

CITY OF POWELL COUNCIL

SEPTEMBER 4, 2001

A regular meeting of the City of Powell Council was held on September 4, and called to order at 7:30 p.m. by Mayor Mark Klein. Other Council members present were Peggy Guzzo, Art Schultz, George Kaitsa, Dave Chambers, Richard Cline and Bill Nolan. Also present were Steve Lutz, City Manager, Nan Metz, Finance Director, Dawn Nauman, Clerk of Council, and Rob Rice, City Engineer.

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

MOTION: Mr. Kaitsa moved to adjourn to Executive Session for Personnel Matters under ORC Section 121.22 (G) (1): Board and Commission Interviews at 7:30 p.m. Mr. Cline seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Kaitsa moved to adjourn from Executive Session at 8:08 p.m. Mr. Cline seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Kaitsa moved to reconvene in regular open session at 8:10 p.m. Mr. Cline seconded the motion.

VOTE: Y 7 N 0

CITIZEN PARTICIPATION

There was none.

APPROVAL OF MINUTES

The minutes of August 21, 2001 were approved as printed.

MORPC PRESENTATION – Traffic and Growth Management Tool Kit

Bill Habig, Executive Director, reviewed a proposal by the Mid-Ohio Regional Planning Commission (MORPC) for a Traffic and Growth Management Toolkit (Exhibit 1).

Mr. Schultz asked why Liberty Township is not listed as a potential partner. Mr. Habig said that they didn't list all of the townships, but they will be talking to them soon, as well as the County Commissioners. Mr. Schultz asked what Mr. Habig feels will take place after the 9-month development period. Mr. Habig said that the project will continue to be monitored, and they don't anticipate seeking additional funds. Mr. Schultz said that he thinks bikepaths should be included in the plan. Mr. Habig said they have discussed bringing that pathway up to Mt. Air, but then there are problems connecting it to Powell, so that will involve the county, township, and individual communities. He said that MORPC thinks that kind of a system makes sense throughout Franklin and other counties.

Mr. Nolan asked for what exactly is MORPC asking. Mr. Habig said they are asking for \$2,500. Mr. Nolan asked if the contribution is based on population. Mr. Habig said that they didn't give enough thought to how to base the funding, and they are trying to work that out. He said that Columbus may increase their share. Mr. Nolan asked if there will be other partners for funding. Mr. Habig said they are working with the townships, Delaware County, and Delaware City. Mr. Nolan said the benefit of such a program is that there will be a profile and coverage that Powell cannot generate on it's own. He asked if MORPC has had successful programs such as these in the past. Mr. Habig said that the Columbus Dispatch wrote a favorable editorial on the value this type of regional cooperation.

Mr. Cline said that MORPC has had a lot of success in trying to arbitrate the parochial interest and to subvert those parochial interests to the greater good. An entire region is reviewed rather than how that effects 1.7 miles of road. He said he assumes that one of the goals of this project is to look at a broader spectrum. Mr. Habig said it is, he noted that they have used a similar process with Franklin/Delaware County staff summit meetings.

Mr. Klein said that the County funds many roads in and immediately outside of Powell. He asked if the County has indicated their interest in becoming a partner. Mr. Habig said they haven't made a commitment, but he is confident that they will support it.

Mr. Kaitsa said he recognizes the need to approach these issues regionally, and what is proposed makes a lot of sense. He asked how it will be possible to manage growth and still respect the rights of private property owners. Mr. Habig said that while private property owner rights are strong, they have had success in projects where they get governments to try to work together. He noted a change of process in Columbus that made a traditional neighborhood development possible.

Mr. Chambers asked when MORPC was formed. Mr. Habig said it was formed in its current manner in 1969. Mr. Chambers asked what is being proposed with this plan that MORPC has not already done. Mr. Habig said that most of the programs they conduct are regional and on a broad scale. This is focused on a certain area, which is something they typically do. Mr. Chambers asked if the \$120,000 budget is for the 9-month duration. Mr. Habig said it is, and they don't anticipate coming back for additional funding. He said that the monitoring process should be set up in a way that it doesn't require additional funding.

