

VILLAGE OF POWELL COUNCIL

FEBRUARY 6, 2001

A regular meeting of the Village of Powell Council was held on February 6, 2001, and called to order at 7:30 p.m. by Mayor Mark Klein. Other Council members present were Dave Chambers, George Kaitsa, Bill Nolan, Peggy Guzzo, Art Schultz and Richard Cline. Also present were Stephen Lutz, Village Manager, Robert Rice, Village Engineer, Nan Metz, Finance Director, Gary Vest, Chief of Police, David Betz, Director of Development, and Dawn Nauman, Clerk of Council.

Mayor Klein noted that John Pendleton, long-time Powell resident, passed away last week. He said the Village's thoughts are with Mr. Pendleton's family. A moment of silence was held in Mr. Pendleton's honor.

APPROVAL OF MINUTES

The minutes of January 16, 2001 were approved as printed.

CITIZEN PARTICIPATION

Kevin Kershner, RD Zande & Associates, and Dennis Tuttle, Kokosing, were present to request a variance of the Village construction hour requirements to remove the pump station at Falcon Ridge and replace it with gravity sewer. This project is in conjunction with the Delaware County project involving the closure of Jewett Road. Mr. Kershner and Mr. Tuttle said they would like to work 24 hours a day on the project, including the portions within the Village. Mr. Kershner reviewed that this project will require Jewett Road to be closed approximately 10 – 11 months. He said allowing 24-hour work on the portion of the project that is in the Village will help reduce the time the road is closed and take the pump station off line, which is also a benefit.

Mr. Tuttle reviewed the tunneling project. He said the Village portion of the project will first take place during daylight hours only, and take about two weeks. Capital Tunneling will then install a 60" tunnel, and they would like to work a double shift, between the hours of 7:00 a.m. and 3:00 a.m. He said a crane will be used from 7 a.m. to 9 p.m., which are the permitted construction hours. He said that during this project, an air compressor and ventilation fan will be used, and he reviewed that the decibel levels for such equipment are lower than the noise of the existing pump station. He said once the 60" tunnel is installed, there will be a break in construction until the tunnel and open cut work is completed down Jewett Road to S.R. 315. Then workers will come back to the Village to tie an 18" pipe into the existing manhole, which will take approximately a week. The pumping station will then be dismantled and removed. The structures will be demolished, the pump station filled, and all signs removed. The areas disturbed and access road to the lift station will be re-graded and re-seeded. The access road to the lift station from Shale Ridge Court will also be removed, restored and seeded.

Mayor Klein opened the issue to public comment.

Tom Coffey, 365 Shale Ridge Court, said this project will take place in his back yard. He said he hoped other residents would be present to discuss this issue. He said that during a similar project in this area three years ago, the main concern about the compressor was noise and smell. He asked why the compressor is needed. Mr. Tuttle said it is for air space. Mr. Coffey said he is also concerned about trash and trucks driving in or parking on his yard. He said that he had to pay \$200.00 to repair the area after a truck damaged it the last time. He said that he got along with Capital Tunneling during the last project, but got little response from the county when there were concerns. He proposed a trial period to see how the double shifts effect the residents. He said he would also like contact numbers for the subcontractors. He said many are concerned about the destruction of trees associated with this project.

There being no further public comment, the citizen participation session was closed.

Mayor Klein asked about the noise associated with this project. Mr. Coffey said they ran equipment all the time during the last project. Mr. Tuttle said that during that project, the equipment was right next to the pump station, but this equipment will be "down the hill" and away from the pump station. He said they are willing to build an enclosure.

Mayor Klein asked about trash. Mr. Tuttle said they will determine a way to handle trash. Mayor Klein asked about parking. Mr. Tuttle said he is unsure, but that there is an existing easement.

Mr. Klein asked about the diesel smell about which Mr. Coffey is concerned. Mr. Tuttle said that such compressors are usually run by gasoline. Mr. Klein asked if a generator will also be needed. Mr. Tuttle said the

electricity they need for light is available at the lift station. He said they can shield the light if it becomes bothersome to neighbors.

