

**CITY OF POWELL COUNCIL**

**NOVEMBER 6, 2001**

A regular meeting of the City of Powell Council was held on November 6, 2001, and called to order at 7:30 p.m. by Mayor Mark Klein. Other Council members present were George Kaitza, Art Schultz, and Bill Nolan. Richard Cline arrived at 7:55 p.m. Peggy Guzzo and Dave Chambers were absent. Also present were David Betz, Director of Development, Steve Lutz, City Manager, Nan Metz, Finance Director, Dawn Nauman, Clerk of Council, Ken Molnar, Director of Law, and Rob Rice, City Engineer.

**CITIZEN PARTICIPATION**

There was none.

**APPROVAL OF MINUTES**

The minutes of October 16, 2001 and the minutes of October 25, 2001 were approved as printed.

**THIRD READING: ORDINANCE 2001-54: AN ORDINANCE ACCEPTING THE ANNEXATION OF A 3 ACRE TRACT, MORE OR LESS TO THE MUNICIPALITY OF POWELL.**

Stephen A. Lutz, City Manager, said that this is the third reading of this Ordinance, which was heard before the County Commissioners on July 30 where there was unanimous recommendation. The proposed annexation has been discussion at the last two Council meetings.

David Betz, Director of Development and Jeff Voss, applicant, were present to discuss this item. Mr. Betz reviewed that the Voss property is located on the west side of Sawmill Road across from the Grandshire subdivision and south of the Wedgewood Condos. The site contains 3 acres, and existing lawn/tractor sales and service business, as well as playground equipment sales. There is also a cell tower on the site.

Jeff Voss, Applicant, asked for consideration in annexing into the City of Powell. He said that there has been discussion about issues regarding timing and litigation with Liberty Township. This would become a moot point once the site is annexed into the City. Mr. Voss would like City services, particularly continuous police protection. He said that he feels that the City is going to be growing entity, he would like to establish a good relationship with the City of Powell and would appreciate Council's consideration to this request.

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

Mr. Schultz said that everything he had to say had been said previously. He recommended that Council approve the Ordinance. Mr. Nolan stated that he also supports this Ordinance. Mr. Kaitza asked Ken Molnar, Director of Law, if there is any issue with the fact that there is dual commercial and residential use on that property. Mr. Molnar said that there is no issue currently, and that when they are annexed into the City, they are subject to the zoning code of Liberty Township until we formally adopt that code or change it. He said it is his understanding that they are in the process of submitting a proposal for rezoning, so that zoning will probably have a very narrow window because it is going to change under our code. He said that for the next 60 - 90 days or however long that it takes to change the zoning so that it conforms to our code, the Liberty Township regulations will stay in place.

Mr. Betz stated that dual residential and commercial uses are allowed in a PC, Planned Commercial District, the district for which they are going to apply. He said that the development plan would note residential use and that if that changed to commercial use in the future, they would have to go through the process to have that approved. Mayor Klein said that he noticed that there are out buildings such as sheds and storage on the property. He asked if they would conform to our regulations. Mr. Betz said that the City does allow outbuildings in zoning regulations. He said some subdivisions don't allow them in their deed restrictions, but the Historic District does, often because storage area is something older buildings don't have. Mayor Klein will asked if this is something that Development will review. Mr. Betz said site plan review is part of the Zoning Application.

Mr. Voss said that if that is an issue, once they go through the zoning process, the outbuildings could be removed. The ultimate plan would be to build a more modern two-car garage to make the site look nicer. He said that he would like to do this, but under the old governing body, he couldn't do anything.

**MOTION: Mr. Nolan moved to adopt Ordinance 2001-54. Mr. Kaitza seconded the motion.**

**VOTE: Y 4 N 0**

**THIRD READING: ORDINANCE 2001-57: AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF POWELL, ADDING SECTION 1147.15: RECREATIONAL STRUCTURES.**

Stephen A. Lutz, City Manager, said that this is the third reading of this proposed Ordinance. This has been amended since the last Council meeting.