Ms. Guzzo said she would support this if Liberty Township and Delaware County support it also. After further discussion, Council unanimously agreed to support this request. Mr. Kaitsa said he feels Council's approval should be contingent on Liberty Township and Delaware County. Mr. Nolan said that his first inclination is to agree with Mr. Kaitsa and Ms. Guzzo, but that Powell should approve it in order to be a leader on this project. He said that goes back to his comment about media coverage. If Liberty Township and Delaware County don't do this, they would look stupid, and Powell should participate this with no strings attached. He said if no one else comes on board, the entire project will probably not be done. Mr. Cline agreed. An appropriation ordinance will be on the agenda for the next Council meeting.

RESOLUTION 2001-12: A RESOLUTION AUTHORIZING THE EXPENDITURE OF MUNICIPAL FUNDS FOR INSTALLATION OF SCREENING BETWEEN THE PROPERTY OF THE LA TAVOLA RESTAURANT AND THE PROPERTY OF MR. AND MRS. ALFRED FABER

Stephen A. Lutz, City Manager, noted that two meetings ago, Col. Faber asked Council for additional landscaping for his property to help screen the patio at La Tavola restaurant. He reviewed the map attached to the resolution that identifies existing and proposed trees (Exhibit). He said his original request was for 12 trees, and he is now requesting 8. Mr. Lutz said the only input Staff has is that the cost estimate for 12-foot trees is approximately \$300 per tree. Mr. Klein asked if that includes a 1-year warranty. Mr. Lutz said it does. Mayor Klein asked if there is a staff recommendation regarding this issue. Mr. Lutz said there is not, but Staff has identified the four trees that will have the most impact (those furthest south).

Mayor Klein opened this item to public comment.

Al Faber, 55 Beech Ridge Drive, said he did scale back his request from 12 to 8 trees, and he thinks that is reasonable. He said the screen will provide an additional sound barrier. He said he would like 8 trees rather than four. Regardless of the amount, he would like the opportunity to determine their appropriate placement.

There being no further public comment, the public comment was closed.

Ms. Guzzo said that she thinks eight trees are reasonable, and that this is an issue of sound screening. She said she is pleased to see that this will cost about \$2,400. She said she is pleased that Col. Faber worked with the restaurant owners to reach this compromise. She said she enjoys the restaurant, and doesn't want the outdoor patio to negatively effect neighboring properties.

Mr. Chambers thanked Bob Stein from Olentangy Valley News for writing a wonderful editorial on this issue. He said he agrees with Mr. Stein's comments. He said that he doesn't think Council has had the opportunity to look at this property. He said that after seeing the property himself, there is no way he will support expending any public money to put trees on this property. He said that Powell has a Share-the-Cost tree program that residents can apply for, and the City will pay for half. He said that is the avenue that should be taken in this situation. He said that one would have to stand in the middle of the parking lot between the powder room and La Tavola to see the top peak of Col. Faber's house. He said he doesn't see how adding 8 trees could make a difference in the view or sound transfer of this property. He said he wholeheartedly opposes spending public money.

Mr. Kaitsa said he was in favor of a compromise that would support the expansion of La Tavola and at the same time protect Col. Faber's rights. He said that he is prepared to support the use of public funds based on Staff's recommendation of how many trees should be placed on that property. Any trees beyond that recommendation could be purchased by Col. Faber through the Share the Cost tree program. He said he thinks this is an

appropriate use of public funds because adding the patio does impact Col. Faber's ability to enjoy his property. He said he did go to the site and measure the fence, and it is six feet tall. He said he is unsure where the property line runs, but there does seem to be a gap in the screening provided by the trees that are already there. He said he would like a specific recommendation from Staff on how many trees should be planted. If Staff doesn't have the expertise on this issue, the City could seek assistance from the Ohio Department of Natural Resources (ODNR). He said he would defer to Col. Faber's desire as to what type of trees should be planted.