Mayor Klein asked if contact telephone numbers can be provided to the Village. Mr. Tuttle said they will. Mayor Klein asked about the requirement to replace trees. Mr. Lutz said replacement is required in the code, and the contractor should contact David Betz to review the site before any trees are removed.

Mr. Schultz asked how allowing double shifts for this project will help Jewett Road open faster. Mr. Kershner said that removing the Falcon Ridge pump station and extending the gravity line under Jewett Road are the same project. Mr. Schultz asked if it wouldn't make more sense to work quickly in both directions and complete the Jewett Road portion using all resources available. Then, they could finish by removing the pump station without working double shifts. Mr. Tuttle said that it all fits together as they have planned, and there is only so much work that can be done at one time on Jewett Road. Mr. Schultz questioned the implication that allowing double shifts on doubling to Jewett will speed up the work on Jewett Road. He asked how long the double shifts on Village property will take. Mr. Tuttle said it will take about 18 weeks with double shifts.

Mr. Nolan said that Mr. Coffey's concerns strike a nerve with him, as he lives in a neighborhood that is under construction. He said in his experience, the construction workers don't feel a need to comply with rules and regulations. They don't follow the speed limit, they block the road, and they leave trash behind. He said the only way to get a response is to contact the Village. He said often the general contractors don't communicate the rules to sub-contractors and workers. He said he understands Mr. Coffey's desire to try double shifts for a week, but he said there should be a structure created so that the Village may review the project. He said he would like to create an incentive for the contractor to be responsive to the requirements for such an approval.

Mr. Cline asked how far removed from the nearest residence will the compressor be. Mr. Tuttle said it will be at least 50-75 feet further than the pump station. Mr. Coffey said his house is about 100-125 yards from the pump station. Mr. Tuttle said the compressor will be about 250 feet away from the nearest resident. Mr. Cline said that sandbagging is very effective to deaden the noise of such equipment. He asked if the contractor is willing to erect a barrier. Mr. Tuttle said they are. Mr. Cline asked if there will be trucks in and out of the site during the second shift. Mr. Tuttle said the Crane will shut off at 9:00 p.m., and they can wait until 7:00 a.m. to remove materials from the tunnel. Mr. Cline noted that the decibel level at the pump station is much higher than the compressor, but he questioned how long the pump station is active. Mr. Coffey estimated it runs for 2 minutes at a time.

Mr. Kaitsa asked if this project was bid with the assumption that double shifts would be permitted. Mr. Tuttle said that based on previous experience, they didn't think it would be a problem. Mr. Kaitsa asked how long this project would take without double shifts. Mr. Tuttle said it would take 30 weeks, twice as long. Mr. Kaitsa asked how long the Jewett Road project will take. Mr. Tuttle estimated it at 10 months. Mr. Kaitsa echoed Mr. Schultz's concerns about the pump station project impacting the road project. He said he would support conditional authorization that can be revoked in case of failure to respect the property rights of homeowners. He said this would allow a clear incentive to clean up the trash at the end of a shift, etc. He said he would also like a plan for parking. Mr. Kershner said that concerns about trash, smell, parking, etc., are valid for single shifts or double.

Mr. Chambers asked when work will start if the double shifts are approved. Mr. Tuttle said they will begin the project near March 1 and after about two weeks, begin double shifts. Mr. Chambers suggested temporary approval with the conditions that the enclosure around the compressor be installed, that a 55-gallon drum is provided for trash, that the parking area is enclosed, and that the light is shielded from the property owners. He said Council could review this issue again the second week in April. Mr. Coffey suggested that a meeting of effected residents be held. Ms. Guzzo suggested a letter be sent regarding the double shift. In addition, she asked for contact telephone numbers for representatives from Capital Tunneling and Kokosing.

