



**CITY OF POWELL COUNCIL**

**SEPTEMBER 18, 2001**

A regular meeting of the City of Powell Council was held on September 18, 2001, and called to order at 7:30 p.m. by Mayor Mark Klein. Other Council members present were George Kaisa, Dave Chambers, Richard Cline and Bill Nolan. Art Schultz and Peggy Guzzo were absent. Also present were Steve Lutz, City Manager, Nan Metz, Finance Director, Dawn Nauman, Clerk of Council, and Rob Rice, City Engineer.

**MOTION:** Mr. Kaisa moved to adjourn to Executive Session for Personnel Matters under ORC Section 121.22 (G) (1): Board and Commission Interviews and 121.22 (G) (3), Pending Litigation at 7:30 p.m. Mr. Cline seconded the motion.

**VOTE:** Y 5 N 0

**MOTION:** Mr. Kaisa moved to adjourn from Executive Session at 8:10 p.m. Mr. Cline seconded the motion.

**VOTE:** Y 5 N 0

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

**VOTE:** Y 5 N 0

**CITIZEN PARTICIPATION**

Dan Wiencek, Chairman, Parks and Recreation Advisory Board, noted that the cost estimates for parks in the City have been presented to Council (Exhibit 1). He said the Board is pleased that the estimates are very close to those the Parks and Rec. Board made, but there may be some items missing, and the Board needs to study these figures. He said the Parks and Rec. Board is prepared to support any Council efforts to move forward with this process.

**BOARD AND COMMISSION APPOINTMENTS**

**MOTION:** Mr. Cline moved to appoint Shyra Eichorn to the Parks and Recreation Advisory Board, for a two-year term ending September 18, 2003. Mr. Kaisa seconded the motion.

**VOTE:** Y 5 N 0

**MOTION:** Mr. Cline moved to appoint Joseph Gerard to Powell's seat on the Delaware County Council for Older Adults. Mr. Kaisa seconded the motion.

**VOTE:** Y 5 N 0

**APPROVAL OF MINUTES**

The minutes of September 4, 2001 were amended and approved.

**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. (TABLED FROM 9/4/01)**

Stephen A. Lutz, City Manager, asked that this item be tabled once again for the next meeting. He said that he has had the opportunity to visit the site with Mr. Faber, but unfortunately, Mr. Betz has not. He said that he would like for Mr. Betz and himself to review the site once again so that Staff can make a recommendation.

**MOTION:** Mr. Kaisa moved to table Resolution 2001-12 until October 2, 2001. Mr. Chambers seconded the motion.

**VOTE:** Y 5 N 0

**FIRST READING: ORDINANCE 2001-53: AN ORDINANCE MAKING LEFT TURN CHANGES AT THE INTERSECTION OF OLENTANGY STREET (STATE ROUTE 750) AND LIBERTY STREET.**

Stephen A. Lutz, City Manager, said that this is the first reading of an ordinance regarding issues that have been discussed at the last couple of Council meetings. He said this would restrict left turning movements for east- and westbound traffic at this intersection 7 days a week between the hours of 7:00 a.m. and 7:00 p.m. There will be no turn on red. There will be no-through trucks signage on Bennett Parkway at State Route 750 and Bennett Parkway and South Liberty Street as well as East Olentangy Street and Bartholomew Boulevard. He noted that this plan would eliminate one parking space on West Olentangy Street because it is in front of the stop bar.

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

Mr. Chambers said he feels the Ordinance covers everything that was discussed at the last meeting. Mr. Kaisa concurred, but said he is still concerned whether the prohibition for left turns should include weekends.

Mayor Klein said that he believes there are already "No Through Trucks" signs at one of the designated intersections, and Staff may want to look into that. He said that he would like to see this legislation in place to improve the traffic flow on Olentangy Street.

