

CITY OF POWELL COUNCIL

JANUARY 15, 2002

A regular meeting of the City of Powell Council was held on January 15, 2002, and called to order at 7:30 p.m. by Mayor Art Schultz. Other Council members present were Richard Cline, George Kaitsa, Mark Klein, David Lackey, Jim Seta, and Dan Wiencek. Also present were Steve Lutz, City Manager, Ken Molnar, Director of Law, Dave Betz, Director of Development, Robert Rice, City Engineer, and Sue Timmons, Interim Clerk of Council.

MOTION: Mr. Lackey 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. Kaitsa seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Klein moved to adjourn from Executive Session at 9:30 p.m. Mr. Lackey seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Seta moved to reconvene in regular open session at 9:30 p.m. Mr. Klein seconded the motion.

VOTE: Y 7 N 0

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION

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

APPROVAL OF MINUTES

The minutes of January 2, 2002 were approved as printed.

RESOLUTION 2002-02: A RESOLUTION RECOGNIZING MARK KLEIN'S TENURE AS MAYOR OF THE CITY OF POWELL 2000 – 2001.

Mayor Schultz commended Mr. Klein for his notable accomplishments as Mayor of Powell. He said that he was involved with the initiation of the Village home page, the communications master plan, and the community roadmap to the future. Mr. Klein was also involved with the Parks and Rec Program and helped institute the entire department. He was involved with the development of the Village Green Master plan, the Scioto Ridge School bike path and the City's first Wendy's Cycling Classic. In development, Mr. Klein was involved with the completion of the Grace Drive extension and the Murphy property annexation and development. Mayor Schultz noted that it was a major accomplishment for Powell to move from village to city status during Mr. Klein's tenure as mayor.

Mr. Klein accepted a plaque recognizing his tenure as mayor. He stated that it was an exciting time to serve, and acknowledged the help of Council, Planning and Zoning, and Parks & Rec and their contributions toward those achievements.

MOTION: Mr. Cline moved to adopt Resolution 2002-02. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0 Abstain 1 (Klein)

SECOND READING: ORDINANCE 2002-01: AN ORDINANCE APPROVING THE FINAL DEVELOPMENT PLAN FOR A.S.K. WATER SPORTS/AVALON SWIM CLUB. FOR AN 9,540 SQ. FT. SCUBA AND SNORKELING CENTER LOCATED ON 1.03 ACRES ON THE SOUTH SIDE OF WEST OLENTANGY STREET, WEST OF MURPHY PARKWAY.

Public Hearing

Stephen A. Lutz, City Manager, stated that the applicant is present and Staff will make a presentation about this development. He noted that P&Z met last week and focused primarily on the roof material for this proposed structure.

David Betz, Director of Development, noted the overall development plan of the Murphy property. He indicated the location of the lot and those surrounding it. Mr. Betz noted access to the site and defined the use of the properties adjacent on the north side of Olentangy Street. He described the access road, which was coordinated with the HER site, and noted the location of the building and parking. Mr. Betz noted the location of the proposed fencing and bike path. Elevations were shown, and Mr. Betz described building products. He noted markings on the elevations which represent the P&Z Commission preference in regards to the standing seam metal roof on those portions. Mr. Betz said that their recommendation also included review by Council of the information regarding the use of metal roofs. Mr. Seta noted that P&Z expressed a preference for metal roofing on the two

story portion of the building, while the applicant expressed a preference for metal roofing on the single story portion of the building. He said that P&Z was to be provided with evidence that there may be a leak issue if the metal roof was installed on the two story portion of the building. The Commission deferred to Council by approving the project as recommended by the applicant with the instructions that they felt the information was not sufficient to support the concern about leaks. P&Z still prefers the metal roof on the two-story portion of the building. Mr. Betz said that the applicant and architect are present to address questions.

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

Mayor Schultz noted that there is a letter from the architectural advisor placed before Council. Mr. Seta said that he has been reluctant about the project as a single use building. He said he had problems with the design of the building, but was won over by the architectural advisor, who indicated it would be consistent with the look of a barn which had been added on to. Mr. Seta said that he and the architectural advisor have a preference for a metal roof on the second story portions and asphalt on the single story portions so that it conveys that look. He said that he has seen the letters from the engineers for the applicant and he is not convinced that this will cause a leaking situation. He said that the installation is the key to any roof in the control of leaks.

Mr. Schultz asked if there is still a request for approval tonight. Jim Clark, architect for the applicant, stated that it would enable them to coordinate construction with that of the HER building.

