

## VILLAGE OF POWELL COUNCIL

OCTOBER 17, 2000

A regular meeting of the Village of Powell Council was held on October 17, 2000, and called to order at 7:34 p.m. by Mayor Mark Klein. Other Council Members present were Bill Nolan, Dave Chambers, and George Kaitsa. Art Schultz arrived at 8:45. Richard Cline and Peggy Guzzo were absent. Also present were Stephen A. Lutz, Village Manager; Dawn Nauman, Clerk of Council, Ken Molnar, Director of Law, Rob Rice, Village Engineer, residents and representatives of the press.

### APPROVAL OF MINUTES

The minutes of October 3, 2000 were approved as printed.

### CITIZEN PARTICIPATION

There was none.

### PEDESTRIAN TUNNEL PRELIMINARY ENGINEERING REPORT- BURGESS & NIPLE

Stephen A. Lutz, Village Manager, reviewed that a goal of Council this year was to study an underpass of the railroad tracks on South Liberty Street. Burgess & Niple have completed their preliminary report.

Don Mahers, Burgess & Niple, summarized the report on a pedestrian underpass (Exhibit). He reviewed "Alternate A" and noted there is a great deal of utility relocation necessary. He reviewed "Alternate B", which may require a stormwater drainage pump. He reviewed a diagram of a cross-section of the tunnel. He reviewed the cost of both alternatives. He reviewed the requirements to work with CSX.

Mayor Klein opened this issue to public comment.

Dan Wiencek, Chairman, Parks and Recreation Advisory Board, said that the Board has unanimously voted that an at-grade crossing will provide ample safety for pedestrians. He said that for the cost of the tunnel, an entire park or half of the police station could be developed. He said the real issue is safety, and it is tough to say that something is too expensive when a child's safety is at stake. He provided statistical information on railroad crossings (Exhibit), and noted that annually, there are only 2-6 accidents statewide involving trains and pedestrians. He said that these include incidents where people are drinking on the railroad tracks, or falling off a tractor and landing on the tracks. He said he could only find one incident that involved a child. Mr. Wiencek said he thinks the child safety aspect of this tunnel has been over-stated, and that a gated at-grade crossing would provide the necessary safety. There being no further comment, the public comment session was closed.

Mr. Chambers noted that the western portion of "Alternative A" would need to be adjusted based on the Murphy Parkway connection. He asked if there are any estimates of how much that will cost. Mr. Maher said there are not. Mr. Rice reviewed the diagram and said the location of the tunnel doesn't change much with either alignment. He said the greatest impact of Murphy Parkway will be on the bikepath leading to the tunnel. Mr. Maher said that the cost shouldn't vary much from one alignment to another.

Mr. Nolan asked Chief of Police Gary Vest for his opinion on an at-grade crossing. Chief Vest said that such a crossing does have an inherent risk. He said that the crossing in that area has good visibility. He said that the first alternative would be visible from the roadway, which could help the police monitor it for loiterers.

Mayor Klein asked if the tunnel is estimated at about 100 feet. Mr. Maher said that they are recommending such a length in the event that CSX widens their tracks. Mayor Klein asked about lighting. Mr. Maher said there will be lighting. Chief Vest asked that the tunnel be lighted consistent with the path. If the path has lights, light the tunnel. Mayor Klein asked about the culverts and the curve in the tunnel. Mr. Maher reviewed the topography in the area as well as drainage concerns.

After further discussion, Mr. Chambers suggested that this item be placed on the Capital Improvement Project list to "see how it stands up." Council agreed.

### RESOLUTION 2000-16: A RESOLUTION ACCEPTING THE PROPOSAL OF EMH&T FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE OLENTANGY RIDGE BIKEPATH.

Stephen A. Lutz, Village Manager, reviewed that the Village has received a grant to pay for part of the construction of this bikepath, which will run along Powell Road between Olentangy Ridge Place and Beech Ridge Drive. He said that the grant does not cover engineering costs, and Staff would like to accept the proposal of EMH&T to design the path. Mr. Rice said that because this path is adjacent to a state route, the Ohio

Department of Transportation requirements are more stringent. He said that EMH&T is suitable to complete this rigorous and detail-oriented task.

