

CITY OF POWELL COUNCIL

FEBRUARY 5, 2002

A regular meeting of the City of Powell Council was held on February 5, 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, Dave Lackey, Jim Seta, and Dan Wiencek. Also present were Stephen A. Lutz, City Manager; Dawn Nauman, Clerk of Council; Ken Molnar, Director of Law; David Betz, Director of Development; Rob Rice, City Engineer; and Nan Metz, Finance Director.

CITIZEN PARTICIPATION

There was none.

APPROVAL OF MINUTES

The minutes of January 15 and January 22, 2002 were postponed until the next meeting.

DELAWARE COUNTY HEALTH DISTRICT UPDATE – Dr. Carol Kennedy, City of Powell Representative

Carol Kennedy, Powell's representative to the Delaware County Health District, briefed Council on the District's work on personal and environmental health for Delaware County residents. She noted that the District:

- Held a high-risk flu shot clinic at the Powell offices in conjunction with the Olentangy Rotary.
- Will have a nurse teach daycare provider training in child abuse awareness.
- Will have nurses completing newborn home visits.
- Held a special fair for blood pressure, blood sugar, hemoglobin and cholesterol screening.
- Will continue community assessment meetings through Apex, which Police Gary Vest chairs.
- Has expanded its mosquito fogging program to provide faster service. They have also purchased traps so that area mosquitoes may be tested for the West Nile virus.
- In 2001, the department performed 36 swimming pool inspections, 53 food service inspections, 6 school inspections, and 14 semi-public sewage system inspections (septic tanks). They investigated 2 sewage nuisance complaints, 5 food service complaints, and 2 solid waste complaints.
- The City of Powell issued 324 permits plumbing for the Delaware Health Department

Dr. Kennedy noted that there will be no levy on the ballot until the state law changes that will allow levy funds to be used for housing. She noted that Rob Reed, the Delaware County fair manager, will be on the Board of Health as the representative of the new Licensing Council.

Mr. Lackey asked if the City calls to request mosquito fogging. Dr. Kennedy said they do.

Mr. Kaitsa asked if the plumbing permits issued through Powell are for Liberty Township. Mr. Lutz said they are. Mr. Seta asked how many homes within the city limits are not on the sewer system but utilize septic tanks. He said that the Ohio Revised Code requires tie-in if there is available sewer within a certain distance of property, and he asked whether the Health Department enforces that. Dr. Kennedy said she will look into that issue.

Mr. Kaitsa asked if the Health Department will have a role in enforcing the natural landscaping ordinance in Powell. Mr. Lutz said they will not, as it is a City ordinance, unless there is a separate health concern.

Mayor Schultz thanked Dr. Kennedy for her report and said he is particularly pleased to hear the mosquito fogging capabilities have been expanded.

RESOLUTION 2002-04: A RESOLUTION TO CONDITIONALLY ACCEPT THE PUBLIC IMPROVEMENTS IN THE LAKES OF POWELL, SECTION 6, PART 2 SUBDIVISION AS THE SAME IS NUMBERED AND DELINEATED UPON THE PLAT THEREOF RECORDED IN CABINET 2, SLIDES 682-682A, DELAWARE COUNTY, OHIO RECORDS.

Stephen A. Lutz, City Manager, said that the roads are complete in this section of the subdivision, and they are ready for conditional acceptance.

MOTION: Mr. Cline moved to adopt Resolution 2002-04. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

RESOLUTION 2002-05: A RESOLUTION TO CONDITIONALLY ACCEPT THE PUBLIC IMPROVEMENTS IN THE MURPHY PARK, SECTIONS 2 & 3 SUBDIVISION AS THE SAME IS NUMBERED AND DELINEATED UPON THE PLATS THEREOF RECORDED IN CABINET 2, SLIDES 616-616A AND CABINET 2, SLIDES 648-648A RESPECTIVELY, DELAWARE COUNTY, OHIO RECORDS

Stephen A. Lutz, City Manager, said that the roads are complete these sections, and they are ready for conditional acceptance. He said that this subdivision is mostly located along the Grandshire subdivision, and that Rockford will be building shortly.