Mr. Cline said that he wasn't here for the previous debate on this issue, but review of the minutes indicates that Council made a commitment to support expenditure of City funds for such a buffer. He said it sounds like Staff is recommending that four trees would accomplish that, and if that is the case, he would support Staff's recommendation. He agreed the Share the Cost tree program could be used for additional trees.

Mr. Nolan asked if it is correct that this is to provide a noise screening rather than a visual screening. Mr. Faber said that it is for a visual and sound barrier. He said that his yard is very elevated, and he suggested that Council view the restaurant from his yard. Mr. Nolan asked if Staff reviewed the location and the trees. Mr. Lutz said that Staff identified the trees that would have the greatest impact by looking at the map. Mr. Nolan said that he thinks Mr. Stein's editorial was premature because Council hadn't yet made a complete decision. He said it isn't totally accurate on what Council may or may not have done to investigate this. He said he thinks the Comprehensive Plan requires that a resident's property value not be diminished by neighboring development, whether it is by sound, visual impact, or, safety issues. He said that is true whether there is already a shooting range in the backyard or not. He said he thinks it is appropriate to make a relatively small public investment to keep a restaurant that is desirable and to protect a resident's property. He said he does want to know, however, that these trees will accomplish that. He said a visual issue is easy to address, but sound issues are more difficult. He said he thinks Mr. Faber is entitled to not have additional sound from this development, and his sense is that the four tree recommendation is appropriate. He said he would like to see that established more definitively.

Mayor Klein said that three Council members have asked for Staff's recommendation this evening. Mr. Lutz said that Staff hasn't provided a recommendation yet, but they can provide a written recommendation for the next meeting.

Mr. Schultz said it is true that Council indicated an interest in having a compromise, and he agrees with Mr. Nolan that Mr. Faber is entitled not to be impacted by this development. He said that this was a compromise situation, and that the restaurant owner said they weren't going to complete their addition unless Mr. Faber is happy. He said Ms. Guzzo tried to reach a compromise. He said he doesn't expect this to be a black and white decision, and he doesn't think Mr. Betz is going to be able to determine what these four trees are going to do with noise. He said that Polaris spends millions of dollars on sound readings, and Powell isn't equipped to do that. He said that looking at this map, four trees makes perfect sense to meet Council's commitment. He said he questioned continuing the tree line between the Powder Room and Mr. Faber's property at the last meeting.

Mr. Kaitsa said he thinks there should be a formal recommendation from Staff. If Staff doesn't have the expertise, then ODNR could provide an opinion. Ms. Guzzo said that time is of the essence, as tree planting season is approaching. She said that Council made a commitment and they should follow through on their word. A lengthy discussion ensued.

Mr. Cline asked if Col. Faber is familiar with the Share the Cost tree program. Mr. Faber said he is. He said he originally felt 12 trees was appropriate, but he came back with a bare minimum of 8 trees. He said he'd rather Council table this issue than approve less trees based on a piece of paper. He asked Council to come review his property. Mr. Kaitsa agreed. He said that Council agreed in principal to provide screening. He suggested that Staff work with the Faber's and come back with a recommendation. Mr. Klein said that while he would normally agree, he is unsure how Staff decides whether there should be 8 trees or four. A lengthy discussion ensued. Mr. Schultz said that the map does not indicate that all these trees are necessary. Mr. Cline questioned whether Mr. Faber's property is considerably higher than the restaurant. Mr. Faber said it is.

MOTION: Mr. Kaitsa moved to table Resolution 2001-12 until the next meeting so that Staff can review the questions raised this evening. Mr. Cline seconded the motion.

Mr. Cline asked if Council can appropriate funds with a Resolution. Mr. Molnar said he thinks the funds are appropriated and within the City Manager's authorization. Ms. Guzzo asked if this will cause a problem with timing with the Share-the-Cost Tree program, which these trees will be purchased through.