Mr. Wiencek said the building is ok as is. He said that the only remaining issue is the roofing material. He said he is a strong proponent of metal roofing on the second story portions of the building. He said that there is now a case of dueling experts in regards to the roof leaks. He said it is just a case of close watching over the installation as opposed to an inherent flaw in the design of the building. He said he would like to see metal roofing used on the second story portion.

Mr. Klein asked about the proposed use and about the existing client base. Mr. Clark stated the applicant's present business is on Riverside Drive in a strip center, where there is no pool. She must go to local companies to rent time and space for instruction. He said the applicant feels this is a better area and can have the pool on site. He stated that there is not a lot of public teaching of swimming classes in the area. Mr. Klein asked if the facility will be used by other groups such as schools for diving or swimming practice. Mr. Clark said that as of now, there are no plans for renting the facility out to schools. He said there will be no diving board or grandstands for events. Mr. Klein asked how many hours per day the facility will be open. Mr. Clark stated that the applicant's present hours are weekdays, 12 - 9 p.m. and weekends 12 - 6 p.m. Mr. Clark stated that ten people plus an instructor would be in the pool at one time, with most of the classes at night and on the weekend.

Mr. Kaitsa asked about the location of the building and Mr. Betz indicated its location in regard to the HER building. Mr. Kaitsa asked about the type of roofing on the HER building and Mr. Betz said that it is asphalt shingle. Mr. Kaitsa said that he is interested in the appearance of the standing seam metal roof, and how it is balanced with asphalt roof on the adjacent building. He asked for clarification as to where the applicant wants to install metal roofing. Mr. Clark said those areas would be seen on approach and the applicant would like to put the metal roof where it can be seen. He said that they believe they will get more bang for their buck on the lower roof.

Mr. Cline said that Mr. Slavik stated in his letter that the key, whether the metal roof is on the upper or lower, is the quality of installation. Mr. Clark said that the two hips coming together at the valley is the problem. He said that the contractors said that if it was a straight one-piece roof, there is not a problem. The intersection lines, intersection valleys and hips present the issues. Mr. Cline asked if they are comfortable that it can be avoided on the lower sections. Mr. Clark said that they can avoid that as it is designed. Mr. Cline asked for clarification of the detail on the lower section. Mr. Clark said that the section is sided with hardiplank.

Mr. Seta asked about the cost difference in roofing material. Mr. Clark said that metal is at least 3 times as much as asphalt shingles. He said that general costs of construction compare it at 3.5 times the cost. Mr. Seta said that metal has three times the life as shingles. Mr. Clark said one can get 20 years out of each. Mr. Seta said that the certificate for any roof is the key to leaks. He said standing seam is typically 15 - 20 years, depending upon who installs it. He said he is in favor of the second floor being metal, with the lower floor shingled. He said that it is a nice facility and it would break up the roof lines to utilize that type of roof. He said that he is not in favor of pushing this through at the second reading. He encouraged Council to think through this more and obtain more public comment. Mr. Clark stated that the owner is willing to go to a third reading if there is an issue.

Mayor Schultz said that it makes more sense to have metal on the second story. He said that the metal roof will give additional life and that is why schools, who have no interest other than lifecycle cost, have chosen to use it. He said he agrees that the roof is more complicated on the top, but the benefits make it much more logical. Mr. Lackey said that a metal roof was not appropriate for the design of the HER building, but is appropriate to the barn look of this building. Mr. Wiencek asked if there is some minor design change, such as removing a hip, that will simplify the roof design without radically changing the design of the building. Mr. Clark said that was discussed with P&Z. He said that there is a problem in that the two story piece on the east elevation does not line up with the other two story piece. He said that it could not be changed to a gable. He said there are some things that could be done, but it would involve re-working the structure of the building. This ordinance was taken to a third reading.

SECOND READING: ORDINANCE 2002-02: AN ORDINANCE AMENDING THE ZONING MAP FROM PC, LIBERTY TOWNSHIP PLANNED COMMERCIAL AND OFFICE DISTRICT TO PC, PLANNED COMMERCIAL DISTRICT UNDER CITY OF POWELL ZONING FOR PROPERTY RECENTLY ANNEXED INTO THE MUNICIPALITY OF POWELL AT 10136 SAWMILL ROAD.