Commissioner Wiencek said that he recalls a condition of the Planning and Zoning Commission that the bikepaths running between houses should be built prior to the houses so that future residents are aware of its location. Matt Calahan, Rockford Homes, said he is familiar with that condition, and that would be preferable from their standpoint as well.

MOTION: Mr. Cline moved to amend Resolution 2002-05 to add condition K: "That the developer is required to install the bike path in accordance with approval by the Planning and Zoning Commission prior to the development of adjoining two parcels of land." Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0 (Abstain: Lackey)

MOTION: Mr. Kaitsa moved to adopt Resolution 2002-05 as amended. Mr. Cline seconded the motion.

VOTE: Y 6 N 0 (Abstain: Lackey)

THIRD 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.

Stephen A. Lutz, City Manager, said there has been much discussion about this project at the last two meetings. He said that revised elevations drawings have been submitted, and the applicant has agreed to add a standing-seam metal roof.

David Betz, Director of Development, reviewed the changes to the ordinance (Exhibit 1, Items 5, 8)

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

Mr. Cline thanked the applicant and the architect for working with the City on this issue. He said it is a nice building that will be a nice addition to the City. Mr. Kaitsa agreed.

MOTION: Mr. Kaitsa moved to adopt Ordinance 2002-01. Mr. Cline seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2002-03: AN ORDINANCE APPROVING THE AMENDED DRAFT SOLID WASTE MANAGEMENT PLAN OF THE DELAWARE, KNOX, MARION, MORROW JOINT COUNTY SOLID WASTE MANAGEMENT DISTRICT.

Stephen A. Lutz, City Manager, said that the district is required to update their solid waste management plan every 3-5 years. He noted there is a summary of this plan (Exhibit 2). He said that there have been four public hearings between December 14 and 17 on this plan.

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

Mr. Cline asked if Staff could let Council know of any recommendations or concerns about this plan at the next meeting. Mr. Kaitsa concurred. Mr. Seta asked for a copy of the plan.

There being no further comment, this item was taken to a second reading.

FIRST READING: ORDINANCE 2002-04: AN ORDINANCE AMENDING ORDINANCE NUMBER 2001-53, AN ORDINANCE MAKING LEFT TURN CHANGES AT THE INTERSECTION OF OLENTANGY STREET (STATE ROUTE 750) AND LIBERTY STREET AND DECLARING AN EMERGENCY.

Stephen A. Lutz, City Manager, reviewed that last fall, Council adopted an ordinance that would restrict left turning movements at the four corners between the hours of 7:00 a.m. and 7:00 p.m., 7 days a week. At the last meeting, it was recommended that this Ordinance be amended to restrict turning movements from 4:00 p.m. – 7:00 p.m., Monday through Friday. Mr. Kaitsa asked if that is consistent with the turn restrictions onto Depot Street. Mr. Lutz said it is.

Mr. Schultz said that he did receive a call from Kathleen Quirk of the Powell Chamber of Commerce, who was ill, but could come if she needed to express her views. She indicated that there are at least three businesses downtown, JR Designs, the Bank, and the developer of the property south of the bank that have a strong interest in seeing the restricted hours kept to a minimum.

Mayor Schultz opened this item to public comment.

Joe French, 18 Sycamore Ridge Drive, said that everyone has had to stand at that intersection and wait to turn because one vehicle couldn't get through. He said this occurs during morning and evening rush hour, as well as on weekends. He said there are very few ways for him to get home than S.R. 315. He said some restrictions are needed. He indicated that there are safety concerns with people running the light and almost causing a collision.

Christopher McCormick, 208 Aspenknoll Drive, said he is concerned about this change. He said he believes it was a little more than three years ago that the citizens voted additional taxes to solve the traffic problems in the City. He said the number one problem identified was traffic at the four corners, and the number one solution was to ban turns at that intersection. He said the City has paid for many studies, all of which recommend banning turns completely. He said he understands the businesses' concerns, but he suggested that Council try the ban first and see if there is an impact. He also questioned the need to rush and pass this ordinance as an emergency, with this item being considered for such a long time.