VOTE: Y 6 N 1 (Chambers)

SECOND READING: ORDINANCE 2001-46: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2001. (Traffic Signal Mast Arms, Scioto Ridge Bikepath, Murphy Parkway Survey)

Stephen A. Lutz, City Manager, said that this Ordinance was discussed at the last meeting, and he is available to answer questions on it this evening.

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

MOTION: Mr. Kaitsa moved to suspend the rules on Ordinance 2001-46. Mr. Chambers seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Kaitsa moved to adopt on Ordinance 2001-46. Mr. Chambers seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2001-50: AN ORDINANCE DESIGNATING A THREE-WAY STOP AT THE INTERSECTION OF PRESIDENTIAL PARKWAY AND GRANDSHIRE DRIVE AND REQUIRING THE CITY ENGINEER TO PLACE TRAFFIC CONTROL DEVICES AT THE INTERSECTION

Stephen A. Lutz, said that a Resolution was passed at the last meeting installing these signs under study. Staff was asked to prepare an Ordinance providing permanent installation.

Mr. Schultz questioned whether both crossings (Ordinance 2001-50 and 2001-51) are needed.

Mayor Klein opened this item to public comment.

Don Meigel, 395 Manderly Court, said that whether two crossings are needed is unclear at this time, they are in support of the Grandshire and Presidential crossing first. He said that children aren't walking to school this year, but 90% of the people that use the bike paths cross at Grandshire. He said that with the stop signs under study, it could be determined later that two stop signs are too much, but since this Ordinance is for permanent installation if Council needs to pick one, it should be Grandshire and Presidential Parkway. Mr. Schultz said he appreciates Mr. Meigel's comments, and noted that there will be use of these bikepaths and crosswalks from people who aren't going to the school but just travelling between neighborhoods. He said there may need to be a determination later whether there are too many signs. He said he currently supports both of them.

Mr. Chambers said that the Development Committee debated that issue, and the main reason they recommended a stop at Salisbury and Presidential is to get kids walking from the eastern most section of Grandshire a way to get across without walking all the way down to Grandshire.

Mr. Nolan said he doubts a stop sign will be removed later, and if that is a concern, he is unsure whether they should both be installed.

Mr. Cline said he supported these signs at the Development Committee and before Council because they were to be installed under study. Mr. Lutz said at the last Council meeting, it was the consensus of Council that Staff not go through the time and money when everyone thought they should be installed. Therefore, these Ordinances don't contain any language referring to the study. Mr. Cline said he doesn't support them in the absence of the study that justified them to him in the first place. Ms. Guzzo disagreed and said that her recollection is that Mr. Cline supported this because of the location of the school. Mr. Cline said that the accumulation of data is also important to him.

Discussion ensued regarding whether a study is required. Rob Rice, City Engineer, said that there is no written procedure, and that it is up to Council. Mr. Kaitsa said that Council historically has passed a Resolution, conducted a study, and then contemplated permanent placement. Mr. Kaitsa spoke in support of these signs for safety reasons. Mr. Chambers said that Powell needs a stop sign policy. He said he supports both ordinances.

MOTION: Mr. Kaitsa moved to suspend the rules on Ordinance 2001-50. Ms. Guzzo seconded the motion.

VOTE: Y 5 N 2 (Nolan, Cline)

MOTION: Mr. Kaitsa moved to adopt on Ordinance 2001-50. Ms. Guzzo seconded the motion.

VOTE: Y 6 N 1 (Cline)

FIRST READING: ORDINANCE 2001-51: AN ORDINANCE DESIGNATING A THREE-WAY STOP AT THE INTERSECTION OF PRESIDENTIAL PARKWAY AND SALISBURY DRIVE AND REQUIRING THE CITY ENGINEER TO PLACE TRAFFIC CONTROL DEVICES AT THE INTERSECTION

Mayor Klein opened this item to public comment.