Public Hearing

Stephen A. Lutz, City Manager, said that this property was recently annexed into the city and is proposed to change to Powell Planned Commercial zoning. Mr. Betz reviewed the location of the site and the use of the business. He noted the location of the different buildings and their uses. He said that all uses are allowed within the Planned Commercial district. He said that the P&Z Commission recommends approval of the rezoning with a few variances, specifically in regards to the construction of the building. He said that would have to go through the development process when they are ready to proceed and there would be a change to the setback line. Mr. Albright, attorney for the applicant, said that the applicant has contemplated the removal of one of the buildings and replacing it with another, as well as putting a garage in the future. He said that Voss Brothers will maintain the property as it has been, and asks for Council's timely approval.

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

Mr. Klein asked if the outbuildings behind the house will be removed. Mr. Voss said that the old milk house will be taken down and the playhouse at the north rear of the house will be removed. He said that once approved, a two-car garage will be built to take their place. It will have siding and roofing to match the house. Mr. Cline asked if the proposed garage is detached. Mr. Voss said that it will be detached, as there is no way to make it look nice as an attached structure. He said that there is presently an asphalt area for parking for the tenants, and they anticipate placing the garage on that spot. Mayor Schultz asked about the time frame for construction of the garage. Mr. Voss said he would like to act on the garage as soon as possible. He said the storage facility to the west of the property will not be replaced for another year. At that time, he will screen everything from Sawmill Parkway and store everything inside. He said that is his goal, from both security and aesthetic standpoints. Mr. Kaitsa asked if the third outbuilding would be removed. Mr. Voss stated that the building would be removed and replaced with a new facility with added landscaping and the same siding and roofing. It would blend in with the existing structures. Mr. Kaitsa asked if Mr. Voss needs this rezoning to proceed with the garage. Mr. Voss said that he is unsure. He said it is not a dire need, but he would like to proceed with the garage. When asked about the timetable on the garage, he said that it will probably be built this summer.

Mr. Seta asked if the error in the notes about parking of recreational vehicles had been changed. Mr. Betz indicated that they will be changed. Mr. Seta asked if there was an antenna on the property. Mr. Voss said there is a monopole communications tower in the southwest corner. It is leased to Spectrasite now, is less than 200' tall, and does not require a light. He said that there are twenty years left on the lease of that 30' x 50' piece of property.

Mr. Cline stated that he thinks Council should require that the outbuildings be removed and the garage built as part of the wording of the ordinance. He said he is less concerned with the time frame, but wants to make sure it is part of the zoning approval. He suggested that it take place within a year and Mr. Voss agreed. Mr. Betz suggested an addition to the ordinance, section 1, subsection 4, reading that "the garage shall be completed within one year." Mr. Voss asked that the rear barn not be included in that time requirement. He said he would be willing to remove the two outbuildings at the Northeast corner of the lot, behind the residence and construct a garage facility within one year of the approval of the ordinance.

MOTION: Mr. Cline moved that Ordinance 2002-02 be amended in Section 1, adding Subsection as follows: The applicant is required to remove the two outbuildings at the northeast corner of the lot behind the residence and construct the garage facility, if it is to be constructed, within a twelve month period of the date of the adoption of the Ordinance. Mr. Kaitsa seconded the motion.

MOTION: Mr. Cline moved to adopt Resolution 2002-02. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

Mr. Wiencek asked Staff to check into the current business operations, signage, and storage to make sure it all fits within City code. Mr. Betz said the applicant will submit a sign plan as part of this ordinance. He said that with regard to outdoor storage, the applicant temporarily stores delivery pallets until they can be shipped back to the supplier for re-use. He noted the location of that storage. Mr. Betz said that is not a problem, because the screening keeps it from being seen from the street. Mr. Voss said they acquire more pallets in the spring, but they are stacked in neat rows and are quite a distance from Sawmill Parkway. He said they are picked up at least once a month and they are positioned so they are not visible from any direction. Mr. Betz said that there are no notable violations.

MOTION: Mr. Cline moved that Ordinance 2002-02 be amended in Section E, Subsection 1, third line, changing the direction to read "southwest". Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Kaitsa moved to suspend the rules on Ordinance 2002-02. Mr. Cline seconded the motion.

VOTE: Y 6 N 1 (Seta)

MOTION: Mr. Kaitsa moved to adopt Ordinance 2002-02. Mr. Cline seconded the motion.

VOTE: Y 7 N 0

FOUR CORNERS TURN RESTRICTIONS – REVIEW TURN RESTRICTIONS

Mayor Schultz noted that this item was discussed at the Council Goal Setting Session. He said it was decided at that time that before the signage was set as it had been discussed previously, Council would reconsider this based on comments made at the Goal Setting Session.

