policy is on using alcohol in the meeting rooms.

Mr. Schultz said although he voted no on this issue before, he has considered it further and he now supports the request, because this group is so much a part of charity organizations in the Village. He said he does agree with coming up with a more standardized policy, but given the option of making Rotary go outside the Village for their event, he is planning to change his vote.

Mr. Kaitsa said he voted in support the last time, and he still supports the request. He said the fact that this is a private event is more convincing. He said that other public buildings are used in this capacity, such as the State House, which is frequently used for social events where beer and wine is served. He said he is glad, however, that the Administration Committee will be considering this issue further..

**MOTION: Mr. Kaitsa moved to allow the Olentangy Rotary to serve beer and wine at their function at the Village Green. Mr. Schultz seconded the motion. The motion was approved.**

**VOTE: Y 5 N 0 (Abstain: Nolan)**

David Betz, President, Powell Sertoma Club, asked that Council members help support Sertoma by participating in their flush tank at the Powell Festival. Mr. Klein said that is a lot of fun and he does intend on participating.

**SECOND READING: ORDINANCE 2000-20: AN ORDINANCE AUTHORIZING AMENDMENT TO THE FEE SCHEDULE OF THE MUNICIPALITY OF POWELL.**

Stephen A. Lutz, Village Manager, said that every two years, Village Staff reviews the fee schedule and makes changes where necessary. These proposed amendments are minor and administrative in nature.

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

**MOTION: Mr. Nolan moved to suspend the rules on Ordinance 2000-20. Mr. Kaitsa seconded the motion.**

**VOTE: Y 6 N 0**

**MOTION: Mr. Kaitsa moved to adopt Ordinance 2000-20. Mr. Nolan seconded the motion.**

**VOTE: Y 6 N 0**

**SECOND READING: ORDINANCE 2000-22: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2000**

Stephen A. Lutz, Village Manager, said this ordinance would provide funding for a Powell web page. He noted that information regarding web sites developed by this vendor were included in the packets.

Mayor Klein opened the hearing to public comment.

Mickey Hawk, 101 Presidential Parkway, asked who is being recommended to develop the web site. Mr. Lutz identified Salient Software Systems, and noted that the representative of the company lives in Grandshire.

Ms. Guzzo asked who would own the web site if the Village decides to move the site or manage it in-house. Mr. Lutz said that the contract would include a clause that the Village owns the rights to the web site. Ms. Guzzo asked if the village can change hosting facilities. Mr. Lutz said they may. Ms. Guzzo asked how long the contract would be. Mr. Lutz said it will be one year.

Mr. Chambers asked that this go to a third reading for more time to review other web pages. Mr. Kaitsa agreed.

Mayor Klein passed out information that he collected and copies of web pages he found interesting. He noted that on the City of Dublin site, they have pictures that are changing and scrolling through sets of photographs and that their site includes about 20-30 links to allow access to different departments. He said that the Westerville site claims to be the best city web site with a population of less than 50,000. He said that the Delaware Web page includes links to the Chamber of Commerce, as well as with Ohio Cities.com. He said that he brought this information to the meeting because he was impressed with the entry pages that these cities have. He said the Village web page at this stage is very plain. Mr. Lutz said that what was presented is by no means the design of the Village web page, but that this company was the only one to take the time to provide a sample web page.

Mayor Klein asked where Staff is heading with this project. Mr. Lutz said the first step is to decide to proceed, then to decide whether a committee will be appointed to work on the design. He said that Powell is also a smaller community and it is desirable to have a web site that can be updated and worked on in-house. He said the City of Dublin has a full-time employee who is in charge of the web site, and Staff's goal is for something that is workable in the village's structure.

Mr. Schultz said he talked to a representative of Salient Software Solutions, and he gave Staff some suggestions on how to design the web site so that Dawn Nauman, Clerk of Council, can add to it from the office. He said that he also spoke with Kathleen Hindmon at the Chamber of Commerce, and she said that they are working on a web site, so a link there would be desirable. He said he recommends that a committee be formed to work on this, because so much is a matter of personal preference. He said that the kind of graphics which are desirable should be incorporated easily, and that it is not a big deal to include photographs. He said he feels it may be a good idea to "scratch out" the design in a meeting with or without a contractor and decide what Council wants first. Ms. Guzzo agreed and said such a meeting could be held during the Administration Committee.

