

CITY OF POWELL COUNCIL

AUGUST 7, 2001

A regular meeting of the City of Powell Council was held on August 7, 2001, and called to order at 7:30 p.m. by Mayor Mark Klein. Other Council members present were Peggy Guzzo, Art Schultz, George Kaitza, and Dave Chambers. Richard Cline was absent. Bill Nolan arrived at 7:33. Also present were Steve Lutz, City Manager, David Betz, Director of Development, Nan Metz, Finance Director, Dawn Nauman, Clerk of Council, and Rob Rice, City Engineer.

Mayor Klein noted that Council members have been presented with plaques made of the city status proclamation.

CITIZEN PARTICIPATION

Al Faber, 55 Beech Ridge Drive, presented Council with written material regarding La Tavola's application for outdoor dining (Exhibit 1). He said he has discussed this issue with Rick Lopez, the owner of La Tavola, and he thinks they have come up with a solution that will benefit everyone. It includes the conditions previously discussed by the Planning and Zoning Commission with the addition of trees to provide a buffer between his home and this restaurant.

Stephen A. Lutz, City Manager, said that the request for the outdoor dining is on tomorrow's Planning and Zoning Commission agenda. David Betz, Director of Development, had no further comment.

Ms. Guzzo said she talked to Colonel Faber about his opposition to the patio, and she talked to Mr. Lopez who said they are unable to install the tree buffer. She said that Mr. Lopez said they would remove their request for a patio if the idea is not favorable to the residents, but they have 200 Powell residents that signed a petition saying they would like the patio. She asked that Council consider whether this type of establishment is desirable for Powell and whether Council should intervene to help reach this compromise.

Mayor Klein said that he thinks that adding a tree barrier is a very good thing to do. He said he would like to see Staff's recommendation for negotiating these terms, and suggested that Council move forward with this intervention.

Mr. Nolan said he thinks restaurants like La Tavola are part of the vision of Powell. He was, however, offended by La Tavola's petition, because this is not a popularity contest. He said no resident would want this in his or her back yard without the additional protection Col. Faber has requested. He said he would support Powell spending the money to provide the trees.

Mr. Schultz agreed with Mr. Nolan. He said that normally, the Planning and Zoning Commission would require the restaurant to complete the additional buffering, but he understands they are not in the position to do that. He asked that Staff consider whether the trees need to run the entire length of the fence, or whether they can stop at the Powder Room. He suggested that many of these details be worked out by Staff.

Mr. Kaitza said that he agrees that La Tavola is the kind of restaurant that is desirable in Powell. At the same time, he thinks it is important that property values are preserved. He said he is supportive of using City funds to accomplish the barrier. He questioned how the trees would be planted when there is a fence already there, and it is private property. Col. Faber said that the fence line is on his property, and he is willing to grant an easement. Mr. Kaitza said he is then willing to support this.

Mr. Chambers said he could support this depending on the price. He questioned whether the argument that the buffer is needed for aesthetic reasons should be tied into the request for outdoor dining. He said the external eating area is not going to effect the view. At this point, the view is the Powder Room Pistol Range, the parking lot, and the east side of La Tavola, and that won't change with outdoor dining. He said that sound-wise, the gunshots from the shooting range would be much more of an annoyance than an outdoor eating area.

Discussion ensued regarding the price of trees. Col. Faber estimated a need for 15 trees, at \$275 – 280 each. They would be the same as those recently planted on Grace Drive. Mayor Klein noted this is something less than \$4,000.

Ms. Guzzo asked how to proceed with this. Mr. Lutz said that Staff can relay this discussion to the Planning and Zoning Commission. He said he would assume the trees would be purchased and planted in the fall, as now is not a good time to do so. Ms. Guzzo noted that the majority of Council supports planting these trees.

Discussion was held regarding maintenance. Mr. Betz suggested that rather than white pines, spruces also be considered. He said they grow more slowly but are hardier, and eventually provide a fuller screen. Mayor Klein asked why white pines were used on Grace Drive. Mr. Betz said they are cheaper and they grow faster, and they were specifically requested by a Grace Drive resident. Mayor Klein asked who would maintain the trees once they are planted. Col. Faber said he would assume the restaurant would. Mr. Kaitsa said that he is unsure that La Tavola should be responsible for maintenance. He said it should either be the City or the City in conjunction with Col. Faber.

Mr. Chambers asked what type of fence is on Col. Faber's property. Mr. Betz said it is a board on board fence. Mr. Chambers asked how it will change the view. Mr. Faber said the fence is only 4-feet high, and they are proposing 12-foot trees. He said that the buffer will benefit other residents in the area. Mr. Chambers said that he doesn't think the City should be responsible for maintaining trees on private property, and he wouldn't support that. Ms. Guzzo agreed. After further discussion, Col. Faber said he would accept responsibility for trees that come with a one-year warranty after that warranty expires. Mr. Kaitsa said that as one member of Council, he would support Col. Faber's choice of trees.