Mr. Lutz said that at the current time, the restrictions are scheduled from 7 a.m. to 7 p.m., seven days per week. Robert Rice, City Engineer, recalled that the traffic consultant recommended restricting left turns all of the time, 24 hours per day, 7 days per week. He said that last fall Council requested a recommendation for alternate restrictions if turns were not restricted all of the time. He noted that an August 29th memo shows a graph which was instrumental in determining the 7 a.m. – 7 p.m., 7 days per week restrictions. (Exhibit) He said that the graph demonstrates that during the period of time between 7 a.m. and 8 p.m. weekdays, as well as weekends, the volume remained relatively. Council had felt that in order to gain the benefit of turn restrictions, they would have to be in force during that period. The recommendation to Council was 7 a.m. to 7 p.m. 7 days/week. Mr. Rice said that at this point the signs are already prepared and scheduled for installation beginning next week. He said that if Council decides to revise the hours, this is a good time to do it, in order to eliminate confusion. He said that the signs can be changed easily and it should only delay installation a couple of weeks.

Mr. Seta asked if the volumes shown on the graph are Olentangy Street volumes from east to west. He also asked about the definition of turns. Mr. Rice said that the numbers are for total volumes, not identifying turning movements. He also stated that the technical appendix shows peak hour turns of 80 to 100 per hour throughout the day. The summary of data indicates 400 – 600 east- to westbound vehicles per hour during the weekdays, with Friday being a little higher.

Mr. Kaitsa asked if Council needs to bring back the ordinance, or pass a new one. Ken Molnar, Director of Law, stated that depending upon what is decided to do, Council can repeal the current ordinance, amend it, or pass a new one.

Mr. Wiencek asked if these traffic statistics, taken from 1998, have gone up in number. Mr. Rice said that they may be slightly higher. He said that Sawmill Parkway, Seldom Seen, and Grace Drive may have rerouted some traffic. Mr. Wiencek asked about the current level of service for the Four Corners intersection. Mr. Rice said that it was analyzed at a level of service AM peak existing as an intersection as a level of service "B". He said that the intersection, with no eastbound or westbound left turns in the AM peak, would still be a "B", but the delay time goes down. He said that the PM peak existing was a level of service "C" and PM peak with no eastbound or

westbound left turns would also be a level of service "C" with the delay going down as well. He said that it was noted by the traffic engineer that the particular modeling used does not model a lack of left turn lanes very well, so that the realization of delay may actually be less than what is modeled with left turn restrictions implemented. Mr. Rice said the improvement could be greater than expected. Mr. Wiencek said that a level of service "D" is considered acceptable and asked Mr. Rice if he felt that was acceptable. Mr. Rice said that the traffic engineer mentioned several times in the Powell Road Comprehensive Traffic Study that Powell is viewed as an urban area and shows level of service "D" as acceptable. He said that the study sets up level of services differently for signalized versus unsignalized intersections. He said that this is because the traveling public has different expectations of wait when they come up to a traffic signal versus an unsignalized intersection. Mr. Rice noted instances that compared the delay time at signalized and unsignalized intersections.

Mayor Schultz opened this item to public comment. Kathleen Quirk, representing the Powell Area Chamber of Commerce, asked Council to reconsider their decision to prohibit left turns at the Four Corners. She said prohibiting turns from Olentangy Street onto Liberty Street between the hours of 7 a.m. and 7 p.m. will cause a hardship on businesses located within a two-block area of the intersection north and south on Liberty Street. Ms. Quirk stated that she can see the intersection from her office window. She said that based on her observation, she would recommend prohibiting left hand turns through the evening rush hour of 4:30 - 7:00 p.m., which is the same as the current Depot Street restriction. She said that it confuses people if there are different hours for different left turns. The mayor closed the public comment session.

Mr. Wiencek said that he agrees with Ms. Quirk's position. He said that he can foresee the day when there will have to be more restrictive left-hand turns, but does not think that the City is there yet. He said that using all of the accepted measures of the industry, the city is not at a point where it needs to be dealt with because it is not a failing intersection. He said that it is a case of impatient drivers. Mr. Wiencek said that he is a firm believer that roads are like sponges, where after a while they can't absorb any more and the drivers find another way around. He said that he is not anxious to make it easier for through traffic to come through, as that only encourages more through traffic. He said he is in favor of shortening the restriction time and that Ms. Quirk's proposal is as good as any.