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

Mr. Nolan noted that EMH&T has worked on many significant bikeways, including that in Falcon Ridge. Mr. Klein said he can see where this is a more complex project. Mr. Kaitsa noted that the terrain in the area of the bikepath is also challenging.

Mr. Chambers asked if the \$42,000 falls within the previous cost estimate. Mr. Rice said it is a few thousand dollars over, but fairly close. He said he is comfortable with this price.

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

**VOTE: Y 4 N 0**

Mayor Klein suggested that Ordinance 2000-34 be addressed when there are five members present in case a rule suspension is desirable.

**FIRST READING: ORDINANCE 2000-35: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2000.**

Stephen A. Lutz, Village Manager, reviewed that Council has received a proposal from Griffin Communications on a communication plan for the Village. He said the Village has taken great strides in communicating with its residents in the Powell Quarterly, Annual Report, Web Site, and special mailings. He said Staff would like to hire someone to assist in a communication plan. He said the Village currently has plans for spending, development, and a Comprehensive Plan. There was no comment, and this item was taken to a second reading.

**FIRST READING: ORDINANCE 2000-36: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2000.**

Stephen A. Lutz, Village Manager, said that during the goal setting session, there was support for implementation of a plan to develop the Village Green site. He said one issue regarding the Village Green was for development of architectural renderings of suggested treatments for the outside of the building that would better fit the character of downtown. NBBJ has submitted a proposal costing \$5200. Horne and King has submitted a proposal for two alternatives at \$880.00. This item was taken to a second reading.

**COMMITTEE REPORTS**

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

**Finance Committee:** Mr. Kaitsa reported that the Interim Finance Director is working with Staff on the budget for next year.

**Administration Committee** There was no report.

**MUNICIPAL MANAGERS REPORT**

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

- He recommended that Council enter Executive Session to discuss pending litigation.
- The community bonfire will be held Saturday, October 21 from 7 – 9 p.m. at Memorial Park.
- Last year, a holiday open house was held at the Village Green. He recommended that such an event be held in conjunction with the Chamber of Commerce's tree lighting ceremony on November 30. He said that this would take minimal Staff time and cost between \$300 - \$400. **Council supported this request.**
- Discussion was held regarding the Parks and Recreation Advisory Board proposal for induction procedures into Memorial Park. Mr. Nolan said his understanding about Memorial Park is that it would be open and inclusive, where this recommendation is more limited and a "Hall of Fame" of the Village. He said he thinks this program is a little much, with a plaque and sculpture being presented every time someone is inducted.

Mr. Chambers said he likes the idea of recognizing residents for the types of things described. Mr. Kaitsa suggested using a date other than that that signifies service to the armed forces. Mr. Klein asked if another time may be more suitable, such as the 4<sup>th</sup> of July. He said he likes the process, and the committee is good in that it represents much of the Village.

Mr. Nolan asked if someone has to be deceased to be inducted. Mr. Klein said his understanding is that they do not. Mr. Nolan said he is unsure whether the Parks and Recreation advisory Board or Parks and Recreation personnel has the expertise to determine who has exemplary community service to the Village. He said that their involvement is appropriate in that it is a park, but he is unsure about their recommendation. Mr. Klein asked that Staff clarify whether the nominee is to be deceased. He said secondly there is a question about the committee. Mr. Chambers noted that every Memorial Day, the business person of the year, citizen of the year, and Staff person of the year are honored. Mr. Kaitsa suggested that those also be rescheduled for a time other than Memorial Day. Mr. Chambers suggested honoring inductees during the Powell Festival. Mr. Nolan noted that the Memorial Day parade is sponsored by the Chamber.

- At the last meeting, Council gave a "thumbs up" in support of hosting part of the Wendy's cycling event. Mr. Lutz said that this event will be handled like the Powell Festival with a chairman and committee. **Mayor Klein moved to appoint Art Schultz as Chairman of the committee. Mr. Kaitsa seconded the motion. The motion was unanimously approved.** Mr. Lutz noted that an account will be set up to handle finances for such an event. No village funds will be used for the event, although the Village will provide Staff time.

#### **OTHER REPORTS**

The Monthly Planning and Zoning and Parks and Recreation Advisory Board were marked received.