Mr. Betz said that in Section C, most of the changes were made from the last meeting to set up some specific standards. These are regarding usage of basketball hoops in driveways, providing small setbacks from property line for those goals, and other recreational structures being prohibited from the front yard. He said that everything else stays the same.

He also noted that in Section F, on the second page, they did add an effective date, which is the effective date of the ordinance that all recreational structures would have to conform. The Development Department wouldn't measure each recreational structure in the City, but they would do them as cases came up, problems arose, or new structures were added. He said Staff would try to identify problems versus making anyone move their structure.

Mayor Klein said that this ordinance didn't exist when they put in their structure and it would be a considerable expense to the homeowner if it wasn't causing a problem. Mr. Betz agreed, but if it is causing a problem, the department now has some teeth to the Ordinance.

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

Mr. Kaitsa said that he has no questions or comments. Mr. Nolan said that the amendment addresses the items talked about last time. Mr. Schultz thanked Mr. Betz for the changes on basketball courts.

**MOTION: Mr. Kaitsa moved to adopt Ordinance 2001-57. Mr. Nolan seconded the motion.**  
**VOTE: Y 4 N 0**

**THIRD READING: ORDINANCE 2001-58: AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF POWELL, REVISING SECTION 1145.06: PARKING AND STORAGE OF VEHICLES, MOTOR HOMES, CAMPERS, BOATS, RECREATIONAL VEHICLES, AND TRAILERS.**

Stephen A. Lutz, City Manager, said that this is the third reading of this proposed amendment. He said that based on the input at the last Council meeting, Mr. Betz has made a change to this amendment.

David Betz, Director of Development, said that Section C-1 will change the 24 hour period to 48 hours based on Council's motion. This makes it consistent throughout the Ordinance.

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

**MOTION: Mr. Kaitsa moved to adopt Ordinance 2001-58. Mr. Nolan seconded the motion.**  
**VOTE: Y 4 N 0**

**THIRD READING: ORDINANCE 2001-59: AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF POWELL, ADDING SECTION 1147.13: SEASONAL SALES.**

Stephen A. Lutz, City Manager, said that this is the third reading of this proposed amendment regulating the sales of seasonal items such as pumpkins and Christmas trees.

David Betz, Director of Development, said he has nothing further to add on this amendment.

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

**MOTION: Mr. Kaitsa moved to adopt Ordinance 2001-59. Mr. Nolan seconded the motion.**  
**VOTE: Y 4 N 0**

**THIRD READING: ORDINANCE 2001-60: AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF POWELL, REPEALING SECTION 1147.13 (B): ROADSIDE SALE OF AGRICULTURAL PRODUCTS ZONING CERTIFICATE REQUIREMENTS.**

Stephen A. Lutz, City Manager, said that this is the third reading of this proposed Ordinance. It eliminates the section which regulates the roadside sale of agricultural products. He said that the City has no such sales.

David Betz, Director of Development noted that the Ordinance title has been changed to Section 1147.11.

**MOTION:** Mr. Kaitsa moved to amend Ordinance 2001-60 so that it reads Section 1147.11 (B). Mr. Nolan seconded the motion.

**VOTE:** Y 4 N 0

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

**MOTION:** Mr. Kaitsa moved to adopt Ordinance 2001-60. Mr. Nolan seconded the motion.

**VOTE:** Y 4 N 0

**FIRST READING: ORDINANCE 2001-67: AN ORDINANCE APPROVING THE SUBDIVISION PLAT FOR LAKES OF POWELL SUBDIVISION SECTION 6, PART 2.**

Stephen A. Lutz, City Manager, recommended that this Ordinance be taken to a second reading. He said that the City Engineer has asked for revisions on which Staff is working. Primarily this would include designating alignment of the Murphy Parkway extension, as well as noting on the plat that the road will be extended in the future.

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

This item was taken to a second reading.

**FIRST READING: ORDINANCE 2001-68: AN ORDINANCE ADOPTING THE PROPOSED BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2002 AND DECLARING AN EMERGENCY.**

**PUBLIC HEARING**

Stephen A. Lutz, City Manager, said that distributed in Council packets is the proposed 2002 City Budget. The Finance Committee reviewed this at their October 30 meeting, and is recommending that this Ordinance be taken to three readings.