Don Meigel, 395 Manderly Court, asked if both of these ordinances include the striping of the streets for the crosswalks. Rob Rice, City Engineer, said the crosswalks will be striped.

MOTION: Mr. Kaitsa moved to suspend the rules on Ordinance 2001-51. Ms. Guzzo seconded the motion.
VOTE: Y 5 N 2 (Nolan, Cline)

MOTION: Mr. Kaitsa moved to adopt on Ordinance 2001-51. Ms. Guzzo seconded the motion.
VOTE: Y 6 N 1 (Cline)

FIRST READING: ORDINANCE 2001-52: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2001.

Stephen A. Lutz, City Manager, said that this Ordinance appropriates funds related to the Powell Cycling Classic which was held in July. These additional funds will allow for the books to be closed out on this event. Part of this appropriation will be donated to Turning Point.

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

MOTION: Mr. Kaitsa moved to suspend the rules on Ordinance 2001-52. Mr. Cline seconded the motion.
VOTE: Y 7 N 0

MOTION: Mr. Kaitsa moved to adopt on Ordinance 2001-52. Mr. Cline seconded the motion.
VOTE: Y 7 N 0

LEFT TURN CHANGES : 4 CORNERS INTERSECTION

Stephen A. Lutz, City Manager, said that at the last meeting, a report was reviewed regarding making some turn restrictions at the four corners during certain hours of the day. Council asked Staff to report back on standard street name signs and what hours would be appropriate for restricting left turn lanes.

Street Name Sign Standards (Exhibit 2):

Robert Rice, City Engineer, reviewed the proposal for standardized signs.

Mr. Kaitsa asked if the proposal is to eventually install signs similar to those pictured. Mr. Rice said that it would be appropriate in an area where the streetscape is extended. Ms. Guzzo asked how many signs are proposed for Grace Drive. Mr. Rice said there are four. Ms. Guzzo said that she would support using the Grace Drive signs the City currently has, but she would like the streetscape signs installed at Grace Drive and Powell Road to create a more uniform look. Mr. Kaitsa agreed that a uniform look would be desirable. Mr. Rice noted that such streetscape would also include different sidewalks and streetlights.

Mr. Cline said he agrees with Mr. Rice's recommendation. Mr. Nolan asked if the green street signs will replace the signs currently at neighborhood entryways. Mr. Rice said that they will not, as each neighborhood has its own unique signage. Mr. Nolan said he would support the streetscape signage on Powell Road where there is a sidewalk and lights on the streets. Mr. Schultz agreed, but said there is no urgency, if there are already usable signs on hand. Mr. Rice said they could mount the green signs on a temporary basis, and in the future, secure streetscape signage for Grace Drive at Powell Road. Discussion ensued, after which five Council members (Nolan, Schultz, Cline, Kaitsa, Guzzo) gave a thumbs up in support of moving forward with installing streetscape signage on Powell Road.

Left Turn Restriction Hours (Exhibit 3)

Mr. Rice reviewed his recommendation for left turn restrictions at the four corners intersection. Mayor Klein opened this item to public comment.

Fritz Pickens, 160 Glen Abbey Ct., VP Bartholomew Run Homeowners' Association, said that his neighbors are deeply concerned about the potential for increase in traffic in Bartholomew Run if left turns are restricted at the four corners. He said that Mr. Lutz has described to him plans for truck traffic, and he realizes that some of these

fears are overblown. He said that no matter what, there will be an increase in traffic on Bartholomew Boulevard. He said there is already a high volume during rush hour. He suggested that the left turn restrictions conform to those currently in place on Depot Street from 4-7 p.m. He recommended that Council allow a 60-90 day period for public comment on this issue before anything is passed. He said that notification of this issue could be published in the newspaper and on the city's web site.

There being no further public comment, the public hearing was closed.