Mr. Lackey said that he feels that cut-through traffic will follow the path of least resistance. He said that when Interstate 270 was under construction, it was easier to cut through Powell. He said if it is made easier to cut through Powell, more people will do so, and one won't see a great difference in traffic. He said that Council must also consider whom prohibiting left turning movements restricts. He said he would rather not restrict residents and people going to businesses in favor of making it easier for cut-through traffic. He said that part of the roadway plan is alternative routes around the four corners, and those are nearing completion. He said he has always been opposed to a left-turn ban altogether, but he would be in favor of reducing it as proposed.

Mr. Cline said his opinion hasn't changed, although he appreciates Mr. Lackey's logic. He said that he thinks, however, it assumes the answer that the people that are making the turning movement are residents or people visiting local businesses, however, there is no way to prove that. He said his position is that they started out with Traffic Engineering Service's recommendation of a complete ban of left turns that Council debated at great length to come up with the 7/7/7 compromise (7 a.m. – 7 p.m., 7 days a week). He said he would prefer that it remain.

Mr. Schultz asked why this ordinance has the emergency clause. Mr. Lutz said that allows the installation of signage and turn restrictions as soon as possible after passage of this ordinance. Mr. Schultz said that he doesn't know exactly what the right answer is, but he agrees that a 24-hour ban doesn't make a lot of sense. He said that businesses that overlook the intersection on a daily basis feel the 7/7/7 ban is more than necessary. He said he feels the Grace Drive is a valuable addition. He said that the current question is what is the correct limitation, and he would be willing to start with the 4-7 p.m. weekdays ban, and if after observation, it is determined that there are still back-ups, it can be extended. He said he understands that others see value in banning it from 7:00 a.m. to 7:00 p.m., and cutting it back if businesses are affected.

Mr. Kaitza said that he has had many residents question prohibiting left turns on Sunday mornings or evenings when there is no traffic. He said that Council is fortunate to have Ms. Quirk's observations about the intersection. He said that he has always supported not installing left turn lanes at the light, but he feels the 7/7/7 ban is "a meat cleaver when what we need is a scalpel." He said he feels the more limited approach followed by observation makes much more sense.

Mr. Klein said that when Council was looking for a permanent solution to traffic issues at the four corners, the 1995 Comprehensive Plan proposed two suggestions. The first was to install turn lanes at the 4-corners, however, that would severely alter the pedestrian-friendly atmosphere downtown. The second possibility was to ban turning movements at the four corners and move the turning movements to Grace Drive. He said there has been extensive discussion about this permanent solution. He said while the City did benefit from the widening of I-270, the future construction of Golf Village and other neighborhoods will bring more traffic to the City, and traffic at the four corners will be discussed again. He said that he urges Council to look for a permanent solution, either moving the turning movements to Grace Drive, or installing turn lanes at this intersection. He said he is not in favor of ordinance.

Mr. Wiencek said he agrees with Mr. Lackey, that taking an incremental approach is the proper way to deal with this issue. He said that restricting turns will restrict the turning movements of residents and his primary concern is to serve the residents, and that includes the business community. He said that he doesn't know whether this is the permanent solution, but he thinks re- addressing it as time goes on is the right way to do it. He said he is in favor of this ordinance.

Mr. Seta said that he was originally very much in favor of the 7/7/7 restriction, but he feels that traffic studies are not an exact science and it is more prudent to evaluate as the restrictions are placed. He said that this must happen, and while he is more in favor of the longer time frame, he would like to pass this ordinance so that this may be implemented. Then Council can see how it works and adjust it if needed. He said he doesn't want to change the Cityscape by putting in a turn lane downtown. He said he would rather deal with traffic than change the way the City looks. He spoke in favor of the bypasses. He said that this process is in effect an additional study to see how restricted turns work. He said he doesn't want Powell to be the fastest route from Dublin to Polaris.

MOTION: Mr. Kaitsa moved to suspend the rules on Ordinance 2002-04. Mr. Wiencek seconded the motion.