Mr. Cline suggested a condition that the Village Engineer have the authority to issue a stop work order if there are violations of the recommended conditions. Mr. Tuttle asked if there would be notice of violation before the stop work order is issued. Mr. Cline said that is how he envisions it. After further discussion, Mr. Lutz suggested that Staff bring back legislation at the next meeting regarding increasing the construction time requirements with the conditions discussed this evening. There was no further citizen participation.

FIRST READING: ORDINANCE 2001-02: AN ORDINANCE APPROVING THE FINAL DEVELOPMENT PLAN FOR FIVE OFFICE BUILDINGS, EACH BETWEEN 7,000 AND 9,216 SQ. FT LOCATED AT THE SOUTHWEST CORNER OF N. LIBERTY STREET AND CLAIRE DAN DRIVE.

David Betz, Director of Development, reviewed this project, including adjacent uses, elevations, site plan, and proposed materials. He reviewed the variances with this project (Exhibit). Mayor Klein noted there will be a public hearing at the next meeting.

Ms. Guzzo asked about comments from the Planning and Zoning Commission regarding Council's determination on the size of this building. She said Council felt that the Planning and Zoning Commission had already approved the size. Mr. Schultz said that it is more an issue of the length of the building, which the Commission expected to review more thoroughly later in the development plan process. The comment about which Ms. Guzzo is concerned was that the Commission felt Council inadvertently gave approval for a length of 110 feet for each building by indicating that is the largest size permitted. Mr. Kaitsa said the intent of that condition was to reduce the frontage on Liberty Road, as the plan came in at 120 feet long. Mr. Schultz said that the Planning and Zoning Commission believed they were agreeing to the overall square footage but not the length.

Mr. Kaitsa said his concern is that if a sketch plan is approved a certain way, the developer can come back with certain expectations based on that approval. Mr. Schultz said that goes back to the definition of a concept design, which is in question. Ms. Guzzo asked if the Planning and Zoning Commission would have liked to see a smaller building. Mr. Schultz said it may have been that the Planning and Zoning Commission would have ended up at 110 feet anyway. Ms. Guzzo said that Council should make it clear that certain decisions haven't been made during the sketch plan process. There being no further comments, this Ordinance was taken to a second reading.

FIRST READING: ORDINANCE 2001-03: AN ORDINANCE APPROVING AND ADOPTING THE 2001 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF POWELL.

Stephen A. Lutz, Village Manager, recommended that this be taken to a second reading.

FIRST READING: ORDINANCE 2001-05: AN ORDINANCE PROVIDING FOR A SPECIAL ELECTION TO BE HELD ON MAY 8, 2001, ON AMENDMENT TO THE CHARTER FOR THE MUNICIPALITY OF POWELL AMENDING SECTION 11.03 OF THE CHARTER ENTITLED PERSONNEL BOARD OF REVIEW AND DECLARING AN EMERGENCY.

Stephen A. Lutz, Village Manager, recommended that this ordinance be taken to a second reading. He said it is anticipated that the Village will obtain city status with the results of the Census, and that requires establishing a Personnel Board of Review. The board would consist of three electors of the Village appointed by Council. The Charter already permits the Village to create this board. He recommended that Council thoroughly review this legislation before the next meeting so that it can be voted on then to make the deadline for the May election.

Mr. Chambers asked what happens if this is not approved. Mr. Lutz said it would fall under the state statute for civil service. Mr. Cline said there is an interesting discussion of that statute in this week's *Cities and Villages* magazine. There being no further comment, this ordinance was taken to a second reading.

FIRST READING: ORDINANCE 2001-06: AN ORDINANCE ESTABLISHING OFFICIAL BONDS FOR OFFICERS AND EMPLOYEES OF THE MUNICIPALITY OF POWELL AND DECLARING AN EMERGENCY.

Stephen A. Lutz, Village Manager, said that there is currently an ordinance that establishes bonds for Village employees, however they are for positions that are no longer available. This Ordinance provides an update for current employees as well as a blanket for all employees.