Mayor Klein asked if there has been any discussion regarding uniformity with other no left turn signs. Mr. Rice said that there was some discussion with the traffic consultant regarding concerns that people will use Hall Street and Depot Street if there are restrictions at the four corners. He said that he is unsure that Depot Street needs to have the same restricted hours.

Mr. Schultz asked if the signage on the restricted hours could be changed relatively easily if it is determined that the selected times are not appropriate. Mr. Rice said that if it is a hanging sign, it could be changed out. Mr. Schultz said he agrees with Mr. Pickens that Council must keep an eye on the impact of these restrictions. If there is a noticeable increase in traffic on other streets, the decision should be reconsidered. Mr. Schultz said that he thinks the graph provided is great because it identifies when there are noticeable increases in traffic. He suggested that Council consider a 7:00 a.m. to 7:00 p.m. restriction rather than 7:00 p.m. to 8:00 p.m. because it would cause less confusion and be easier remembered.

Mr. Nolan agreed that this is an ongoing process. He said that Council needs to be very sensitive about Bartholomew Run. He said he lived on Briarwood Boulevard for 9 years, and it is a busy street. Mr. Nolan said that regarding Depot Street, there is a business located there that has a strong interest in not limiting left turns more than they have to, and he is comfortable leaving it as it is now. He agreed with Mr. Schultz that 7:00 a.m. to 7:00 p.m. would be sufficient. Mr. Cline agreed about the timing, and said that limiting turns from 7:00 – 8:00 could cause the confusion that the limitation is for only one hour. He said he is prepared to go forward.

Mayor Klein asked if 7:00 a.m. is early enough to begin restrictions, or should the recommendation be to begin such restrictions at 6:00 a.m. while the traffic works up to the peak. Mr. Rice said that the peak line begins after 7:00 a.m., and he is unsure whether it is necessary to start restrictions as early as 6:00 a.m. Mr. Kaitsa said he would support the 7:00 a.m. – 7:00 p.m. restriction.

Mr. Kaitsa agree with the 7:00 a.m. – 7:00 p.m. restriction, but he questioned whether it should be limited to Monday - Friday. He said he shares concerns regarding traffic on Bartholomew Boulevard, and he asked if there are "No Through Trucks" signs posted. Mr. Pickens said there were some, but some were removed. Mr. Lutz said that Staff is working with the President of Bartholomew Run who has requested that some signs be removed. He suggested that Mr. Pickens review that with the president. Mr. Kaitsa said it is important to include "No Truck Traffic" signs for Bartholomew Run. He said that Grace Drive should be identified as a truck route. Mr. Rice said at the last meeting, Council agreed to post "No Through Trucks" at Bennett Parkway.

Mr. Chambers said he was in support of Traffic Engineering Services recommendation of a ban at all times, but he feels the 7:00 a.m. – 7:00 p.m. ban is a good compromise.

Ms. Guzzo said that the idea of limiting left turns was to alleviate congestion at the four corners, specifically for residents. She said that traffic could increase at Bartholomew Run, but she doesn't agree that trucks will use that route. However, she would support "No Through Trucks" signs. She said she will support the 7:00 a.m. – 7:00 p.m. Monday – Friday ban as a compromise. She said she is ready to move forward because this issue has been under consideration for a long time. Ms. Guzzo said she disagrees with identifying Grace Drive as a truck route, because the intention was for everyone to use Grace Drive.

A vote was taken regarding a 7:00 a.m. – 7:00 p.m. ban on left turns, 5 days a week. Mr. Kaitsa and Ms. Guzzo voted in favor of this restriction.

A vote was taken regarding a 7:00 a.m. – 7:00 p.m. ban on left turns, 7 days a week. All Council member but Mr. Kaitsa and Ms. Guzzo voted in favor of this restriction.

A vote was taken regarding posting "No through Trucks" at the entrance of Bartholomew Run, providing that it meets the wishes of the Homeowners Association. All but Mr. Cline voted in favor of this item.