Mr. Cline asked about the sign in the eastern-most edge on figure 3. He asked if that sign would be located on the southbound Grace Drive approach. Mr. Rice said that it is for a sign identifying North Liberty Street for those headed westbound on Grace Drive. Mr. Cline noted correspondence from a resident that expresses concern there are a lot of signs in the City. Mr. Rice said he had an opportunity to take a look at the signs on Grace Drive, to which the resident is probably referring. He said it is his intention to eliminate a considerable number of signs or double up where possible. Mr. Nolan said he is glad to hear that, but he would like a time frame, as it "looks terrible through there." Mr. Rice noted that unfortunately, the public service department is short of crew, but this probably could be handled in three weeks. Mr. Kaisa asked if it is worthwhile to hire temporary employment to assist during the Staff shortage. Mr. Rice said that temporary help or contracting out this work could both be considered, and that Staff can "bump this project up on the list."

Mr. Nolan said that the chart outlining peak traffic flow indicated an appreciable difference only on Sunday. He said he would entertain a compromise of 6 days, but he is not comfortable with a 5-day prohibition of left turns.

Mr. Lutz reviewed the time frame on this project. He said that if the ordinance goes to three readings, it would be in effect in 30 days. He said Staff anticipates the necessary signage will cost more than \$15,000, and that would require the City to go out for bid, which could extend the time considerably. Discussion ensued. Mr. Cline said that normally, he is opposed to passing any ordinance on the first reading. However, this Ordinance has been discussed for two months, and if there were a strong public hearing, Council would have heard it by now.

**MOTION: Mr. Cline moved to amend Ordinance 2001-53 to add language declaring it an emergency measure to maintain safety on the roadways within the City of Powell. Mr. Klein seconded the motion.**

**VOTE: Y 5 N 0**

**MOTION: Mr. Kaisa moved to amend Ordinance 2001-53 to change the left turn restriction from seven days a week to Monday - Saturday. Mr. Nolan seconded the motion.**

Mr. Cline expressed concern that this could be confusing to motorists, and that 7 days a week is easier to remember. Mr. Chambers said he supported the recommendation of a prohibition 24 hours a day, 7 days a week, and the 7:00 a.m. – 7:00 p.m. is already a compromise for him.

**VOTE: Y 2 N 3 (Cline, Klein, Chambers)**

**MOTION: Mr. Cline moved to suspend the rules on Ordinance 2001-53. Mr. Kaisa seconded the motion.**

**VOTE: Y 5 N 0**

**MOTION: Mr. Cline moved to adopt Ordinance 2001-53. Mr. Kaisa seconded the motion.**

**VOTE: Y 5 N 0**

**FIRST READING: ORDINANCE 2001-55: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2001.**

Stephen A. Lutz City Manager, said that this appropriation would allow Powell to participate in the MORPC Traffic and Growth Management Toolkit program. Mayor Klein opened this item to public comment. Hearing none, he closed the public comment session.

**MOTION: Mr. Kaisa moved to suspend the rules on Ordinance 2001-55. Mr. Nolan seconded the motion.**

**VOTE: Y 5 N 0**

**MOTION: Mr. Cline moved to adopt Ordinance 2001-55. Mr. Nolan seconded the motion.**

**VOTE: Y 5 N 0**

**FIRST READING: ORDINANCE 2001-56: AN ORDINANCE ADOPTING RULES AND REGULATIONS OF THE PERSONNEL BOARD OF REVIEW ISSUED PURSUANT TO THE POWER AND AUTHORITY GRANTED BY CHAPTER 124 OF THE OHIO REVISED CODE AND THE CITY CHARTER.**

Stephen A. Lutz, City Manager, reviewed that these Rules and Regulations are necessary as a result of Powell's achieving city status. He said the Personnel Board of Review will meet Thursday for one final review, and he recommends this be taken to a third reading.

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

Mr. Nolan said he was very much involved in creation of these rules, and he would certainly support adoption when the Manager recommends it. Mr. Kaitsa asked what significant differences are in this Ordinance compared to the statute. Mr. Lutz suggested that he highlight those for the next meeting.