Mayor Klein reviewed the police report thoroughly. He noted the summary of activities page and summaries for Sections 1-4 which are different than the last submitted. Chief Vest outlined the modifications in the report. Mr. Nolan said he likes the summary, but he would be interested in information regarding trends in traffic enforcement, such as the number of warnings, citations, etc. Mayor Klein said that comparisons similar to those listed in section 1 would be very helpful.

#### **FINANCIAL REPORTS**

The Accounts Payable Report was marked received.

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

There was none.

#### **OTHER COUNCIL MATTERS**

**Action Items 99-18: Removal of downtown electric poles:** Mr. Lutz noted that the necessary easement agreement has been signed was included in the Council packets. The work to be done in that easement area will take approximately 3 weeks, after which the utility poles can be removed. Staff will be following up with Ameritech on this issue.

Art Schultz arrived at 8:45 p.m.

While there were 5 members present, Council addressed the following two ordinances:

**FIRST READING: ORDINANCE 2000-34: AN ORDINANCE TO CONDITIONALLY ACCEPT THE PUBLIC IMPROVEMENTS IN THE LAKES OF POWELL SECTION 5 SUBDIVISION AS THE SAME IS NUMBERED AND DELINEATED UPON THE PLAT THEREOF RECORDED IN CABINET 2, SLIDES 339-339A, 339 B DELAWARE COUNTY, OHIO RECORDS AND DECLARING AN EMERGENCY.**

Stephen A. Lutz, Village Manager, said that the developer is requesting a rules suspension and an emergency action so they may begin to sell lots in this section of the Lakes of Powell. In addition, approval of this ordinance will allow for the opening of Salisbury Drive.

**MOTION: Mr. Kaitsa moved to suspend the rules on Ordinance 2000-34. Mr. Chambers seconded the motion.**

**VOTE: Y 5 N 0**

**MOTION: Mr. Kaitsa moved to adopt Ordinance 2000-34. Mr. Chambers seconded the motion.**

**VOTE: Y 5 N 0**

**FIRST READING: ORDINANCE 2000-37: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2000 AND DECLARING AN EMERGENCY.**

Stephen A. Lutz, Village Manager, said that this would appropriate funds to repair three drainage problems in the Village that Council supported at the last meeting.

Mr. Kaitsa said he would like to recognize the Village Engineer and Village Manager, about whom he has heard good responses regarding the drainage problems this ordinance will help correct.

**MOTION:** Mr. Kaitsa moved to suspend the rules on Ordinance 2000-37. Mr. Chambers seconded the motion.

**VOTE:** Y 5 N 0

**MOTION:** Mr. Kaitsa moved to adopt Ordinance 2000-37. Mr. Chambers seconded the motion.

**VOTE:** Y 5 N 0

Mr. Kaitsa left at 8:50 p.m.

#### **OTHER COUNCIL MATTERS (CONT.)**

**Action Item 2000-05: Refuse Contract:** Mr. Rice said that the bid document for this contract was provided for Council. He said there have been various discussions by Council about problems with waste collection services throughout the year, so it is important to "cover all our bases" with the new contract.

Mr. Nolan commented that are a couple of issues that provide significant leverage for the Village, such as the per day penalties for poor performance. He said there should be economic incentives to get the job done. He said that Rumpke has a real collection problem, and that alternative billing practices should be considered which could both help bring the price down for this service, and help them collect their money. Mr. Lutz suggested asking those who submit proposals if they are able to complete this process.

Mr. Klein noted that Mr. Kaitsa also likes the idea of the Village participating in the collection process and giving a single payment to the disposal company. After further discussion, it was suggested that the Finance Committee consider that payment option.

#### **EXECUTIVE SESSION**

**MOTION:** Mayor Klein moved to adjourn to Executive Session in accordance with ORC Section 121.22 (g) (2), Pending Litigation. Mr. Chambers seconded the motion.

**VOTE:** Y 4 N 0

**MOTION:** Mr. Schultz moved to adjourn from Executive Session. Mr. Nolan seconded the motion.

**VOTE:** Y 4 N 0

**MOTION:** Mr. Schultz moved to reconvene in regular open session. Mr. Nolan seconded the motion.

**VOTE:** Y 4 N 0

#### **ADJOURNMENT**

The Council adjourned at 9:17 p.m.

**DATE MINUTES APPROVED:** November 7, 2000

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Mark F. Klein Date  
Mayor

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Dawn Nauman Date  
Clerk of Council