APPROVAL OF MINUTES

The minutes of July 17, 2001 were approved as printed.

RESOLUTION 2001-06: A RESOLUTION AUTHORIZING PARTICIPATION IN ODOT COOPERATIVE PURCHASING PROGRAM.

Stephen A. Lutz, City Manager, said that this year's budget includes funds to purchase a dump truck, and the most cost-effective way to do that is through ODOT's cooperative purchasing program.

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

Mr. Kaitsa asked if this is different from the cooperative purchasing program sponsored by the state. Mr. Lutz said it is very similar, but the state doesn't have this type on truck on their list.

MOTION: Mr. Chambers moved to adopt Resolution 2001-06. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0

THIRD READING: ORDINANCE 2001-41: AN ORDINANCE APPROVING AN ADMINISTRATIVE REVIEW OF THE LAKES OF POWELL SECTION 5 AND 6 DEVELOPMENT PLAN

Stephen A. Lutz, City Manager, reviewed that this is the third reading of this ordinance that would result in payment of \$106,011.00 from MI Homes to the City for the construction of the portion of Murphy Property along the Lakes of Powell Section 6 development.

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

Mr. Schultz asked what is being done to assure those purchasing lots right next to this road that it will be moving closer to them. He said that residents better accept these types of roads if they know about them in advance. Tom Carmody, MI Homes, said that he can work with Staff to make sure there is adequate documentation of that issue. Rob Rice, City Engineer, said they will also implement mounding and a berm adjacent to the road to provide a buffer. Mr. Carmody said that once the layout has been determined by the City, it will be on the plat as well as sales and informational materials. Mr. Schultz said he thinks the sales literature is most helpful, as people typically look at the plots after they've already purchased their home. Ms. Guzzo suggested a sign indicating it is the future site of the road. Mr. Schultz expressed concern that wording for such a sign would be tricky. Discussion ensued.

MOTION: Mr. Nolan moved to amend Ordinance 2001-41 to add Section 3: "That the sales literature and plat for the Lakes of Powell Section 6 (2) shall be submitted to the City Zoning Official identifying the realignment of Murphy Parkway." He further moved to renumber the remaining sections accordingly. Ms. Guzzo seconded the motion.

Mr. Carmody had no comment on this amendment.

VOTE: Y 6 N 0

Mr. Kaitsa reiterated that he is very favorable of this Ordinance and the funds it provides toward connecting Murphy Parkway to the south.

MOTION: Mr. Kaitsa moved to adopt Ordinance 2001-41. Mayor Klein seconded the motion.

VOTE: Y 5 N 1 (Nolan)

FIRST READING: ORDINANCE 2001-45: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2001

Stephen A. Lutz, City Manager, said that this Ordinance would provide the necessary funds to estimate cost of developing the Village Green Master Plan. Two very similar proposals were received for completing this task, and Staff is recommending that NBBJ be awarded the contract because they have been involved in the whole process of developing the Village Green.

Discussion was held regarding timing of this ordinance. Mr. Lutz noted that the cost estimates for the other City parks are expected the first of September, and that this one would be completed within about two weeks of the effective date. Mayor Klein asked, if Council wanted to consider this cost estimate with the rest for a potential bond levy for parks, would need to make this ordinance an emergency and pass it faster than in three readings. Mr. Lutz said that they would. Mayor Klein said while he appreciates Mr. Nolan's previous comments on emergency legislation, he feels it may be important for the voters to consider these numbers as part of a package. Mr. Kaitsa agreed that it is important that Council have the complete information. He recommended this Ordinance be made an emergency.

Mr. Lutz said that the manager has the authority to spend this amount of money (\$3,000), but it is typically done through an ordinance. Ms. Guzzo said she would support allowing the manager to spend the funds, but she agrees with Mr. Nolan's concern about emergency ordinances. Mr. Kaitsa said he would support suspending the rules or allowing the manager to spend the funds. Mr. Chambers said he would support Mr. Lutz spending the funds. Mr. Nolan said he would support Mr. Lutz spending the funds or suspending the rules.

Nan Metz, Finance Director, said that she would recommend Council suspend the rules and pass the Ordinance this evening. Mayor Klein noted that this Ordinance would then take effect in 30 days. Mr. Lutz said he will do what he can to keep it on track.

MOTION: Mr. Kaitsa moved to suspend the rules on Ordinance 2001-45. Mr. Chambers seconded the motion.