Mr. Lutz briefly highlighted the changes in the budget found on pages 2, 3, and 4:

- Transfer \$229,356 from General Fund into Capital Improvement.
- Proposing the addition of \$50,000 to the restricted reserve account. This account was set up as rainy day fund for unforeseen hazards or emergencies. As has been the practice in the past, they are recommending adding \$50,000 to that account.
- Proposing the transfer of \$67,100 from the General Fund to the Parks and Rec programs fund. Those monies would be used to pay for the salary and benefits to the Parks and Rec Supervisor and the operating costs not offset from user fees.
- In the Administration department, funding is proposed to add a new position of Public Information/Special Events Coordinator. This position would assist in implementing the City's Comprehensive Communications Plan, improving communications to residents and coordinating our community events.
- In the Building Department, funding is provided to hire a 20 hour per week part-time Building Permit Coordinator. This position would assist in the processing of building permits.
- The Finance Department funding is proposed to acquire payroll software, so that Staff can process employee payroll in-house verses contracting the service.
- In the Police Department funding is provided for an additional Police Officer. This Officer would be assigned to work strictly traffic enforcement from Monday through Friday from either 6 a.m. - 2 p.m. or 11 a.m. - 7 p.m.
- The Public Service Department budget provides funding to hire an additional Public Service Maintenance Worker in order to maintain City owned property.
- It has been recommended that \$100,000 from the General Fund be transferred to the Street Maintenance and Repair Fund to supplement that fund for the annual street resurfacing and maintenance program.
- The Parks and Rec programs funding will provide for a part-time Intern who can assist our Supervisor in setting up programs and activities.
- The Capital Improvements Projects Fund includes money for projects which have already been approved by the City Council. Those include the Murphy Parkway right-of-way acquisition, repairing cemetery headstones, repairing the Powell Road culvert, reconstructing Seldom Seen Road, and reconstructing the Scioto Ridge and Olentangy Ridge bike paths.

Nan Metz, Finance Director, clarified that there are actually two ordinances. Ordinance 2001-68, the one that was just reviewed, adopts the budget, and then authorizes the Finance Director to revise the estimated revenues to

the County Auditor. The second Ordinance, 2001-69, actually establishes the appropriations from the revenues. The appropriations are based on the budget.

Mr. Kaitsa said that Ordinance 2001-68 declares an emergency. He asked if that is so Council can amend the estimated resources. Mrs. Metz said that it allows for the Ordinance to go to three readings, in order to be passed by January 1, 2001.

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

Mr. Kaitsa said he has no questions, but commends the Finance Director on an outstanding job. Mr. Cline concurred.

This item was taken to second reading.

**FIRST READING: ORDINANCE 2001-69: AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE MUNICIPALITY OF POWELL, DELAWARE COUNTY, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2002.  
PUBLIC HEARING**

Stephen A. Lutz, City Manager, said that this correlates with the budget discussion just held.

Nan Metz, Finance Director, said this establishes the level of control which Council has, as each Department is broken down by personal services, operating, capital, and allows adjustments within those categories.

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

Mr. Kaitsa asked if the State Auditor recommended that this be adopted as a Resolution to establish this level of control. Mrs. Metz, said that is correct. She added that previously when the Budget was adopted, there was control of each individual line item.

This item was taken to a second reading.

**FIRST READING: ORDINANCE 2001-70: AN ORDINANCE APPROVING THE FINAL DEVELOPMENT PLAN FOR HER FOR A 11,000 SQ. FT. OFFICE BUILDING LOCATED ON .99 ACRES ON THE SOUTH SIDE OF WEST OLENTANGY STREET, WEST OF MURPHY PARKWAY.**

Stephen A. Lutz, City Manager, said there is a public hearing scheduled for the November 20 Council Meeting. The Applicants will be present at that time.

