

## **CITY OF POWELL COUNCIL**

**April 23, 2002**

A regular meeting of the City of Powell Council was held on April 23, 2002, and called to order at 7:35 p.m. by Mayor Art Schultz. Other Council members present were Dave Lackey, Jim Seta, George Kaisa, Richard Cline, and Dan Wiencek. Mark Klein was absent. 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 April 9, 2002 were amended and approved.

### **FINANCIAL REPORTS**

The Monthly Report was deferred until a later date.

### **OTHER REPORTS**

Monthly Planning and Zoning Report. David Betz, Director of Development, noted that an Arbor Day Ceremony will be held on Friday at 5:00 p.m. at the Martin Perry House. He reviewed that the property owner on Hopewell Drive that has natural landscape has ordered their sod, which is the last thing they need to do to comply. He said that Staff is looking at other naturally landscaped lots to see if they comply.

Mr. Wiencek noted that La Tavola has their fence up, and asked where the City stands with installation of trees at Colonel Faber's. Mr. Lutz said the City is waiting for the residents to execute and return the documents they were given last Fall.

Monthly Police Report. Chief of Police Gary Vest announced that Lt. Steve Hrytzik will be leaving the City of Powell Police Department to be the Police Chief in Groveport.

Mr. Seta asked about development of a new neighborhood watch program. Chief Vest said that Lt. Ron Clark has been meeting with neighborhood programs on such a program. Mr. Seta said he heard there are background checks required. Chief Vest said that is true of the block parents who can be there to provide a safe place for neighborhood children.

Mayor Schultz noted that a community policing officer spoke to his subdivision. He asked, if there are concerns in his neighborhood, should he contact that officer. Chief Vest said that the City has been divided into districts to which individual officers are assigned. He said that they could be contacted, but that residents should feel free to call the general police number at any time.

Monthly Parks and Recreation. Stephen A. Lutz, City Manager, reviewed that the spring/summer brochure is currently at the printer. Mr. Seta asked about the bond levy information the City was going to send out. Mr. Lutz said that it is in the annual report, which is also being printed. Dawn Nauman, Clerk of Council, said it will be mailed either Friday or Monday.

### **CLERK OF COUNCIL CORRESPONDENCE**

Dawn Nauman, Clerk of Council, noted that Council has an updated meeting schedule to reflect delaying the July meetings one week. Council briefly discussed the potential need to hold a special meeting to sign the CEDA agreement. Council was instructed to bring their calendars to the joint Liberty Township meeting so that they can schedule a meeting if it is needed.

### **RESOLUTION 2002-09: A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND REPRESENTATIVES OF ALL OR A MAJORITY OF THE POLITICAL SUBDIVISIONS WITHIN DELAWARE COUNTY TO PROVIDE FOR THE ESTABLISHMENT OF AND TO PROVIDE FOR THE FUNDING FOR A COUNTYWIDE EMERGENCY MANAGEMENT AGENCY.**

Stephen A. Lutz, City Manager, said that emergency management plans were discussed at the last meeting, and coincidentally, the City has been asked to pass this resolution. This would change the current plan to use the population figures from the Delaware County Regional Planning Commission (DCRPC) rather than the current

calculations from the Ohio Department of Development. David Betz, Director of Development, said that Staff feels that the Delaware County figures are more accurate. It is based on census information and building permits.

Mr. Kaitsa said that he thinks the source of the calculations are the same for either group. Mayor Schultz said the school system also uses the DCRPC figures, and he thinks they are timelier.

Mr. Seta asked who from Powell serves on the 10-person executive board. Mr. Lutz said that Chief of Police Gary Vest does.

**MOTION: Mr. Cline moved to adopt Resolution 2002-09. Mr. Kaitsa seconded the motion.**  
**VOTE: Y 6 N 0**

Mr. Wienczek said that he recently read the review of operations after the September 11 event. He said that the report indicates that cellular phones did not work effectively. He said that the City should consider their communication plans. Mr. Lackey said that Chief Vest indicated to him that there is a backup plan for HAM radio operators. Mr. Wienczek said he is more concerned with City Staff and Council members being able to communicate on a local basis.