**COMMITTEE REPORTS**

**Development Committee:** (Next Meeting: To be determined) No report.

**Finance Committee:** (Next Meeting: October 9) Mr. Kaitsa said the Committee is still awaiting the legal opinion regarding development fees and the new school site. He noted that the August financial reports have been presented to Council.

**Administration Committee:** (Next Meeting: To be determined)

**Service Committee:** (Next Meeting: To be determined) Mr. Nolan said the Committee will meet at the end of the month.

**MUNICIPAL MANAGERS REPORT**

Stephen A. Lutz, City Manager, reviewed correspondence from the County regarding changing the name of Presidential Parkway to Deer Crossing Lane (Exhibit 2). He said that Grandshire residents have been notified of this issue, and will be coming up with some recommendations.

**PARK COST ESTIMATE REPORT**

Mr. Lutz said that Schmidt Land Design has submitted their estimates for developing the City's parks. In addition, Staff is currently reviewing the cost estimates from NBBJ for developing the Village Green. He noted that there are some changes to original plans for parks that Council may want to review, including an amphitheater rather than tennis courts at Memorial Park, a skate park at Memorial Park, and designing Village Park Drive as a turnaround. In addition, Council has not yet reviewed plans for Powell Place Park and Murphy's Park.

Dan Wiencek, Parks and Recreation Advisory Board, reviewed the proposed estimates. He noted that two things are not included in the Schmidt Land Design Report, nor the NBBJ estimate, and that is bikepath improvements and possibly developing a ball field park.

Memorial Park: Mr. Wiencek noted that the changes to this park reflect how the community is currently using the park. He said it has become a focal point for the Powell Festival, Bonfire, etc., and an amphitheater would be used for those purposes. He said although tennis courts were originally proposed, they could be developed in Arbor Ridge Park. He said that the Board has had several persuasive presentations from skateboarders regarding the need for a skate park, and that is proposed here. He said that both Parks and Rec. and the Planning and Zoning Commission recommend dead-ending Village Park Drive due to the more active nature of the park and the location of the pool.

Mayor Klein said that during the planning process, there was discussion regarding creating a large pond with a fishing deck at Memorial Park, but he understands now that that is not desirable. Mr. Wiencek said that a smaller pond could be created if it were not connected to Bartholomew Run, as the concern is for the capacity of current drainage patterns. He said the City Engineer has not had the chance to review the creation of a smaller pond.

Mr. Chambers asked what will be done with the barn on this site. Mr. Wiencek said that the Master Plan identified it for recreation space, but that there are currently no plans such a use. He said if the Police Department moves, the old administration building seems more suitable for such a use.

Mr. Cline asked if there has been any discussion regarding liability issues with a skate park. Mr. Wiencek noted that Ken Hackworth, of the Parks and Rec. Advisory Board, had some specific information on that issue. Mayor

Klein asked that that be provided to Council. Mr. Nolan noted that Powell's insurance provider should also provide their opinion on this issue.

Murphy Park: Mr. Wiencek said that how parking will be handled needs to be considered. He said the plan calls for a tot and children's playground, and a basketball court (rather than sand volleyball court). Mr. Wiencek said the proposal is to spruce up the existing shelter. Mayor Klein noted that no one lives at Murphy yet, so there has been no public comment from that standpoint. Mr. Wiencek said that public information sessions are planned.

Mr. Chambers noted that restrooms are desperately needed at Library Park. Mr. Wiencek said that the 5900 sq. ft. shelter proposed for Library Park will have recreation space and bathrooms.

Mr. Nolan said that he is hesitant about the skateboard park, because, although many who participate in such an activity are "wholesome young men and women," he has observed a certain lack of respect for property among skateboarders that he doesn't see in other sports. He said people riding skateboards over them has irretrievably damaged the benches at Memorial Park. He said he sees skateboarders at the old vet clinic, on private property, and on school property, and he doesn't see that with other activities. He said he understands that one of the goals is to take that activity elsewhere, but he is concerned that the tendency with this activity is to not stay within set boundaries. Mr. Wiencek said that the Board feels that providing an authorized place would eliminate illegitimate use on private and public property. He said that Dodge Park in Columbus does not have such problems, and it is a pretty much "self policing" environment.