David Betz, Director of Development, gave a brief review of the application. Mr. Betz reviewed the location in relation to the rest of Murphy Park development plan. He identified that the site is one of the commercial out-parcels along West Olentangy Street, directly across from Industrial Park Drive. Mr. Betz also showed representation of the site plan in conjunction with the site to the west, which is presently being reviewed by Planning and Zoning Commission for ASK Water Sports, a scuba diving lesson facility with retail scuba equipment, swim apparel, etc. Staff is trying to coordinate the sites together. As part of original development plan, it is proposed having a common access driveway across from Industrial Park Drive, then having access off Murphy Parkway, sharing the parking area with the public park to the south. There are several large mature trees along the property line, and Staff tried to layout the drive and parking areas to avoid the majority of them.

The proposed building is 11,000-sq. ft., two stories, and all brick and stone. Mr. Betz said there was a lot of discussion at the Planning and Zoning Commission regarding the design of the building, and this is the recommended design of this proposed office building. The building will be used by HER Realty, servicing Powell, Liberty Township area, Dublin, Orange Township and probably up to Delaware. Mr. Betz identified the side and rear elevations.

Mr. Betz provided an example of a building which is similar to this in Westerville. He said that the photo shows that the details involved in the design of this building separates it from the one proposed quite a bit, using stone areas, removing shutters, etc. The building shown is actually about 18,000 square feet as opposed to 11,000-sq. ft. proposed. Mr. Nolan asked where the Westerville building is located. Mr. Betz said he will provide Council with that information.

Mr. Betz reviewed photos of the site, from the south into HER, across from Olentangy Street, and from Industrial Park Drive to the right of the picture. The photos represented the view through the site from the southeast and

northwest, as well as the trees along Powell Road and the view across the back of the site, noting the large mature trees that staff is trying to save. Staff has adjusted the site plan to avoid the better trees. He said that an Arborist will be looking at all of these trees, and hopefully will report at the next meeting to identify those which are better to keep. He presented a slide which shows the trees along Olentangy Street/Powell Road, and where the proposed bikepath will be located, as per zoning plan requirements.

Mr. Betz stated that the Planning and Zoning Commission did recommend their approval to Council.

Mayor Klein opened this item to public comment.

Don Meigel, 394 Manderly Court, read a letter into the record (Exhibit). He is concerned about keeping Powell rural. The Planning and Zoning Commission approved it, and he doesn't think it meets the spirit or direction of the Comprehensive Plan. He said this building is the first thing motorists see entering Powell and this is the first impression they will have of Powell. The current design is very modernistic, very nice, a good looking building, but it belongs in another community. Mr. Meigel mentioned the Historic District which protects the architecture of the buildings in Powell. The proposed Village Green and façade plan which the Council approved is rural. He said that this building portrays none of that. He feels that Council needs to review directives they have empowered to the Planning and Zoning Commission. He asked if the Commission is to follow the Comprehensive Plan or own individual compromises. He said he knows there is a mixture, but think it is time for Council to say that the plan should be followed. He believes it would be inexpensive to make a façade change, making this a proud monument rather than just another office building. He strongly urged the Council to send this back to the Planning and Zoning Commission with the instruction that the building should reflect the rural atmosphere of the City as the Comprehensive Plan says.

Mr. Schultz noted that, as in the two Planning and Zoning Commission member letters (Exhibit), it is true that one can look at this as the first building that should conform to downtown design standards. He said that as we are only into this at one reading, we need to ask ourselves if we need to give consideration to the fact that as we go to the west, we run into the large commercial such as Big Bear and Kroger. He asked if Council needs to give consideration to that and recognize that, for where this is sitting, it may not be appropriate to ask it to conform to things that we would might want to ask of buildings as you move further into town.

Mr. Nolan asked about the square footage of Village Academy on South Liberty Street. He said that when considering Aeroflex, Council talked about those two buildings. Mr. Betz identified an example of this in relationship to Aeroflex, noting that the Aeroflex Lintek building is in two separate areas. He said that he is unsure of the square footage of Village Academy. Mr. Nolan stated that he doesn't disagree with the comments made by Mr. Schultz about transitional value. He said that he thinks that the key word in Powell is not rural, but small scale. He is concerned with the size of the proposed building. Mr. Nolan asked if the applicant couldn't achieve what they need from a business standpoint and its benefits to the community without this one huge building.