VOTE: Y 5 N 2 (Klein, Schultz)

MOTION: Mr. Kaitsa moved to adopt Ordinance 2002-04. Mr. Wiencek seconded the motion.

VOTE: Y 5 N 2 (Klein, Cline)

Rob Rice, City Engineer, briefly reviewed the engineering office's communication tool that will help describe the current changes to local residents and businesses. He noted that the information will be posted on the web site and that programmable message boards will be used on west and east Olentangy to warn motorists about the change.

Commissioner Lackey asked if it is anticipated that motorists traveling eastbound on Olentangy Street will use Hall Street rather than going through the light and using Grace Drive. Mr. Rice said they will keep an eye on that. Mr. Wiencek asked who will make sure that the programmable signs are operational. Mr. Rice said that will be the City contractor's responsibility, and that Staff anticipates they will be functional most of the time. Mr. Wiencek asked if the police will be on "high alert" to monitor the situation closely during the first few weeks. Mr. Lutz said they will, but the emphasis will be education rather than ticketing offenders. Mr. Wiencek said he is more concerned with alternate routes, such as Bennett Parkway, etc. Mr. Rice said that there is a sign at Bennett Parkway and east Olentangy Street that indicates "No through trucks."

Mr. Schultz asked if there are traffic counts for these neighborhoods prior to the turn restrictions so that the effect of the turn bans will be clear. Mr. Rice said the most recent counts for Briarbend Boulevard and Bennett Parkway were taken last fall, and would probably be sufficient. Mr. Schultz concurred with Mr. Wiencek's concerns about the neighborhood routes that people could take rather than Grace Drive.

Mr. Rice said that he would like 1 1/2 weeks time to distribute the communication tool to businesses and the media and begin to notify residents before implementation. The large signs will be implemented one week before the change takes place.

Mr. Seta said he wants to find a way to evaluate whether the restrictions are hurting or helping traffic flow. Mr. Rice suggested talking with business owners, completing some traffic counts, and performing "real time observations."

FIRST READING: ORDINANCE 2002-05: AN ORDINANCE AMENDING CHAPTER 1331 OF THE CODIFIED ORDINANCES OF THE CITY OF POWELL ENTITLED "CONTRACTOR'S LICENSE".

Stephen A. Lutz, City Manager, said that this Ordinance will change Powell's codified ordinances to refer to contractors registration rather than license. He said this is necessary to comply with a recent state law, which requires state licensing and prohibits municipalities from doing the same. Local communities can, however, register contractors.

Mr. Lackey asked what is the penalty for non-registered contractors. He questioned whether sub-contractors are licensed in the City. Mr. Lutz said that contractors are required to list sub-contractors who are required to be

registered. He said if a contractor is identified during an inspection as being un-licensed, they are required to become so. Mr. Lutz asked if the sub-contractors must take affirmative steps to register. Mr. Lutz said that City personnel checks the list against the registered contractors.

Mr. Kaitsa asked if the City should require that contractors also be licensed. Mr. Lutz said he can look into that.

Mr. Cline asked if this applies to both commercial and residential construction. Mr. Lutz said he can look into that. Mr. Cline said that the Board of Building Standards only licenses specialty trades, such as HVAC, electric, and plumbing, and it is his understanding they don't have licenses for general contractors, which would prohibit the City from requiring one. Mr. Lutz said he can check with Doug Wenzel, Chief Building Official. Mr. Cline asked, if this registration applies to any project, whether the City wants to require homeowners to register themselves. Mr. Kaitsa asked if there is a distinction between a license and registration for a general contractor. Discussion ensued.

Mayor Schultz opened this item to public comment. Hearing none, he closed the public comment session. There being no further comment, this item was taken to a second reading.

FIRST READING: ORDINANCE 2002-07: AN ORDINANCE TO APPROVE AN AMENDMENT TO AN APPROVED DEVELOPMENT PLAN FOR THE SHEPHERD OF PEACE LUTHERAN CHURCH LOCATED AT 520 VILLAGE PARK DRIVE TO ALLOW FOR AN ADDITION OF 4,121 SQ. FT. TO BE UTILIZED AS A PRIVATE SCHOOL.