Mr. Klein said that there are a lot of issues with this intersection. He said that the City built Grace Drive with the intention of shifting the turning movement to Grace Drive. He said that was a primary motivating factor for him. He said that at the time that Grace Drive was built, Council said that they would consider moving the turning movements to Grace, and if that didn't work, then put left turn lanes at the four corners. Mr. Klein said that was their second, but not the desirable choice. He said that clearly it was recognized that there was a problem with the left turning movements, not a lot of alternatives for people to get through the four corners, and that one turner blocks the whole line. He said that he was in favor of creating an alternative to turning left at the Four Corners by building Grace Drive. Mr. Klein said that the topic then turned to how long do we restrict the turns. He said that one of the concerns voiced at the time was that if there were shortened periods of time, people will be looking at their watches, trying to determine whether they need to turn before they get to the intersection. He said there was concern that if they had a morning and an evening restriction, but an open turning time in the day, that it would be difficult for people to determine their turning movements. He said that the primary recommendation that came out of those discussions was that there be no left turns all of the time, with a fall-back position of 7 to 7 restrictions. He said that concern for the businesses was discussed, and how people would get to those businesses. He said that he personally had thought about how well things worked for the bicycle classic as a result of proper communication. Mr. Klein said that he has observed on school mornings that traffic comes up Olentangy Street and turns left on Liberty to go to the Village Academy. He said that those turns would be prohibited, so the school would communicate to those people that they would have to turn on Bennett and go to Liberty and turn right. He said it would probably be the same distance and same time traveled, but they are more informed through a proper communication as to the appropriate way to get to their destination. He said that communication is the way for the businesses to advise their repeat customers as to how they can get to their end destination. He said that if it was a retail business such as a convenience store, the business is heavily dependent upon a certain amount of road traffic and that traffic is cut in half, then the business is cut in half. He said that is a valid concern. Mr. Klein stated that if these are destination points, where you will not drive by on your way home and stop in for that type of purchase, but consciously make a decision to drive there, then those businesses should be telling customers how to get there. He said that he thinks Council should go with the 7 to 7 restriction, which could be revisited if it is not workable. He would rather ease off on the restrictions than try to tighten them up.

Mr. Rice asked to clarify a question which Mr. Wiencek had about the operation of the intersection. He stated that when he was referring to the level of service, he was referring to what the traffic engineering consultant obtained

through his modeling. He said that in fact, the level of service for the intersection is far worse than a level of service "C". He said that a level of service "C" would end up being a 20 to 35 second delay, and it is well known that that is not the case. He said that field observations show that this is a failing intersection during a good portion of the day. He said that the traffic consultant mentioned in the report that "the signalized capacity analysis of the Four Corners shows there is a level of service "C", however, this does not correspond to the observations in the field during the peak hour." In the evening, Mr. Rice noted that east bound cues can extend from the intersection to Village Pointe Plaza, and he has seen them all the way back to Sawmill Parkway at times, depending upon events in the area. He said that the report indicates level of service "C", but field observations indicate otherwise that it could be considered a "failing intersection".

Mr. Kaitsa stated that he was pleased to have a representative of the business interest. He said that he has felt all along that a 7 to 7, 7 days per week restriction is unnecessary. He said that he hopes Council will reconsider this. He said that the whole idea of no left turns started from the issue of having peak hour volumes, more in the evening, but to some extent in the morning. He clarified that Ms. Quirk meant Monday through Friday restrictions. Mr. Kaitsa said that that is where it is appropriate and Council should consider 7-8:30 a.m. and 4:30-7 p.m. to be consistent with other signage. He said that he favors starting with a less extreme approach, and he suggested 7 – 8:30 a.m. and 4:30 – 7 p.m. restrictions.

Mayor Schultz asked Ms. Quirk what the effect of limited hours would be on businesses in the area. She said that the restrictions could go from 7 - 9 a.m. and it wouldn't effect businesses in area. She said that she doesn't see a back up in the mornings. She said that three days a week she is there at 7:30 a.m., and the other two days at 8 a.m. and she does not see a backup from a downtown standpoint. She said that coming into work at that time, traffic is heavy at Jewett Road and Liberty, Bennett Parkway, Olentangy Ridge, and by the Middle School on Liberty.

Mr. Cline said that it is a bad idea to reconsider this decision at this time. He commented to Ms. Quirk that this is not meant to discourage her efforts or comments. He said that at the time of Council's adoption of the plan of 7 – 7, 7 days per week, several things happened. One was that there was extensive debate about the impact of this on all of the residents, including business owners. He said that second, the Council recognized that the traffic engineer was recommending a ban 24 hours a day, 7 days a week and this was a substantial compromise from the recommendation of the traffic engineer. He said that thirdly, Council had regular input as to the reaction of the traveling motorist to this type of patchwork or crazy quilt hours of various restrictions. He said that all of those things coalesced into the plan which will be implemented in approximately ten days. Mr. Cline said it is reckless of Council to consider changing that plan at this state in the process.