Mr. Cline said he would also like to know the size of the Village Academy, Lintek, which is in the record somewhere. He asked if there are any variances requested as result of this approval. Mr. Betz said there are two variances that were part of the discussion. One is that our Planned Commercial district requires a 60-foot setback. This proposal shows a 40-foot setback for this and the adjacent building for a couple of reasons. One reason is to provide secondary access on Murphy Parkway to utilize the traffic signal there for left turns. The other issue is with regard to the buildings to the west. There is UDF on the corner, and Colonial Fireplace, both which are set a little further toward the street. Staff is trying to bring the façade up and consistent along the street and that whole south side of Olentangy Street as you enter into town. Lapcraft and Milano Florist are also toward the street more. Staff is trying to create the identity of coming into Powell.

Mr. Betz stated that the other variance is in terms of design of the building, which has the eave line at the second story level. He said that sometimes you see two story buildings that look like one-story buildings, such as Lintek. Mr. Cline asked if in using that drawing, the roof would be brought down. Mr. Betz said that it would also knock out all of the windows on the second floor and basically make the building larger to accommodate the square footage that they need. They are providing a full two-story footprint whereas a design outlined in the code with a roof eave line at the first story level, would end up putting more square footage on the first floor and less on the second. Mr. Cline asked if that by allowing them to use a standard second floor configuration, are you increasing the usable square footage in the same footprint. Mr. Betz said that they are having the same amount of useful square footage with a smaller footprint. He stated that code would recommend a larger footprint. Mr. Cline asked if they were made to match code, could they have 11,000 square feet and the single level roofline or would that result in the reduction of available square footage. Mr. Betz said that would result in a reduction of available

square footage. Mr. Cline asked if for next meeting, it could be provided as to how much of a reduction this is. Mr. Betz identified overheads showing HER and the Lintek building. He said the HER building is not as wide, deep, or spread out. Mr. Cline asked about the height of HER versus Lintek. Mr. Betz said it would be just about the same.

Mayor Klein asked how many people will be working in the building. Mr. Betz said that Harley Rouda of HER will be able to tell Council at the next meeting but it should be available in the minutes of the Planning and Zoning Commission. Mayor Klein asked if it is Mr. Betz's understanding that these people will or will not be paying a Powell Income Tax. Mr. Betz said that was a question for the Finance Director to address, and he can follow up on the question.

Mr. Kaitsa had the same question regarding the footprint as it compares with the Lintek facility. He also asked if the Planning and Zoning Commission discussed trying to do this as two buildings with an offset like Lintek. Mr. Betz said they discussed that, but there is not a lot of room. He identified an earlier site plan, and noted that one can see that the design layout of the building with a center hallway reaching each individual office is repeated on each floor. He noted that it is a very economical way of providing space. The applicant did discuss the possibility of making it an H design or some other kind of set up. He said they concluded that this is a much better route. He noted that from the front, the back part of the building is not visible and you don't see that massiveness. Only from the side is the longer part of the building seen. He said the applicant did discuss other alternatives, but Council may want to ask Mr. Rouda why they prefer this design.

This item was taken to a second reading.

#### **COMMITTEE REPORTS**

<b>Development Committee:</b>	(Next Meeting: To be determined)
<b>Finance Committee:</b>	(Next Meeting: To be determined)
<b>Administration Committee</b>	(Next Meeting: To be determined)
<b>Service Committee</b>	(Next Meeting: To be determined)

There were none.

#### **MUNICIPAL MANAGERS REPORT**

Stephen A. Lutz, City Manager, introduced Susie Timmons, City Secretary/Receptionist. Susie will be serving as City Clerk during Dawn Nauman's maternity leave.

Mr. Lutz discussed the memorandum from Rob Rice, City Engineer, in regards to the Refuse Contract. In early October Council passed an Ordinance which gave Staff the authority to solicit bids and to accept the lowest bidder in regards to the refuse contract. There were three contractors that bid on the contract, Rumpke, Waste Management and Republic Waste Services. The lowest bidder was Rumpke of Ohio, Inc. (Exhibit). City residents are currently paying \$10.53 per month for refuse service and the low bid from Rumpke was a 3% increase over that, which would be \$10.85 per month. The next lowest bidder was \$2.03 higher, which was Waste Management at \$12.88 per month. The proposed contract with Rumpke can be extended on a year-to-year basis for up to four years. There is a cost adjustment clause in the contract. Mr. Lutz asked to review this with Council before signing the bid. Shawn Meadows, Rumpke, was also present to discuss.