David Betz, Director of Development, reviewed the existing church, addition, and expanded parking lot that this plan proposes. He said this addition will provide classroom space for a private school. He reviewed the elevation from Village Park Drive and Seldom Seen Road. He said this is a simple addition that meets the requirements of the Zoning Code.

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

Jim Clarke, Architect, said that when they went before the Planning and Zoning Commission, they had other additions proposed, but the Commission suggested they bring those back later.

Mr. Wiencek said that the applicant was responsive to every request of the Planning and Zoning Commission, and he very much supports this plan. Mr. Klein said he is excited to see this addition, which will facilitate an additional school area. He said it is a very appropriate place for it, and he looks forward to it. Mr. Kaitsa said he is happy to hear that the applicant complied with the Planning and Zoning Commission's requests.

Mr. Cline asked whether there are variances to the pavement setback requirements with this plan. Mr. Betz said there are not because the Zoning Code allows for 3-foot setbacks because there is PC zoning adjacent. Mr. Cline asked if the variance of eight tenths of a foot along Village Park Drive is the only variance. Mr. Betz said it is, and that it is likely due to a survey error.

Mr. Lackey concurred with Mr. Wiencek's comments. Mr. Seta also spoke favorably of the project. There being no further comment, this item was taken to a second reading.

EXECUTIVE SESSION FOR POSSIBLE LAND ACQUISITION UNDER ORC SECTION 121.22 (G)(2).

MOTION: Mr. Kaitsa moved to adjourn to Executive Session at 8:40 p.m. to discuss land acquisition under ORC Section 121.22 (G) (2). Mr. Cline seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Cline moved to adjourn from Executive Session at 9:15 p.m. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Cline moved to reconvene in regular open session at 9:15 p.m. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

RESOLUTION 2002-03: A RESOLUTION DECLARING NECESSITY OF BOND ISSUE, AND TO SUBMIT THE QUESTION OF SUCH ISSUE TO THE ELECTORS. (R.C. Section 133.18)

Stephen A. Lutz, City Manager, said that Council has expressed a desire to place a bond issue on the May 7 ballot for park improvements. He said the first step in this process is to adopt a resolution declaring a necessity. He said that will be filed with the County auditor. Then, at the next meeting, Council must pass a resolution determining to proceed, which will have to be filed with the Board of Elections before February 21. Mr. Lutz reviewed the Bond millage and tax impact for such a levy (Exhibit 3). He said this is a bond issuance of 20 years, as required by the statutes.

Mayor Schultz opened this item to public comment.

Joe French, 18 Sycamore Ridge Drive, said that he moved to Powell 3 years ago from a small rural area and grew up in Louisville. He said in his spare time, he is the president of a non-profit athletic organization for high school athletes with an \$80-90,000 budget, and his work in this organization has shown him that money is very important. He said he saw an article in the paper that estimated a figure of \$10-20, which may not sound like much over the course of the year, but everyone is currently watching what he or she spends. He said some families have parents who have lost their jobs. He said that parks are a good idea, but the question is what are the needs and how are they addressed. He said he doesn't think taxes are the way to fund parks, but rather the current operating budget should be used. He said in the three years he has been here, his property taxes have been raised 20%. He said he has never lived anywhere that there is a tax levy on every ballot. He asked Council to consider this seriously, and he recommended managing the needs of the City with the budget. He expressed concern that in 20 years, Council will be asking for a replacement levy.

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

Mr. Wiencek said that he thinks the time is right for Powell residents to determine if parks are a priority. He said if the City tried to fund parks through the general fund, in twenty years, there would still be fields rather than parks. He said there is also a narrow window of opportunity to increase the amount of green space in the City by purchasing additional parkland, and that requires cash in hand. He said the Parks and Rec. board has been diligently working on master plans for the parks, and they have reasonably accurate figures for the parks, and it is time to move forward. He said he feels the parks can be developed for \$5.5 million dollars. He said the Parks and Rec. Board tried to determine the most necessary improvements without "building the Taj Majal." He said the amount of the levy should start at \$5.5 million and that land acquisition funds should also be included.

