

CITY OF POWELL COUNCIL

MAY 15, 2001

A regular meeting of the City of Powell Council was held on May 15, 2001, and called to order at 7:30 p.m. by Mayor Mark Klein. Other Council members present were Dave Chambers, Bill Nolan, George Kaitsa, Peggy Guzzo, Art Schultz, and Richard Cline. Also present were Stephen Lutz, City Manager, David Betz, Director of Development, and Rob Rice, City Engineer.

EXECUTIVE SESSION: FOR PERSONNEL MATTERS UNDER ORC SECTION 121.22 (G) (1), BOARD AND COMMISSION INTERVIEWS.

MOTION: Mr. Nolan moved to adjourn to Executive Session at 7:30 p.m. in accordance with ORC Section 121.22 (G) (1) to discuss personnel matters: Board and Commission Interviews. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Nolan moved to adjourn from Executive Session at 8:30 p.m. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Nolan moved to reconvene in regular open session at 8:30 p.m. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

CITIZEN PARTICIPATION

There was none.

FIRST READING: ORDINANCE 2001-26: AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF POWELL, ADDING SECTION 1145.33.2: NATURAL LANDSCAPING.

Stephen A. Lutz, City Manager, said that Council asked the Planning and Zoning Commission to review legislation regulating natural landscaping in yards. The Planning and Zoning Commission has studied this issue and made a recommendation to Council (Exhibit). David Betz, Director of Development, reviewed that this Ordinance defines and creates standards for naturally landscaped lots. Although permits aren't required, the standards must be followed, and they are enforceable by the zoning department.

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

Ms. Guzzo suggested that it be clarified that this Ordinance applies to residential single-family homes only, so that business uses can't have this type of landscaping. She said that she is concerned with what this type of landscaping would look like, because people expect a certain curb appeal and type of landscaping in subdivisions. She said that 70% natural materials seems too high to her, and suggested reducing it to 30%.

Mr. Chambers asked about the penalties for non-compliance. Mr. Betz said they could be fined up to \$150/day, and charged through the court system, in accordance with the Penalties' section of the Zoning Code. Mr. Kaitsa said he wants to make sure the City has the ability to insure compliance with the Ordinance once it is adopted, and there should be a section added that talks about general penalties as well as the action the City may take to remediate the situation and place an assessment on the property owners' property.

Mayor Klein said that often, the issue with landscaping is maintenance. He said that Item 3 of this ordinance recommends maintenance as described by "the best management practices...by commonly accepted publications on natural landscaping." He expressed concern that could be subject to interpretation. Mr. Betz said that that section requires adoption of such publications by the Zoning Administrator. The Ohio Department of Natural Resources (ODNR) and the Environmental Protection Agency (EPA) both publish such documents. Mayor Klein suggested referencing those publications by name. Mr. Betz said that could be done, but it could require frequent amendments because they often change.

Mr. Cline asked if this legislation will impact existing properties. Mr. Betz said it will require compliance within a year. Mr. Cline asked if there are currently rules and regulations that would prohibit what this ordinance wouldn't permit. Mr. Betz said not that he knows of, and that is why this issue is being addressed. Mr. Cline asked that photographs of properties where this type of landscaping has been installed be presented at the next meeting.

Mr. Nolan asked if there are other naturally landscaped lots in Powell than those that have been previously discussed. Mr. Betz said there is one lot in the Retreat that may qualify, and there could be others. Mr. Nolan said that he is interested in addressing the existing lots as soon as possible, and asked where the one-year deadline came from. Mr. Betz said that is a generally-accepted time-period for amortization of laws enacted on existing properties. Mr. Nolan asked what needs to be done for the lots in Powell. Mr. Betz said that first, they would have to turn the public right of way between the sidewalk and curb back to lawn by seeding or sodding. Mr. Nolan suggested that a year might be overly generous. He asked if the ODNR and EPA maintenance requirements will prevent a naturally landscaped lot from being filled with dandelions. Mr. Betz said he thinks they would, but he'll have to check. Mr. Nolan said that typically there are less stringent requirements for the back of homes than for the front, and perhaps more natural landscaping should be allowed in the back than in the front.

Mr. Schultz said that there was a lot of thought put into this document during the Planning and Zoning Commission process. He said he thinks it is fair to give some time for property owners to make reasonable modifications. He said there are changes needed for properties to conform to this, and it will take some time. He said the Commission looked closely at these properties and tried to make reasonable decisions for both sides of the debate. He said they have looked a lot at the front and the back, and that is why there is the clause that allows more natural landscaping in the back.