Mr. Meadows had nothing to add, but was available to answer questions. Mayor Klein noted that the billing method A and B are the same price. He asked if the City has to select one or other, or are both available. Mr. Meadows said that it is up to individual resident. Mayor Klein particularly like method B, as people can have direct withdrawal from their checking account or an automatic charge to credit card, simplifying the billing process. Mr. Meadows said there are additional fees involved, but Rumpke feels that in the long run, the collection process will be more effective. Mayor Klein said that when Rumpke was last present before the Council he was one of their critics. He observed some problems that they were having prior to the renewal of the existing contract. Mr. Meadows had pledged good service and Mayor Klein was pleased to comment that there has been very good service and Staff has shared that calls regarding service have returned to a normal call volume. Mr. Nolan said that he was probably the most vocal critic of Rumpke last year and he appreciates the improvement this last year.

Mr. Lutz's final item was an issue that has been discussed with the Finance Committee, with no recommendation coming out of the Committee regarding this matter. This is in regard to the Development Fee at the Tyler Run elementary school (Exhibit). Mr. Lutz reviewed that the City has been asked to waive or reduce the City's Development Fees. He reviewed that the City has waived the \$28,500 recreation fee and the zoning fees for this project. The Development Fee for this project is \$21,840.90, based on the City's 30-cent/square foot Development

Fee. Mr. Lutz noted that the Development Fee is utilized to construct, repair, replace, or pave public streets, storm drainage systems, sanitary sewer systems, or other development needs such as Council deems appropriate. The Finance Committee has discussed this matter and has no recommendation. Mr. Lutz included some fees that the City has experienced as a result of the Tyler Run Elementary School. There are expenses associated with installing sidewalks, ramps, signs, pavement markings, paths, for price of \$13,800.45 plus City labor costs.

Mayor Klein asked if Mr. Lutz could identify those labor costs. Mr. Lutz said that can be provided. Mayor Klein asked if there are any additional items that need to be installed at the site. Mr. Lutz stated that at the last Council meeting, there was a request to install additional stop signs in this area. Mayor Klein said that one past discussion was that the City would charge their actual costs. Mr. Lutz said that was for our plan examination fees, which we contract out. The City reduced those fees and just charged the school district our actual expenses. Mayor Klein said he is in favor of a similar formula here. He polled Council members to receive their input.

Mr. Nolan said he thinks that Council should also include what was paid for a legal opinion in response to an absurd letter from the school district suggesting that it is not constitutional for us to do this. He felt this is a cost that the City should not have had to undertake. He said that it is clear from the information that Mr. Lutz provided here, that this fee is as it is intended to be. Mr. Nolan said this is designed to be a cost, and it will be very close to that amount when it is all added up. He said that although he is not opposed to doing what Mayor Klein is suggesting, he thinks it is clear that this is a reasonable cost. The fee should be collected and the Council should move on.

Mr. Schultz said that he agrees with Mayor Klein that there should be some sort of formula specifically calculating our costs. He also said that he agrees with Mr. Nolan that the formula works out to be pretty close, but given the special nature of a school versus other commercial property, he suggests the City only charge what it costs us.

Mr. Cline said that he is speaking for Mr. Kaitsa, since he is not here, after hearing his comments at the Finance Committee. He said Mr. Kaitsa is philosophically opposed to charging fees from one governmental agency to another, and is in favor of waiving the Development Fee or any portion of it that is directly attributable to an out of pocket expense that the City would incur. Mr. Cline, however, feels that this is the cost of doing business that all entities incur and the apportionment of cost is sometimes a difficult and complex process. He said that Staff has done a good of demonstrating that in the end the City will be within pennies of the same fee anyway. He doesn't think Council should ask Staff to spend a lot of time to figure out labor costs. Instead, he thinks Council should oppose the fee.