Mr. Klein said he strongly feels the need to develop the parks now, and the bond levy is the right approach. He said that the operating budget is \$3 million, and over half of that funds the police department. If Council tried to fund parks with the general fund, he will be long gone before they are developed. He said he would like to develop them and enjoy them now. He said that when he was the Mayor, he received many calls from people who needed practice space for their soccer team, only to find none available. They wanted to know what Powell was doing to make sure there would be space available for such an activity. He said there are several communities in the Columbus area that have these kinds of large spaces. He said that \$1.5 million dollars would buy 50 acres at \$30,000 an acre, and he would support adding that to the \$5.5 million proposed for development.

Mr. Kaitsa said that park needs have been explored and a plan developed, and now is the time to move forward. He said he appreciates the \$5.5 million dollar figure, but he feels that leaves out some significant features included in plans. Mr. Kaitsa said he feels there should only be one bite at the apple to ensure adequate funding for parks, and he would be very supportive of a modest allocation for acquisition of new parkland. He said he doesn't feel \$1.5 is a modest allocation. He said he also feels Mr. Klein makes a good point, and that parks should be considered much like home ownership. He said very few people pay cash for their homes, but rather borrow the money so the home can be enjoyed over a lifetime. He added that there are other capital needs that go beyond parks, such as infrastructure needs, and expanding the police facility. He said those types of items should come from operating funds. He said he would support asking the voters to support a \$7 million levy.

Mr. Cline said he appreciates Mr. French's comments, and agrees that whenever money is being discussed, it is an issue of priorities. He said that he began his service to this community eight years ago as a member of Parks and Rec., and during that time, a master plan was created. He said that since he has been on Council, he has been supportive of parks, and that he is on the finance committee, so he is acutely aware with the problems the City has when it tries to fund capital improvements from the current operating budget. He said that the residents of Powell must tell what their priorities are. He said that in the almost eight years he has been involved in city government, a consistent message he has heard is the desire for a well-developed, well-functioning park system, and the desire to have it now. He said while he was once unsure about a bond levy, he has been convinced that

the levy is the way to go. He said that the average cost to residents will be \$20 per month, and he noted that new houses in the City will reduce the tax for all residents as they are added into the tax base. He said he will support a \$7 million bond levy because it includes the current park development and possible inflation as well as the ability to purchase additional land.

Mr. Lackey said that when he started on Parks and Rec. in 1995, there were many parks, but few were developed. Since that time, only one has been developed. He reiterated previous comments about the insufficiency of the operating budget for park development. He added that the operating budget is built on income tax, and he questioned whether it is really fair to build the park using funds from current residents that future residents will enjoy. He said he would rather spread it out to all residents, current and future. He said that rather than deciding to raise taxes, Council is asking the voters to decide whether it is important to invest in parks. He said that he will vote for the levy because he thinks parks are important in many ways, such as increasing property values, and the quality of life. He added that before the election, the Delaware County web site will be able to calculate what each resident's cost will be, so that people can make an informed decision. He said that the property taxes have gone up 20% in the last few years, it is because the majority of citizens have chosen that.

Mr. Seta said he also came from Parks and Rec., and he worked with Mr. Wiencek at great length on these numbers. He said the City owns 9 pieces of designated parkland, and only two are developed. He said there are plans for the other 7 that were developed during public meetings. He said that a needs-assessment completed by the people of Powell was done that indicated that park development is important. He said that he wants to move forward and let the voters decide if it is a good idea. He said that what is acceptable to one family, may not be to another. He said the reality is that the parks will not be developed by the operating budget. It is a low priority in the grand scheme of things. He said a levy is needed for the parks to happen. He noted that the difference between a \$5 million bond and \$7 million bond is \$4.50 per month. He said Council needs to get the citizens input, and if there is an interest, fantastic, and if not, Council can focus on other important things. He said he would support anywhere between \$6 - \$7 million.

Mr. Schultz said he also strongly supports this bond issue. He said the combination of parks and additional bikepath linkages, completion of the village green, and funding for new land acquisition, is a great all around balance of the park needs of the City.