MOTION: Mr. Kaitsa moved to suspend the rules on Ordinance 2001-06. Mr. Cline seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Kaitsa moved to adopt Ordinance 2001-06. Mr. Cline seconded the motion.

Mr. Chambers asked if there is currently no coverage. Mr. Lutz said there is, effective January 1. This ordinance makes the coverage correspond with the code.

VOTE: Y 7 N 0

TRAFFIC ENFORCEMENT POLICY

Chief of Police Gary Vest reviewed the Draft Traffic Enforcement Policy (Exhibit). He said he feels this is a communication policy to describe the policies of the Powell Police Department. He said it is not intended to be an all-encompassing description of the project.

Ms. Guzzo noted she likes the "Mack" officer.

Mr. Nolan said that he likes what Chief Vest did with the **Issuance of Citations** section. He said it is informative, and he recognizes that there is a challenge to put this kind of policy in writing. He said it is important to know how well the Village is doing on enforcement, and one obvious way is to count the number of accidents in the Village. Chief Vest said they do count the accidents, and they have noticed an increase in accidents with people following too closely. Mr. Nolan suggested that the police somehow identify how fast cars are traveling when the police aren't there. Rob Rice, Village Engineer, said that there are traffic counting devices that can detect speed. He offered to work with the Chief on that type of equipment. Mr. Lutz said that Staff can provide a report in 4 - 6 weeks.

Mr. Kaitsa asked if there is a requirement to let the public know that the mannequin is not real. Chief Vest said there was already an article in the paper on the mannequin. One really has to slow down to tell the difference, so it does slow speeders. He said people could get used to the mannequin, but then a real police officer could be put in its place. He said the goal with the mannequin is compliance rather than enforcement.

MEMORIAL PARK INDUCTION CRITERIA

Stephen A. Lutz, Village Manager, said that Parks and Rec. has presented their suggestions for Memorial Park Induction Criteria. Council has been waiting until there was a full Council to discuss this proposal.

MOTION: Mr. Chambers moved to adopt the recommendation of the Parks and Recreation Advisory Board. Ms. Guzzo seconded the motion.

Mr. Nolan said he thought a Memorial Park was a great idea, but he has a problem with creating an "opportunity to make people unhappy." He said he would like people to have the opportunity to honor each other in a way similar to buying a brick at the Village Green. He said he feels that would be more enjoyable for residents than an annual competition to see who will be honored. He said if this proposal is adopted as is, he is opposed to the proposed compilation of the board. Mr. Cline concurred with Mr. Nolan's comments.

Mr. Kaitsa said he agrees with concerns about "losers" but he feels there may be some circumstances where the Village would like to honor someone. Mr. Chambers said he is in full support of Parks and Rec.'s proposal.

Ms. Guzzo suggested that there be a system for people to honor themselves and each other as well as provide Council the ability to honor an outstanding citizen.

Mr. Schultz agreed with both Mr. Chambers and Mr. Nolan. He said that there are reasons why the Village would like to honor people, but if it is only handled that way, it becomes "a club." He suggested a hybrid that allows both types of honor.

Mayor Klein said he thinks what Council is proposing is similar to what the Chamber does every year with their Citizen of the Year award. Mr. Schultz expressed concern that that would only allow one person in a year to be honored. After further discussion, it was determined that Staff will put together some recommendations based on this evening's discussion, and bring them back to the Council.

MOTION: Mr. Cline moved to table this issue until the next meeting. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 1 (Chambers)

2001 COMMITTEE ASSIGNMENTS

Mayor Klein reviewed his proposal for the committee assignment process (Exhibit). Mr. Cline expressed concern that this procedure could prohibit a Council member from being a voting member of a committee. Ms. Guzzo said she would think that anyone that attends a meeting could vote. Mayor Klein said the goal is to require committee members to commit to the process, come to the meetings and participate. Mr. Kaitsa agreed. He said Council members could attend any meeting regardless if they are on the committee. He said he likes this proposal, but suggested that a Council member could be on any committee they choose.