Mr. Kaitsa said he really likes the format of the Westerville site. He asked if Salient Software was involved in any of the pages distributed by Mayor Klein. Mr. Lutz said they were not. The ordinance was taken to a third reading.

#### **ROADWAY ROADMAP TO THE FUTURE**

Stephen A. Lutz, Village Manager, said that a final draft of this plan has been distributed to Council. He said to print and mail this plan to every resident in Powell would cost about \$2,000.00

Mayor Klein opened the hearing to public comment.

George Fur, 102 Presidential Parkway, said that he is present with his neighbors from Grandshire Section 5, to voice their concern with the way the Murphy Parkway, South Liberty, Presidential Parkway and Village Green road connections are handled. He reminded Council that according to the Comprehensive Plan, all development for streets in Village should be to help residents get around town and not to create regional traffic. He indicated they are concerned about creating additional traffic.

Mickey Hawk, 101 Presidential Parkway, noted that a letter written to Mr. Lutz about this issue (Exhibit). Mr. Lutz noted that Council has received a copy of that correspondence.

Mr. Lutz said that also enclosed in the packet was a proposal from Traffic Engineering Services for additional engineering work to study the Murphy Parkway connection. Mayor Klein asked where the issue of connecting Murphy Parkway to Liberty Road stands at this time. Mr. Lutz said that the Planning and Zoning Commission will make a recommendation to Council about that issue, then Council will consider that recommendation. He said the Planning and Zoning Commission and Council will notify the residents when that issue is up for discussion.

Mr. Schultz said the estimate by TES includes services to complete traffic volume projections for the future, which was part of the Planning and Zoning Commission's request for more information before making a decision on road connections. Mayor Klein said that Council felt the Planning and Zoning Commission was a forum that would allow for additional resident participation on the road planning process.

Ms. Guzzo asked if the map on page 6 identifies Liberty Road stubbing off rather than continuing south. Mr. Schultz said that when he worked with David Betz, Director of Development, on that map, they were very conscious of the fact that no decision has been made regarding how Murphy Parkway will connect to Liberty Road, so they purposely didn't show a T or Y connection. Ms. Guzzo suggested that the language on page 6 be changed to read: "*...the Village will not terminate South Liberty Street at the railroad track crossing but will remain open. The Planning and Zoning Commission and Council are studying currently where Murphy Parkway will T-into Liberty Road and how to minimize the impact on the existing Grandshire and Woods of Sawmill subdivisions.*" She said she believes that is what Council is doing at this time. She said the consensus was that Liberty will remain open and that Murphy Parkway would T-in. She said Council needs to decide how Murphy Parkway will T-into it because of the Lakes of Powell subdivision.

Mr. Chambers agreed there is a consensus that Liberty will remain open, but said there is no final decision on how Liberty will connect to Murphy Parkway. Ms. Guzzo said Mr. Chambers may have been "in the minority on that one," but she remembers that Council discussed if Murphy were to remain the "main route," that would bring the most traffic into that area. Murphy Parkway should T-in to provide an alternative for residents but not take the place of Liberty Road. Mr. Chambers said Council agreed to keep Liberty Road open, but the discussion that ensued is exactly why the issue was sent back for the Planning and Zoning Commission, so they could help decide how to connect the roads.

Mayor Klein agreed with Mr. Chambers. He said many questions were raised when this issue was discussed, so the item was sent back to the Planning and Zoning Commission. Ms. Guzzo said she doesn't want to lead anyone to believe that the road will have a Y intersection. Mr. Kaitsa said it seems to him that Council was leaning toward a T intersection, but there were questions about where that T intersection could be placed due to the topography. He said there also was concern about neighboring residents. He said the "leaning" was toward Murphy T-ing into Liberty Road. Mayor Klein said he recalls those conversations but he doesn't think Council dictated what kind of connection it should be. Mr. Nolan agreed. Mr. Chambers agreed.