Mr. Kaitsa said that he felt that it was a public use in a public facility and that Council should waive the fee because of that. He said that he feels that the City has some development costs that are directly related to the construction of that facility and given that, the City should recover that fee. He feels that is the standard that Council has applied with the other fees, that the school district had agreed to reimburse us where there are out of pocket costs.

Mr. Klein said that there are three individuals saying that we should calculate costs, and two which say that we should go with the fee. Since Council doesn't have four votes, he suggests that Mr. Lutz can get additional direction at the next meeting. He would also suggest that with three people asking to calculate costs, Staff might want to look into that. Mr. Nolan asked how much City paid to Baker and Hostettler. Mr. Lutz will add that information once it is received. Mr. Schultz said Staff could also talk to other Council members that aren't here. Mayor Klein asked Mr. Lutz to poll the other Council Members and report back at the next meeting. Mr. Nolan asked again if Council agrees that the City should not incur this legal cost. Mr. Kaitsa, Mr. Cline, and Mayor Klein agreed.

Mr. Kaitsa said there is a sense that the hard costs are close to the Development Fee. Mr. Schultz suggested that Staff not add in labor costs. He maintained that if Staff can point out a specific number out of pocket, it makes a big difference as the City sends a bill to the schools. He said that even if it comes down to a \$1,000 difference, it is worth doing. Mr. Kaitsa agreed that Council should limit it to out of pocket costs. Mr. Cline said that labor is an out of pocket cost, but it is an opportunity cost. For example, the Engineering Staff couldn't go out and install Grace Drive signs or other tasks set as a priority, because they were installing these signs. He said that it is absolutely a cost. Mr. Nolan agreed.

#### **OTHER REPORTS**

Mayor Klein asked about the Traffic Engineering Service report. Mr. Lutz said that they have concluded their study of the four corner turn restrictions. Traffic Engineering Service wanted to wait until Seldom Seen was open

to take more traffic counts. They have done those traffic counts, and concluded that it didn't impact warrants of a signal at East Olentangy Street and Grace Drive.

#### **FINANCIAL REPORTS**

The Accounts Payable was received.

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

Dawn Nauman, Clerk of Council, encouraged Council members to visit the City Web Site. There are slight modifications that incorporate e-mail addresses for Staff members with RoadRunner when it is installed later in the week. It will allow residents to click on a specific Staff member and increase communication.

#### **OTHER COUNCIL MATTERS**

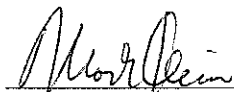
##### *Action Items-*

2001-01 Bikepath snow removal. Rob Rice, City Engineer said that there has been limited response to this item. He will have something prepared as a result of that inquiry as well as previous information regarding purchasing the equipment to do it ourselves and the required labor costs. This summary will be available at the next Council meeting.

2001-15 Board and Commission Appointments. Mayor Klein said that Mr. Lutz provided a list of terms which will expire. Mayor Klein said that there may be more changes to this information as Council will know more after the election and after the Members state their intentions. He asked if there are any restrictions regarding Council members serving on other boards. Mr. Lutz said that there are some, such as the Planning and Zoning Commission, which actually has a position made available for a Council Member. Mr. Schultz asked if there would be a problem appointing two people. Ken Molnar, Director of Law, said that the Charter calls for up to two persons. Mr. Lutz said that this was placed on the action item list to have discussions now and receive Council's direction as to whether Staff should poll the individuals to see if they are interested in continuing. Mayor Klein asked that Mr. Lutz contact those persons whose terms are expiring and determine if they plan to continue. He also asked Council if it is appropriate to require those who are joining Council to advise as to whether they plan to continue. Mayor Klein asked Mr. Lutz to contact those persons and ask them if they wish to continue or if they intend to resign their positions. Mr. Molnar confirmed that we can have two Council members on Planning and Zoning Commission.

#### **ADJOURNMENT**

The Council adjourned at 8:46 p.m.

  
\_\_\_\_\_  
Mark Klein                      12/3/01  
Mayor                                      Date

  
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Sue Timmons                      12/3/01  
Interim Clerk of Council                      Date