Ms. Guzzo asked if there is any way to see what the "worst scenario" might look like. She asked to see a list of permitted materials. Mr. Kaitsa said he thinks compliance should be sooner for the tree lawn than for other parts of the Ordinance.

There being no further comment, this item was taken to a second reading.

FIRST READING: ORDINANCE 2001-27: AN ORDINANCE APPROVING THE FINAL DEVELOPMENT FOR A CONDOMINIUM DEVELOPMENT CONTAINING 53 DWELLING UNITS AND A CLUB-HOUSE ON 14 + ACRES LOCATED ON THE EAST SIDE OF PROPOSED MURPHY PARKWAY JUST SOUTH OF POWELL ROAD.

Stephen A. Lutz, City Manager, said that this development is for the northeast corner of the Murphy site. David Betz, Director of Development, reviewed the development plan. He noted the areas of green space, and said the Planning and Zoning Commission was very pleased with this plan.

Forrest Gibson, Schmidt Land Design, was present to discuss this issue. He said this plan has changed significantly from the initial preliminary development plan. He said that using 53 units allows for a great deal of open space. This plan is a strong, traditional development that provides a transition to the development north and east of the town. He reviewed the plan briefly, identifying the entry off Murphy Parkway, the loop drive around the pond, and the central green area. Mr. Gibson noted that of the two condominium developments in the Murphy site, this is the more upscale. He identified the plan to use Hardiplank on this development.

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

Mr. Cline said that his review of the Planning and Zoning Commission's decision regarding Hardiplank has indicated that the product has improved. He said he hopes that is true, because he would not approve it as it existed when it was reviewed by the Council previously. Mayor Klein asked that samples of Hardiplank be provided at the next meeting. Mr. Kaitsa echoed Mr. Cline's concerns about Hardiplank.

Mr. Chambers asked about the landscaping plan. Mr. Gibson reviewed mounds along the eastern property line, and other areas, and a combination of deciduous and ornamental trees on those mounds.. He said they intend to disguise the adjoining property use.

Ms. Guzzo asked if a white split-rail fence is proposed along the parkway. Mr. Gibson said there will be. Ms. Guzzo said this land is very expensive, yet this developer was able to make it economical with only 53 units, and she thinks that's great.

Mr. Gibson said that they will have a representative from Hardiplank present at the next meeting.

There being no further comment, this Ordinance was taken to a second reading.

FIRST READING: ORDINANCE 2001-28: AN ORDINANCE ESTABLISHING A PERSONNEL BOARD OF REVIEW.

Stephen A. Lutz, City Manager, said that last week, the electors of Powell voted to adopt the Charter amendment establishing the personnel board of review. This Ordinance completes that process. Mr. Lutz said that legal counsel recommends that this Ordinance be adopted as an emergency.

MOTION: Mr. Nolan moved to amend Ordinance 2001-28 so that the heading includes "and declaring an emergency, and so that Section 3 reads: "Council determined an emergency exists effecting the health, safety, and welfare of the residents of the Municipality of Powell consisting of a charter requirement that the board created upon achieving city status and the necessity to implement Rules and Regulations." Section 3 shall be renumbered Section 4 and Section 4 shall be changed to section 5 and amended to read: "That this Ordinance shall take effect immediately upon its adoption." Mr. Chambers seconded the motion.

VOTE: Y 7 N 0

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

MOTION: Mr. Cline moved to suspend the rules on Ordinance 2001-28. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Cline moved to adopt Ordinance 2001-28. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

PARK DEVELOPMENT DISCUSSION WITH PARKS & REC. ADVISORY BOARD

Dan Wiencek, Chairman, Parks and Recreation Advisory Board, said that the Board began reviewing the Master Plan for existing parks approximately a year ago, as well as developing master plans for undeveloped parks in Powell. They have created a very rough cost estimate for park development in Powell. He said that the Board feels a levy is appropriate, but the size and scale needs to be determined through prioritization and the anticipated timeline for park development. Mr. Wiencek added that the Olentangy Youth Athletic Association (OYAA) is in great need for soccer, softball, and baseball fields. Mr. Wiencek reviewed the cost estimates submitted by the Parks and Recreation Advisory Board (Exhibit).