Mr. Schultz suggested that Ms. Guzzo review the minutes when Council sent this issue back to the Planning and Zoning Commission. He said that he doesn't think closing Liberty Road is an issue. He said that every effort was made to reflect the current status of all of these road issues in this roadmap. He said that he feels strongly that this document should be sent out. He noted that the text indicates that the "*Planning and Zoning Commission and Council are currently studying where Murphy will connect to Liberty Road and how to minimize the impact on the existing Grandshire and Woods of Sawmill subdivisions.*"

**MOTION:** Ms. Guzzo moved to amend the map on page 6 to add a dotted line showing Murphy Parkway T-ing into Liberty Road, and showing a gray line of traffic through Liberty Road, and to change the text to read: "*...the Village will not terminate South Liberty Street at the railroad track crossing but will remain open. The Planning and Zoning Commission and Council are currently studying where Murphy Parkway will connect to Liberty Road and how to minimize the impact on the existing Grandshire and Woods of Sawmill subdivisions.*" Mr. Kaitsa seconded the motion.

Ms. Guzzo explained that she would like to show both possible ways of connecting the roads.

**MOTION:** Mr. Kaitsa moved that the map not show how the road will connect other than including an open bubble that says this connection is to be determined. Ms. Guzzo seconded the motion.

Mayor Klein reviewed that there is language in the roadmap that says: "*This connector is presently being studied in order to achieve the objectives of the community's Comprehensive Plan yet minimizes the impact on the existing Grandshire and Woods of Sawmill subdivisions.*" He asked if that doesn't address Ms. Guzzo's concerns. Ms. Guzzo said the language was confusing, because it talks about "attempts to maintain its connection." She reviewed the language she suggested in her original motion (above).

Mr. Schultz said it seems like the proposed illustrations and word changes are contrary to one another. While the illustrations are more descriptive of the fact that no decision about the connection has been changed, the language takes away information that tries to accurately describe the current status. Discussion ensued.

Ms. Guzzo **withdrew her motion**, but asked to remove the section that says "attempt to maintain its connection with Murphy Parkway" and insert the words "will remain open." Mr. Kaitsa suggested that it say "but Liberty Street will remain open." A vote was taken Mr. Kaitsa's suggestion, and was approved.

Ms. Guzzo said she is still proposing that the dotted line of Murphy Parkway not show it connecting to Liberty Street but instead that there be a bubble in the general area where it will connect that indicates the Murphy Parkway and Liberty Road "proposed connection area." In addition, a gray line should be placed on Liberty Road that is continuous "so as not to confuse anyone that it is still going to be a viable way to travel." The vote was 3-3, the change was denied.

Mr. Nolan asked that Right of Way be spelled out rather than "ROW." He suggested a heavier, less casual font on the conclusion portion of the map and that the text box be straightened. Council approved printing and mailing this plan to all residents.

Mr. Schultz encouraged the residents present this evening to stay involved in the process. He said that the Planning and Zoning Commission is very interested in doing the right thing and looking after the residents.

### **COMMITTEE REPORTS**

**Development Committee:** There was no report.

**Finance Committee:** Mr. Kaitsa reported the next meeting will be held on Thursday, June 22nd.

**Administration Committee** Mayor Klein reviewed that the Administration Committee met and discussed their proposal for a joint meeting between Council and the Planning and Zoning Commission. He summarized that the documents used for this meeting will be Council's 2000 Goal Setting Session, and the Planning and Zoning Commissions goals. He reviewed that each Council member will review their goals, Planning and Zoning Commission will review theirs, and then the Comprehensive Plan would be reviewed as to whether it needs to be updated. He said that the Administration Committee recommends that Council meet with Planning and Zoning Commission first, and then if it is necessary to meet with other Boards and Commissions, they can. He said that the joint meeting can be held during a Council or Planning and Zoning Commission meeting night.

Mr. Nolan suggested setting time limits for members to discuss their goals so that the process runs smoothly. Council agreed to move forward with this meeting.