Mr. Lackey said that traffic improved when 270 improved. He said that showed that the cut through traffic was taking the path of least resistance. He said that the easier Council makes it to cut through Powell, the more traffic Powell will get. Mr. Lackey said that Council cannot assume that Powell will have the same traffic volume going through there if it is made easier to go through Powell. He said they may get through faster, but there will be more cars to slow things down. He questioned as to who will be prevented from turning. Mr. Lackey said that with a left turn ban, Council is not hindering cut through traffic, they are hindering local residents and people visiting businesses. He said that with a left turn ban, Council is making it easier for cut through traffic to go through Powell, but harder for residents to go home, or people to visit businesses. He said that based on that, he has always been against any left turn ban because it doesn't preserve what has been tried to achieve. He said that he is against left turn bans altogether, but has some sensitivity to the fact that he doesn't like to come onto a Council and immediately undo some of the last things done by the previous Council. He said that with that sensitivity in mind, he would be open to restrictions, but perhaps a little more open ones.

Mr. Seta stated that he has three basic concerns. He said that one of his greatest fears is the impact to businesses. He said that he doesn't want to second-guess the hard work done by the previous Council, but this can be evaluated as time goes. He said that it can be implemented and revised. Mr. Seta said that he feels that it is better to start out big and reduce it down. He said that if it is implemented as it is, then he agrees with Mr. Klein that Council must communicate as to how people will get around town. He said that is the first thing that people have asked him and that Council must be sensitive to all of the people that this will impact. He said that there needs to be a mechanism to evaluate the flow of traffic monthly.

Mayor Cline confirmed that Mr. Lackey recommends the 4:30 – 7:00 ban.

Mr. Lackey said that he recommends no ban on turns, but will agree to the 4:30 – 7:00 p.m. ban. Mr. Seta said that he agrees with the 7 a.m. to 7 p.m. ban.

Mayor Schultz stated that whatever Council does, he believes that they are in agreement to implement and then watch and see what happens. He questioned Council as to which way they wanted to start, with a shorter or a longer ban. He said that he is concerned about the downtown businesses. He said that he is personally interested in starting with less restriction and letting it grow if there are continued problems.

After being polled, four Council members agree with a 4:30 – 7:00 ban. Mr. Molnar said that Council will need to amend the old ordinance. Mr. Kaitsa said that he is concerned that they are ready for signage next week, so that Council should at least rescind the old ordinance. Mr. Lutz said that if there is discussion about changing the hours, Staff will put a hold on the installation of the signs. Mr. Cline asked if Staff has ordered the 7 - 7 signs. Mr. Rice said that they had been ordered, but if there is a consensus this evening, Staff can place a phone call to the contractor and will have them change the signs while the ordinance is being readied.

Mr. Cline said that Council spent a million plus dollars to build Grace Drive on the concept of prohibiting left turns at the Four Corners. He said that Council has been beating on Staff to get that implemented for four months and now Council is talking about tinkering at the edges with a process that is almost done. He said that his last ditch plea to Council is that they implement what they have planned for several months, and then tinker after they see how it works. He said that he believed that was the way that it had been planned all along.

Mr. Wiencek said that his personal experience is that traffic is worse during the summer when the Zoo and Wyandot Lake are open. He said that his fear is that putting it in now, there will be no true measure of the impact until then. He said that it would present 7-8 months of experiment. Mr. Wiencek said that a true test is through the summer and he doesn't agree with testing something that he is against for that long of a period. Mr. Kaitsa said that now is the time to make the change, before the disruption is created for the business community and residents and before additional expenses are incurred with the signage. Mr. Wiencek asked if these signs could be stored and have another set made. Mr. Rice said that the signs are not expensive and the installation is planned to begin next week. He said that it will take a week to get the signs, the signs will be bagged and covered, and will not be unveiled until everything is in place. There will be temporary programmable message signs up and Staff will coordinate a map that will be distributed to businesses. Information will be sent out by Press Release as well as on the City Web Page. Mr. Seta said that Council has nothing to lose by implementing this. He said that if Council determines that they are wrong, they can say that they have evaluated it and need to make changes. He said that it is not up to Council to assume what it may do. He said that Council has a paper in front of them from a consultant who has evaluated this issue. He said that it must be implemented, see how people react and how their minds think. Mr. Wiencek asked if there is an upcoming closure with a Bartholomew Run culvert that will shut down Powell Road during construction. Mr. Rice said that the culvert of a tributary between the two entrances of Olentangy Ridge that will be replaced. At this time it is not far enough along to know if 750 will be shut down completely. Mr. Rice said that it will likely be a two week closure and whatever the case, there will be a maintenance and traffic plan as part of the engineering. He said they will give full consideration of all of the options and will be in very close communication with the state as well as the township.