Mr. Kaitsa commended the Parks and Rec. Board for putting this together. He said the Finance Committee has discussed a permanent levy that provides funds for capital improvements as well as ongoing maintenance funds. He said he is certainly supportive of those efforts. Mr. Lutz said that NBBJ will be attending the next Council meeting to talk about the Master Plan for the Village Green.

Mr. Chambers said he is also in full support of this, and he would like to get something on the ballot for the next election. Mayor Klein said he agrees that a levy is needed, and he feels it should garner broad-based support. He agreed with Mr. Chambers that this should be done this year.

Mr. Cline said that the City has many demands and few dollars available. He strongly suggested that Council allow Staff to complete the process to get "hard numbers" that has already begun, and that Council consider this issue in the context of the overall capital improvements for the entire City. He said that while park development is something the community may enjoy, there may be other things the community needs. He said he supports the concept and he hopes that the community's needs can be met in this process.

Mr. Nolan agreed with Mr. Cline that the capital improvement projects list is vast. He said the information provided by Parks and Rec. is a great contribution to the process. He said that Council has made progress in capital improvements planning so that these projects are thought about in a longer-term view, and it is clear that there are not the funds for every project. He said he is open to the idea of going to the voters, but perhaps the entire capital improvements list should be taken as a whole and presented as a "Capital Improvements Levy," with the top priorities identified that include park development and other improvements.

Mr. Schultz said that he thinks it is time to prioritize capital improvement priorities and identify those items that would be suitable for a park levy. He said once all costs are clearly identified, those priorities can be made. He commended the Parks and Rec. Board and encouraged them to continue this process.

Ms. Guzzo asked if the Parks and Recreation Advisory Board could identify the minimal and most pressing needs.

Mr. Lutz said that two more proposals for park development services are anticipated before the next meeting, and Staff's recommendation and appropriation will be on the next agenda. Mr. Kaitsa asked for a cost estimate from NBBJ for developing the Village Green. Mr. Lutz said that may require an extra appropriation. Mr. Nolan asked that Staff provide a timeline for Council identifying the deadlines necessary for a ballot issue this year.

COMMUNITY MEETING ROOM ALCOHOL REQUEST (June 23 Event)

Stephen A. Lutz, City Manager, said that there has been a request to serve beer and wine in the community meeting room for a private event. The current policy is that such requests be brought before Council for consideration.

A lengthy discussion ensued. Council instructed Staff to amend the liquor application to indicate that private resident uses fall into Group IV. Mr. Chambers recommended that because there is more administrative work on the City's part for alcohol requests, an additional \$50.00 charge would be appropriate. Council agreed that policy should be in place for the next application. Four Council members were in support of the alcohol request for this event.

STOP SIGN REQUEST - GRANDSHIRE AND PRESIDENTIAL

Stephen A. Lutz, City Manager, noted that there has been no policy adopted for stop sign placement. Ms. Guzzo said in the past, these requests were forwarded to the Development Committee. Mr. Chambers said he would rather it not be sent to the Committee until there is a policy. Mr. Kaitsa said he feels there should at least be a petition to show support of such signs.

Mr. Schultz suggested that Staff review the discussion of the policy and come back to Council with an amended policy. Mr. Cline said that any two Council members can sponsor the legislation for a policy. Ms. Guzzo and Mr. Kaitsa said that they would support that. Mr. Kaitsa said he is interested in Council having the ability to install signs that don't conform to the Uniform Traffic Manual.

Mayor Klein asked that Staff communicate to the residents who have requested these stop signs that Council is in the process of developing this policy.

COMMITTEE REPORTS

Development Committee: Mr. Chambers said the next meeting is scheduled for May 22.

Finance Committee: Mr. Kaitsa said the next Meeting is scheduled for June 12, and the plan is to begin compiling the capital improvements list for Council's review.

Administration Committee: Mayor Klein reported that the next Meeting is scheduled for June 5.

Service Committee: Mr. Schultz said the next meeting is yet to be determined, and that Staff is creating a list of what each department does for the Committee's review.

Wendy's Cycling Committee: Mayor Klein noted that the minutes were included in the packet. Mr. Schultz presented the proposed logo and budget for the event. He reviewed the plans to donate proceeds to Turning Point. He reviewed the proposal for a community barbecue in coordination with the event. Council approved the budget as proposed, and asked that a special revenue fund be created for this event.