Powell Place Park: Mr. Wiencek said that this park is a just over four acre parcel adjacent to the railroad and north of Seldom Seen. He said it is "rather flat and non-descript," and the intent is to develop this as a neighborhood park. A lot of the expenses are for mounding and landscaping to provide a buffer along the railroad. They have not had much discussion regarding the inline hockey rink, which was proposed by Mr. Gibson. He said he thinks that it is a good idea, and something that has been overlooked in the parks. He said the board is concerned, however, that there is not a lot of parking available for such a facility. Mr. Kaitsa suggested that a basketball court may be appropriate for each park, and that may be a better choice than a inline skate rink. Mr. Wiencek said they intend to review plans for this park with residents in the area.

Mr. Kaitsa asked about the algae problem in the pond along the north edge of Olentangy Ridge. David Betz, Director of Development, said he is working with a company on recommendations for fish species as well as treatments that will help keep the algae down. Mr. Kaitsa asked if Pizutti should do this before they transfer the land to the City. Mr. Betz said that it is not a bad problem, and doesn't really need to be addressed until spring.

#### **OTHER REPORTS**

The Monthly Planning and Zoning, Monthly Parks and Rec., and Monthly Web Site reports were received. Chief Vest reviewed the Police Report.

#### **FINANCIAL REPORTS**

The Accounts Payable and Monthly Financial Report were received.

Nan Metz, Finance Director, said that in August, Council passed the necessary legislation to file the estimated revenues with the County Auditor. She said that "Schedule A" was to be provided back to the City for passage by October 1, but Staff has yet to receive them. She asked if Council is interested in a separate meeting, or would they prefer to just address this at the October 2 meeting. Mayor Klein said this will be only one day late, and the circumstances beyond the City's control for their regular meeting date. He said he is not opposed to dealing with them on the second. Mr. Cline agreed, but said he is also not opposed to holding a special meeting to meet the deadline. After further discussion, it was decided that Mr. Lutz will poll Council by phone on this issue since there was no consensus and two members absent.

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

Dawn Nauman, Clerk of Council, noted that the City computers have been infected with the Nimda Virus via the City web site, and those who have received email from Powell should be cautious.

#### **LIQUOR PERMIT COOPERATION AGREEMENT**

Mr. Klein noted that Council has been provided with a copy of a Liquor Permit Cooperation agreement from the City of Cleveland. He asked that Council review this and provide comments or suggestions. Mr. Nolan said he thinks it makes sense to use such a document to make more specific requirements for liquor licenses in the City

beyond what the state law says. Mr. Kaitsa said that his concern is imposing this process "on the last person in line," but he would support imposing such requirements on all liquor license holders if that is possible. Dawn Nauman, Clerk of Council, noted that Council will be notified in November that all liquor licenses will be up for renewal in February.

**OTHER COUNCIL MATTERS**

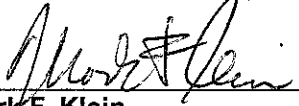
Mr. Kaitsa said a concern has been expressed regarding property maintenance for the grass and mailbox adjacent to the street around La Tavola. He said he doesn't think it is part of Col. Faber's property, and the responsible party should be contacted to clean up the area.

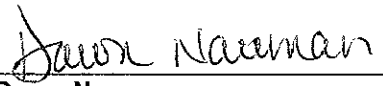
Mayor Klein asked that Mr. Lutz respond to the September 3 resident letter that includes 11 questions regarding City services. Mr. Lutz said he will, and he will copy to Council.

**ADJOURNMENT**

Council adjourned at 9:25 p.m.

**DATE MINUTES APPROVED: October 2, 2001**

 10/16/01  
Mark F. Klein Date  
Mayor

 10/16/01  
Dawn Nauman Date  
Clerk of Council