Mr. Cline expressed concern that a committee chair could simply not appoint a Council member who wants to serve because he or she has a differing opinion. Mr. Schultz noted there are 4 committees and 7 Council members, and questioned on how many committees each member could be. Mr. Nolan said this is an efficient structure, but no matter the structure, if a Council doesn't get along, there will be problems. Ms. Guzzo suggested removing the part where the chair appoints the committee members, but allows the Council members to choose what committee they would like to be on. Discussion ensued. Mr. Cline agreed with Mr. Nolan regarding the amount of Council members and amount of Committees, and removed his objection.

Based on the structure presented, the following committee appointments were made with unanimous approval of Council:

Administration

Mayor Klein, Chair.
Peggy Guzzo, Steve Lutz.

Service

Art Schultz, Chair
Bill Nolan, Mark Klein

Development

Dave Chambers, Chair
George Kaitsa, Richard Cline
Kelvin Trefz, Parks and Rec.
2 Planning and Zoning Commission
members as recommended by
the Commission.

Finance

George Kaitsa, Chair
Richard Cline
Jane VanFossen
Nan Metz
Steve Lutz

Mr. Schultz expressed a desire to give up his seat on the Planning and Zoning Commission. Staff was instructed to compile resumes and applications for Boards and Commission positions as well as notify other Board and Commission members of the vacancy.

COMMITTEE REPORTS

Development Committee: (Next Meeting: February 5) Mr. Chambers reviewed that at last night's meeting, the committee recommended approval of "Children at Play" signs in Chambers Glen. They also discussed the draft Traffic Calming Policy. He said they will discuss that further at their next meeting on Tuesday, March 27. Mr. Chambers noted the Development Committee would like to start meeting the 4th Tuesday of the Month.

Mr. Nolan asked if the traffic calming policy could include stop signs, which residents often request to address traffic concerns. Mr. Rice said that stop signs are not considered traffic calming measures in the Uniform Traffic Manual, but rather regulatory signs that are not intended to be installed to slow people down. Mr. Nolan said that creates confusion because the Village uses stop signs to slow traffic.

Finance Committee: (Next Meeting: February 13) Mr. Kaitsa reviewed the February 1 meeting. He said the Committee discussed bonds for public officials and scenarios for debt financing for Capital Projects. He said they discussed refuse hauler payment alternatives, which will require additional study. He said they discussed the burial plot at Powell cemetery for Mr. Pendleton.

Mr. Kaitsa reviewed discussion of the Olentangy Ridge Pathway. He reviewed that with the state funding, the Village will pay about \$86,000, and the project will be completed in spring 2003. By using Village funding, the cost to the Village will be about \$141,000 and be finished in the spring of 2002. He said the finance committee felt the Village should pursue the ODOT funding to reduce the resources required from the Village for this project.

Mr. Kaitsa said the Committee reviewed the year-end financial report. He said revenues exceeded expectations and expenditures were less than planned.

Mayor Klein asked how the Village ensures they are collecting income taxes from all residents in the Village. Nan Metz, Finance Director, said this is an issue they are discussing with the Regional Income Tax Agency (RITA). She reviewed the current process and indicated that it is not the most accurate. Mr. Schultz suggested that new households be sent a welcome letter that indicates there is a tax. A lengthy discussion ensued.

Administration Committee: No Report, no meeting scheduled.

MUNICIPAL MANAGERS REPORT

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

- That Council will review presentations on the Village Green master plan and outside design process at the next meeting. On Wednesday, February 21, a master plan workshop will be held.
- There is a meeting tomorrow evening at the Liberty Township Hall regarding the Jewett Road project. Village Staff will attend.
- The four corners traffic signal project is proceeding. The crews were working yesterday. Mayor Klein asked if the stop sign poles will be removed. Mr. Lutz said they will remain up until the new signal is up, in case they need to use the stop signs at any time there is no signal during the transition process.