Mr. Schultz stated that he agrees with all of the comments in that whatever Council decides will need to be reconsidered. He said it is decided to go with 4:30 to 7:00 p.m. and find that there are still backups, then Council will know which way to go. If Council goes from 7 a.m. to 7 p.m., then it will be difficult to know, or have incentive to reduce the ban.

Mr. Cline said that if Council looks at the left turn on Depot Street, it went just the opposite of what was the Mayor stating.

Mayor Schultz said that this is a case of reasonable people disagreeing on reasonable topics, but that all agree that Council will have to see how it works. He polled the Council members, finding four members wanting to come back at the next meeting with reduced hours of Monday through Friday, 4:30 to 7:00 p.m. It was decided that the signs would be ordered.

COMMITTEE REPORTS

Mayor Schultz asked that two members of each sub-committee get together and decide when to schedule their first committee meeting. He moved forward to the next item on the agenda.

MUNICIPAL MANAGERS REPORT

Stephen A. Lutz, City Manager, said that at the Goal Setting Session, Council asked about getting information about a Bond Issue on the spring ballot for the parks. Mr. Lutz stated that there is a schedule in front of Council. (Exhibit) He said that also attached is information which shows the impact of millage on the market value of homes.

Mr. Wiencek asked if in regard to the amounts, can Council time implementation of the millage. He asked if the millage grows as the bonds are issued or does Council have to issue them all at once. Mr. Lutz said that they would be issued all at once, where the City would receive the full amount, invest those funds and accrue interest as it is spent down. He stated that over time, the millage would be less because of the assessed valuation of the growing community. He said that as the assessed valuation of the community goes up, the millage drops and the impact on each household drops. Mr. Kaitza said that there are typically five years available to use the proceeds.

Mr. Wiencek said that they asked for the timetable to determine if May is a possibility. He said that there are no final figures for any of the parks, but do have fairly accurate figures for most of them. He said that the Village Green needs to be looked at closely to determine needs. Mr. Lutz said that it is a policy issue of Council where it will have to determine how specific it wants to get when marketing a bond issue to the community. Mr. Wiencek asked if Mr. Lutz had an estimate of the cost of a special election. Mr. Molnar said that the last time it was checked, it was approximately \$3,000 to \$4,000. Mr. Wiencek said that he would rather do it right with a special election. Mr. Seta said that he is very concerned with the fire station and school levy looming. He said that the iron is hot and what Council has to do is rather broad based. He said that their numbers do not have to be exact at this point, that they have rough figures that can be pared down and come up with a round figure to get the issue through. Mr. Seta said that lots of people want to help. He said that determining how to market the levy and getting out information is going to be critical. He said that this is the first step and then there will be a three and a half-month period where Council can do the marketing, fine tune the numbers and prioritize the parks.

Mr. Cline said that he was unable to attend the Goal Setting Session, but he is not yet convinced that a voted bond issue is the best way to address this issue. He said he tends to favor Mr. Wiencek's approach where Council massages the numbers to get them more precise, even if it means we have to have a special election at a later date, if he is convinced that a voted bond issue is the appropriate way to solve the problem.

Mr. Klein said that he wants to move forward as rapidly as possible. He said that a lot of hard work was done by the Park & Rec group, where they determined an equipment list and cost estimates for every park. He said that when Staff gets cost estimates, they add in estimates for permits and overages so that there are enough funds to complete the process. He said that Council should do some of those things to make sure that there is enough funding. He said he is concerned that Council may get something passed, and not have the funding needed to complete the process that the residents were asked to support. Mr. Klein said that if Council can't get it done in time for the May election, he would support having a special election.

Mr. Kaitza said that he agrees that Council should forge ahead. He said that he believes that the bond resolution doesn't need to be that precise. He said that Council will have to determine if \$5 million dollars is the figure that they want to go with and then the resolution can simply say that the funds are used for development of a citywide park system. He said that it can be a fairly general resolution, and that would give Council time to develop the materials to promote the levy. He said that there is no good time, that something always comes up and that Council should move forward and see if there is support in the community to support the parks system.