Mayor Klein said the Administration committee also discussed policies for alcohol consumption in the Village Hall.

### **MUNICIPAL MANAGERS REPORT**

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

John Barton, 119 N. Liberty Street is appealing a property maintenance violation, and it needs to be heard by Council within 30 days. Mr. Lutz noted that because Council is considering holding the joint Council and Planning and Zoning Commission meeting on the 18<sup>th</sup>, the 5<sup>th</sup> may be more practical. Council agreed to hold the hearing at the July 5 meeting.

#### **Murphy Parkway Traffic Study**

Mr. Lutz reported that Gary Wilcox of Traffic Engineering Services has submitted a proposal to assist the Planning and Zoning Commission with the Murphy Parkway connector. Mr. Lutz asked if Council would like to appropriate funds for this project.

Mr. Schultz said that the members of the Planning and Zoning Commission had questions that only a traffic engineer is in a position to answer. Mr. Nolan commented that Mr. Schultz sounds unenthusiastic about this. He said he is unsure this is necessary, and he questioned Mr. Wilcox's performance "the last time he was here."

Mayor Klein said he is supportive of this request, as it is an important issue and good traffic counts are needed. He said he thinks some information considered in the past was incorrect, and he would like better counts.

Mr. Schultz said he may have sounded lukewarm about this project, but while he feels there are many questions, more questions could always be generated. He said that he doesn't see not letting Wilcox run the numbers. He said there are some new issues, such as the Murphy property development and new road connections that warrant clarification. Mr. Nolan questioned how many times the same thing can be studied.

Mr. Kaitsa said he supports this request and that he thinks things have been done in the past without the benefit of a professional engineer's guidance. He said he thinks Mr. Wilcox has served the Village well in the past and will continue to do so. He said he thinks having a professional involved in the process is money well spent. Mr. Chambers agreed.

Ms. Guzzo agreed with Mr. Nolan. She said that this is a difficult issue, but enough money has been spent on consultations. She said the road connection can be determined with common sense based on everyone's driving patterns. She said new information isn't necessary. A vote was taken on whether to appropriate \$2,500. There being four members in favor, the funding was approved.

#### **Olentangy Booster Request**

Mr. Lutz reviewed a request from the Olentangy Athletic Boosters to serve liquor at their fundraiser at the Village Green in September. After a brief discussion, Council agreed to wait until the July 5 meeting to address this issue, after further information has been collected regarding other community's policies.

#### **Parks and Recreation Advisory Board**

Mr. Lutz said that Mr. Schultz has volunteered to call Parks and Recreation Advisory Board members to stress the importance of attendance at meetings.

#### **Powell Festival**

Mr. Lutz reported that Council and their family members are requested to be on the stage at the Powell Festival Friday night at 8:25 to kick off the Reaganomics concert.

#### **OTHER REPORTS**

The Monthly Planning and Zoning, Monthly Police, and Monthly Parks and Rec. report were marked received.

Mayor Klein asked if an Accounts Payable will be provided that is updated back to the last time one was distributed. Mr. Lutz noted that there has been a switch in computer programs, and he will ask the Finance Director when another will be presented. Mayor Klein asked if missing reports would mean missing information. Mr. Lutz said it will not.

#### **CLERK OF COUNCIL CORRESPONDENCE**

There was none.

#### **OTHER COUNCIL MATTERS**

- Mr. Chambers asked about the status of the Bennett Parkway bikepath resurfacing. Rob Rice, Village Engineer, said that it is included in the 2000 resurfacing program, and he hopes it will be out to bid by next week. He said the entire portion will be sealed, and a portion will be resurfaced.
- Ms. Guzzo asked about the status of the bikepath underpass study. Mr. Rice said he anticipates a draft report soon, and that the company completing the report is having trouble receiving proper information from the railroad. He said he should have a preliminary report by the second meeting in July.
- Ms. Guzzo asked about the reseeding at the Country Carryout. Mr. Lutz said he has been in contact with those property owners, and that this issue will be resolved in the fall when seed planting is appropriate. He said this project is left over from VillageScape, and the property owner is satisfied with the plan to complete it.