VOTE: Y 6 N 0

MOTION: Ms. Guzzo moved to adopt Ordinance 2001-45. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0

COMMITTEE REPORTS

Development Committee: (Next Meeting: August 14) No report.
Finance Committee: (Next Meeting: August 14) No report.
Administration Committee (Next Meeting: To be determined) No report.
Service Committee (Next Meeting: To be determined) No report.

MUNICIPAL MANAGERS REPORT

Olentangy Ridge Bike Path

Stephen A. Lutz, City Manager, reviewed a memo provided by Robert Rice, City Engineer, on the Olentangy Ridge bikepath (Exhibit 2).

Mr. Kaitsa asked how much the project will cost. Mr. Rice said the Engineer's estimate with contingency is about \$140,000. Mayor Klein noted that the project will cost considerably more if Powell accepts the grant due to the federal requirements. Mr. Kaitsa said that he thinks Council should move forward with this project using City funds. Ms. Guzzo agreed. Mr. Chambers agreed.

Mr. Nolan asked when this project would take place without the federal funding. Mr. Lutz said that if it is Council's prerogative to move forward, they can appropriate funds for the project. Mr. Rice said they would be able to move forward and complete the engineering by the end of this year, then negotiate easements with the property owners. He said if they are successful in negotiating those easements in a six-month period, construction could

begin next year. Mr. Nolan said that he feels this project is an important priority, as it is the main missing link in pathways in Powell. Mr. Lutz said that he can come back with an appropriation ordinance at the next meeting.

Mr. Kaitsa asked if it is anticipated that there will be costs for obtaining easements. Mr. Lutz said he is unsure, and the \$140,000 estimate is construction cost.

Murphy Parkway/Powell Road intersection

Mr. Lutz reviewed a letter from Triangle Real Estate regarding the future traffic signal at the intersection of Murphy Parkway and Powell Road (Exhibit 3). Mr. Lutz said he doesn't believe the City can make the developer pay for the upgrade.

Mayor Klein asked about the \$25,000 estimate to upgrade. Rob Rice, City Engineer, said that he has compared that figure with the cost of the poles and mast-arms at Grace Drive, and it seems reasonable. Ms. Guzzo asked how much the signals at the four corners cost. Mr. Rice said it was \$25,000 - \$30,000 more. He said that the type of mast-arm proposed for this project would be the ODOT style straight arm. Ms. Guzzo asked about installing the type used at the four corners. Mr. Rice said that the type used at the four corners took over a year to receive once they were ordered. He said the type proposed for this intersection would be black and similar to those downtown. Council approved moving forward with the upgrade to the mast-arm type as proposed.

Meeting Room Rules

Stephen A. Lutz, City Manager, reviewed proposed new meeting room rules that would require a refundable clean-up deposit from any group using the meeting room after regular office hours. In addition, there will be a \$25 charge for alarm drops caused by access to unauthorized areas of the City offices. Council supported the changes.

Mr. Lutz noted a Parks and Recreation Advisory Board Vacancy and said that he will provide Council with those interested in serving in the next packet.

OTHER REPORTS

There were none.

FINANCIAL REPORTS

The Accounts Payable was received.

CLERK OF COUNCIL CORRESPONDENCE

Dawn Nauman, Clerk of Council, reviewed the meeting room schedule for next year and the Voss Brothers Annexation schedule. Mr. Kaitsa asked that Liberty Township be notified of the hearings for the Voss Brothers application.

OTHER COUNCIL MATTERS

Mr. Kaitsa thanked Mr. Rice for following up on Seldom Seen. He asked if it is still scheduled to open on August 31. Mr. Rice said he will check with them again. Mr. Kaitsa asked when Jewett Road will open. Mr. Rice said he anticipates it at the end of the month.

EXECUTIVE SESSION:FOR PERSONNEL MATTERS UNDER ORC SECTION 121.22 (G) (1): EMPLOYEE COMPENSATION.

MOTION: Mr. Kaitsa moved to adjourn to Executive Session at 8:35 p.m. in accordance with ORC Section 121.22 (G) (1) to discuss personnel matters: Board and Commission appointments. Ms. Guzzo seconded the motion.

VOTE: Y 5 N 1 (Chambers)

MOTION: Mr. Chambers moved to adjourn from Executive Session at 8:45 p.m. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Chambers moved to reconvene in regular open session at 8:45 p.m. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0

ADJOURNMENT

MOTION: Mr. Chambers moved to adjourn at 8:45 p.m. Mr. Kaitza seconded the motion.

VOTE: Y 6 N 0

DATE MINUTES APPROVED: August 21, 2001

Mark Klein 9/4/01
Mark Klein /Date
Mayor

Dawn Nauman 9/4/01
Dawn Nauman Date
Clerk of Council