MOTION: Mr. Kaitsa moved to amend Resolution 2002-03 to indicate the amount of bonds as \$7 million dollars. Mr. Klein seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Kaitsa moved to adopt Resolution 2002-03 as amended. Mr. Klein seconded the motion.

VOTE: Y 7 N 0

Mr. Seta asked about preparation of a fact sheet to educate the voters about this levy. Mayor Schultz said that may be something for a committee. Mr. Cline agreed that once the necessary legislation is complete at the next meeting, the City will have time to put together information regarding the levy, and citizens groups will have time to advocate either in favor or against the issue.

MUNICIPAL MANAGERS REPORT

Stephen A. Lutz, City Manager, noted that two offices are being added to the west room of the Meeting room facilities. He said city crews are completing this work.

FINANCIAL REPORT

The Accounts Payable Report was marked received. Mr. Wiencek asked if it is possible to sort the report in ascending order of amount rather than check number. Nan Metz, Finance Director, said she will look into that.

CLERK OF COUNCIL CORRESPONDENCE

Dawn Nauman, Clerk of Council, reminded Council to file their financial disclosure forms with the Ohio Ethics Commission by April 15. She noted that roster changes need to be submitted this week. The April 2 Council meeting was rescheduled to April 9 due to conflicts with vacations.

Ms. Nauman noted that on Ordinance 2001-57 was passed on November 6, regarding Recreational Structures. Since that time, the codifier has recommended a change to the code section from 1147.15 to 1147.14.

MOTION: Mr. Kaitsa moved to amend Ordinance 2001-57 to change Section 1147.15 to 1147.14. Mr. Klein seconded the motion.

VOTE: Y 7 N 0

OTHER COUNCIL MATTERS

Mayor Schultz reviewed the table reflecting the results of Council's goal setting session (Exhibit 4).

Mr. Kaitsa asked for an update on the natural landscaping ordinance enforcement and what action has been taken with respect to the property on Hopewell Drive. David Betz, Director of Development, reviewed a letter included in the packet that notifies those who are not in compliance with the ordinance. He said that court action can be filed if they haven't submitted an appeal by February 13. Mr. Lackey asked how much of the delay they are blaming on weather. Mr. Betz said that is their contention, but that the ordinance was passed in July.

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

MOTION: Mr. Cline moved to adjourn to Executive Session at 9:55 p.m. to discuss Personnel, Board and Commission Appointments under ORC Section 121.22 (G) (1). Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

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

VOTE: Y 7 N 0

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

VOTE: Y 7 N 0

MOTION: Mr. Cline moved to make the following appointments:

Planning and Zoning Commission

Kevin Futryk	To fill expired term of Robert Cohen	Term Expires February 5, 2005
Brian Murphy	To fill unexpired term of Kelvin Trefz	Term Expires January 27, 2003
Donald Depalma	To fill unexpired term of David Lackey	Term Expires May 1, 2003

Parks and Recreation Advisory Board

Bryan Vermilion	To fill unexpired term of Dan Wiencek	Term Expires May 15, 2003
Fletcher Chambers	To fill unexpired term of Jim Seta	Term Expires May 5, 2002

Board of Zoning Appeals

Eric Ireland	To fill expired term of Brian Murphy	Term Expires February 5, 2005
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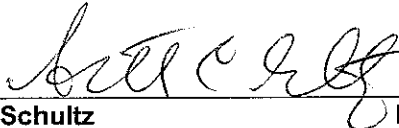
Mr. Kaitsa seconded the motion. The motion was approved.

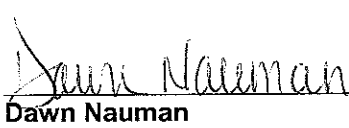
VOTE: Y 7 N 0

ADJOURNMENT

Council adjourned at 10:10 p.m.

DATE MINUTES APPROVED: February 19, 2002

 2/28/02
 Art Schultz Date
 Mayor

 2/28/02
 Dawn Nauman Date
 Clerk of Council