#### **Downtown Electric Poles**

Rob Rice, Village Engineer, reviewed that AEP has indicated that this is a work in progress. He said they had to stop work during the Memorial Tournament due to traffic issues, but they will finish their work tomorrow and Thursday. He said that Mr. Margello's property is still being serviced by Powell Road, and when they can service it from the rear, they will finish that portion. Ameritech is still in the process of acquiring the necessary easement to remove their facilities so they can remove their poles. He said at the last meeting, the Ameritech representative was leery about setting a specific time frame of 8 weeks. He said that he has approved their request to complete their underground work up to the point where the easement is required.

Mayor Klein asked that the representative from Ameritech be asked back for the July 5 meeting, because Council understood this issue would be within days of being completed by July 5. He said if it is not completed by that time, Council would like to pursue other action.

**Rumpke Trash Services**

Mr. Kaitsa said that at the Olentangy Ridge Civic Association meeting, many residents spoke of problems with trash pick up. Mr. Lutz said that there have been problems with Rumpke Village-wide. Ms. Guzzo asked if there is a penalty that can be placed on Rumpke. Mr. Lutz said because the residents pay Rumpke directly, the Village cannot withhold payment for poor performance. He said he has reviewed the contract, but he hasn't come up with anything. Mr. Rice noted that trash collection is up for bids this fall.

Mr. Lutz noted that 2 weeks ago, one driver collapsed and there was no replacement for several days. Mr. Rice noted the general problem is the tight labor market. He said there is a performance bond, and the Village should look into whether that can be accessed for poor service.

**OTHER COUNCIL MATTERS**

**Landscape/Wildflower Garden**

Mr. Nolan asked if the weed ordinance passed by Council a couple of years ago applies to a house where the owner has created a "wildflower garden." He showed pictures of this property to Council, and said he thinks it is a disgrace that people pay to live in Powell to look out the window and see this. He said that he would like to look into an ordinance to address this issue. He noted pictures of another property that has been landscaped similarly but looks different. He suggested that members of Council look at this property themselves. He suggested that Staff provide an Ordinance to address this type of problem.

Mr. Lutz said that a lot of people are doing this, but perhaps not to this size. Mr. Nolan noted it is also not maintained. Mr. Lutz said the weed ordinance does not apply to this issue, and that Staff needs assistance identifying what is objectionable. Ms. Guzzo suggested that a certain percent of front lawns by sod or grass that is well maintained. Mr. Lutz said that could be difficult in areas with heavily wooded front lawns.

Mr. Chambers left at 9:10.

Mr. Nolan said that the Comprehensive Plan identifies a goal to maintain people's property values in the Village. This type of yard is not fair to the property owners across the street who may want to sell their house. Mr. Schultz suggested that a percentage of the yard be plantings. Mayor Klein asked for information from other municipalities who have dealt with this issue. A lengthy discussion ensued. Mr. Molnar said he will review the exterior maintenance code. He suggested requiring a lawn and requiring any other type of landscape to get a variance. Mr. Nolan will work with Staff on this issue.

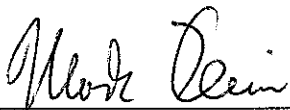
**Above Ground Pools**

Ms. Guzzo asked if the Village prohibits above ground pools. Mr. Lutz said he can't think of any, but he doesn't know if Deed Restrictions for certain subdivisions prohibit them. He said if there is a certain location with a pool Ms. Guzzo is concerned about, for her to contact him and he will address it.

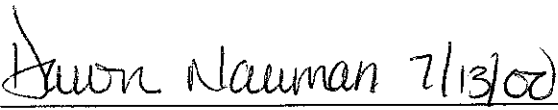
**ADJOURNMENT**

The Council adjourned at 9:20 p.m.

**DATE MINUTES APPROVED: July 5, 2000**

  
\_\_\_\_\_  
Mark Klein  
Mayor

7/11/00  
Date

  
\_\_\_\_\_  
Dawn Nauman  
Clerk of Council

7/13/00  
Date