MUNICIPAL MANAGERS REPORT

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

- The Zoo has donated their trolley for Memorial Day again this year, and he encouraged Council to come with their family to participate in the parade.
- In response to Council's interest in noting our city status, Staff has presented a refrigerator magnet that includes important phone numbers and can be handed out at the Powell Festival or mailed to individual homes. Council decided to include this in the next mailing, but remove reference to "City."

Mr. Nolan said he would like to stop changing everything from village to city, and he would like to continue to think of Powell as a village. Ms. Guzzo suggested that Powell keep "village" as part of its name. Mayor Klein

polled Council on the "city" or "village" issue. Three members supported city, two supported village, and two had no opinion.

- Bricker and Eckler has notified Powell that they are looking at establishing a Powell Community Infrastructure Finance Authority for developer of the Murphy Property. This will provides funding of the extension of Murphy Parkway, and the construction of Gray Oaks Boulevard, sewer and water lines within the Murphy development. This would work through assessment of those who move into the development.

OTHER REPORTS

The Monthly Planning and Zoning, Monthly Police, and Monthly Web Site Activity were marked received.

FINANCIAL REPORTS

The Accounts Payable and Monthly Report were received. Nan Metz, Finance Director, briefly reviewed the reports (Exhibit).

CLERK OF COUNCIL CORRESPONDENCE

There was none.

OTHER COUNCIL MATTERS

Action Item 99-02: Village Green Railroad Crossing: Mr. Lutz said since the alignment has been determined, consideration may be given to financing that improvement. He said that the railroad has said that the Murphy Parkway connection must be made to the north and south before this connection is considered. This item was postponed to October.

Action Item 2001-15: Split Rail Fence Maintenance: Mr. Betz has reported to Council that it is the responsibility of the Homeowners' Association to maintain such split rail fences. Mayor Klein asked that this be reported to Homeowners' Association Presidents who raised this question at a previous meeting.

Mayor Klein said that Council received a document from the Ohio Ethics Association, which indicates that the existing Council members are not required to provide this annual financial disclosure statement until they are re-elected as City Council members. Ken Molnar, Director of Law, said he will review this opinion and report back to Council.

Mayor Klein noted that the Seldom Seen Road project has been delayed due to the developer and AEP not coming to terms on removing the poles. Mr. Lutz noted that the developer is waiting for AEP to remove the utility lines.

Mayor Klein noted that Mr. Lutz has provided Council with responses to correspondence from Michael Crites, and if there are any problems, Council should let him know.

EXECUTIVE SESSION: FOR PERSONNEL MATTERS UNDER ORC SECTION 121.22 (G) (1): BOARD AND COMMISSION APPOINTMENTS, AND LAND ACQUISITION UNDER ORC SECTION 121.22 (G) (2).

MOTION: Mr. Cline moved to adjourn to Executive Session at 10:30 p.m. in accordance with ORC Section 121.22 (G) (1) to discuss personnel matters, Board and Commission Appointments, and to discuss land acquisition under ORC Section 121.22 (g) (2). Mr. Chambers seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Cline moved to adjourn from Executive Session at 11:15 p.m. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Cline moved to reconvene in regular open session at 11:15 p.m. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Cline moved to make the following Board and Commission appointments.

Roger Johnson	Reappointment	Board of Zoning Appeals	Term Ending 5/15/04
Dan Wiencek	Reappointment	Parks and Rec.	Term Ending 5/15/03
Joel Klinger	Reappointment	Parks and Rec.	Term Ending 5/15/03
Diana Dreher	Appointment	Arbor Advisory	Term Ending 5/15/03
Steven Schwartz	Reappointment	Arbor Advisory	Term Ending 5/15/03
Tom Shockley	Reappointment	Arbor Advisory	Term Ending 5/15/03
Marge Bennett	Reappointment	Historic District Commission	Term Ending 5/15/04
Tom Coffey	Reappointment	Historic District Commission	Term Ending 5/15/04
Kevin Knight	Reappointment	Historic District Commission	Term Ending 5/15/04
Garry Swackhamer	Reappointment	Historic District Commission	Term Ending 5/15/04
Ed Cooper	Appointment	Board of Zoning Appeals	Term Ending 5/15/04

Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

ADJOURNMENT

Mr. Cline moved to adjourn at 11:17 p.m. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

DATE MINUTES APPROVED: June 19, 2001

Mark Klein 7/19/01
 Mark Klein Date
 Mayor

Dawn Nauman 7/10/01
 Dawn Nauman Date
 Clerk of Council