Mayor Schultz said that everything that Council has done in the last five years has been looked at carefully in terms of cost. It may be the case of whether Council wants to get the 80% solution for half of the cost. He said that there are a couple of parks that will be keystones, and others that, with some amount of work, could provide a great amount of use. Mayor Schultz said that finishing every park per the plan isn't really what the City needs at the moment. He said that the City should move on some of them such as the Village Green and the Falcon Ridge Park in particular. He said that he is concerned that if hurried, Council will end up getting the price above what the voter will support. He also said that if not in February, there should be a special election.

Mr. Molnar noted that a tax levy is an alternative source for funding to a bond levy.

Mr. Lackey said that he does not want to compete with a school or fire levy. He said that perhaps if it is broken apart, there will not be the competition. He also stated that he is less inclined to do 80% on some parks and 100% on others. He said that if citizens vote resoundingly in support of this, then Council should go 100% all of the way,

because that is what the voters want. Mr. Lackey said that if the voter say that is not quite the case, then Council can cut. He said he prefers a special election, because there will be no confusion of issues.

Mr. Wiencek said that February 5th is only twenty days away and if there if going to be an effort, there needs to be a joint meeting of the Finance, Development and Parks committees sometime in the next few weeks that is long enough to hash through all of these issues. He said that is what it is going to take and can all of those persons get together in time to make it happen. Mayor Schultz said that he is not hearing anyone say that given all of the right conditions, that they couldn't live with having it on the May ballot, but he did hear concern whether Council could meet all of those conditions to make us feel comfortable.. He asked that the Development and Finance Committees communicate to see if they can press forward.

Mr. Klein said that even if we file with the resolution of February 5th, Council would have until February 21st to file with the Board of Elections. Mr. Lutz said there would be two resolutions which Council would have to adopt. One would declare a necessity, and it would have to be adopted at the next Council meeting. The following meeting after that, there would be a resolution determining to proceed. Mr. Wiencek asked at what point in time there would need have the bond figure. Mr. Lutz said that he would assume that would be at the first resolution, because Council would have to file the resolution with the County Auditor who certifies the millage necessary for the size of the debt.

Mr. Seta said that the Village Green is the big-ticket item and there is a lot of "gold plating" that can be eliminated. Mr. Cline said that a joint meeting will in fact be a Council meeting, as there will be four Council members present discussing a policy issue. He said that it will have to be advertised the same way as any other Council meeting. He said it would be a special Council meeting, meeting as a committee of the whole. It was suggested that this special meeting could take place as part of a joint meeting held on Tuesday, January 22.

Mr. Lutz stated that the Council members will find in front of them financial disclosure forms from the Ohio Ethics Commission. He said that as a result of becoming a City, this form is now required of all elected officials.

Mr. Lutz stated that at the last meeting in December, Council passed a resolution that reduced the development fees related to the construction of Tyler Run Elementary School. By mistake, Council adopted that as Resolution 2001-10 and it should have actually been Resolution 2001-22. He said that there needs to be acknowledgement from Council tonight which can be put in the minutes.

MOTION: Mr. Kaitsa moved to amend Resolution 2001-10 to read 2001-22. Mr. Cline seconded the motion.

VOTE: Y 7 N 0

**FINANCIAL REPORT
MONTHLY REPORTS**

MOTION: Mr. Cline moved that Council dispense with the Financial and Monthly reports as they are all in the Council packets and that they move on to salary item 15 on the agenda. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Cline moved at 11:35 p.m. that Council adjourn to Executive Session to discuss the potential litigation and to discuss personnel matters, appointments and boards and commissions under ORC 121.22 in the appropriate subsections. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Lackey moved to adjourn from Executive Session. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Kaitsa moved to reconvene in regular open session. Mr. Seta seconded the motion.

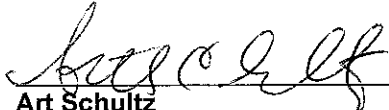
VOTE: Y 7 N 0


ADJOURNMENT

MOTION: Mr. Kaitsa moved at 12:15 a.m. to adjourn from regular open session. Mr. Lackey seconded the motion.

VOTE: Y 7 N 0

DATE MINUTES APPROVED: February 19, 2002

 2/28/02
Art Schultz Date
Mayor

 2/28/02
Sue Timmons Date
Interim Clerk of Council