**SECOND READING: ORDINANCE 2002-12: AN ORDINANCE APPROVING THE FINAL DEVELOPMENT PLAN FOR THE VILLAGE ACADEMY SCHOOL FOR A 10,882 SQ. FT. FINE ARTS FACILITY LOCATED AT 284 SOUTH LIBERTY STREET. PUBLIC HEARING 4/23/02**

David Betz, Director of Development, reviewed the plan for this development. He reviewed that access to this site will not change. He reviewed adjacent uses and the additional land that has been acquired to complete this development. He said they have intentionally designed this facility to resemble a barn with shed additions to fit in with the historic character of downtown. He identified the south elevation, stone wall, hardi-board siding resembling board and batten, and the standing seam metal roof. He identified the west elevation from Liberty Street. He said that this has been reviewed by the Historic District Commission (HDC) and received unanimous approval. He said that the Planning and Zoning Commission also recommended approval with the conditions listed in the ordinance. He reviewed the drawings of the view of the facility from Liberty Road. He noted that there is one variance to the parking that is being considered. He said they don't have a problem with parking on a daily basis, and they have been able to shuttle people in from Wolf Park, etc., for things like grandparents day.

Steve Martin, attorney for the applicant, was present to discuss this issue. He reviewed that they are planning to use vertically grained Hardiboard for siding, and a gray standing seam metal roof. He said that they are working with the fire department about the construction of a walkway, and if it is approved, it will have the same roof as the building. He reviewed the landscape plan, and said there will probably be additional landscaping between this development and adjacent property owners. He said that this is an unusual situation because he is not only the attorney for the applicant, but also one of the adjoining property owners participating in the land trade to make this development possible. He said that this development will not increase the enrollment. He noted that they are requesting a suspension of the rules and a vote this evening so that they can use the facility by the second semester of the next school year.

Mr. Lackey asked if the cupolas will be lit at night. Mr. Martin said they are actually lanterns that let in light, and will not be lit. Mayor Schultz said it seems logical that if it lets light in, it will also let it out at night.

Mr. Martin mentioned that the architectural renderings, site plans, and elevations were mailed to all residents that received notification of this hearing. Mr. Wienczek said that there has been conversation regarding reviewing the existing parking lot lighting that neighbors have complained about. Mr. Martin said that the applicant is working on that. Mr. Betz said that condition number two in Section 1 of the ordinance addresses that concern. The lighting concerns will have to be solved prior to issuance of the building permit.

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

**MOTION: Mr. Cline moved to suspend the rules on Ordinance 2002-12. Mr. Kaitsa seconded the motion.**  
**VOTE: Y 6 N 0**

**MOTION: Mr. Cline moved to adopt Ordinance 2002-12. Mr. Kaitsa seconded the motion.**  
**VOTE: Y 6 N 0**

**SECOND READING: ORDINANCE 2002-14: AN ORDINANCE APPROVING THE FINAL DEVELOPMENT PLAN FOR POWELL REALTY FOR A 4,800 SQUARE FEET OFFICE BUILDING AT 285 SOUTH LIBERTY STREET.**

David Betz, Director of Development, reviewed the development plan for this proposal. He said that the building will be located at the southern edge of the historic district. To the south is the black oak preserve, and to the north is another office building that this applicant has redeveloped. He said the railroad is to the west. He reviewed the proposed view of this development from the Village Academy entry drive, which is directly across from this entry drive. He noted that there are mature trees, and that the applicants intend to preserve a couple of them in the back and along the preserve. He reviewed the site plan and showed a drawing reflecting the proposed building and that adjacent.

Mr. Betz said that there is an existing pond in the back of this property that is a nice amenity. He compared the scale of this building to the existing building next door. He said that the Historic District Commission (HDC) has to finalize their approval of the materials and architectural design, but they did approve the general size. He said there was some controversy as to whether this size building is permitted on this size of property. The Planning and Zoning Commission reviewed the site and recommended approval with the conditions in the ordinance.

Mr. Cline said that Council received an email indicating that this building is not the standard size of those in the Historic District. Mr. Betz said that there is a portion of the Historic District with OPC, Old Powell Commercial Zoning that has a 3,000 sq. ft. maximum building. This proposal is in a Planned Commercial Zoning. The HDC recommendation that the size is appropriate had a 4-2 vote. The author of the email was one of the opposing votes. Mr. Cline asked where the overlay district is in relation to this property. Mr. Betz identified it. He said it was always envisioned that this area would provide a transition from the railroad to Old Powell Commercial district. Mayor Schultz said the HDC has architectural oversight. Mr. Betz said that is correct.

Mayor Schultz opened this item to public comment.

Mr. Martin, on behalf of the Village Academy across the street, said they have no opposition to a building this size given its' design. He said the architect and committees have done a great job breaking up the mass and he thinks in areas where the zoning permits over 3,000 sq. ft., this type of structure should be encouraged.

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

Mayor Schultz asked how many sq. ft. is the adjacent building that is also owned by the applicant. Mr. Betz said he is unsure, but probably less because part of it is only one story. Mr. Kaitsa asked if the frontage is about the same. Mr. Betz said it is. There being no further comment, this item was taken to a third reading.

**COMMITTEE REPORTS**

**Development Committee:** (Next Meeting: May 1) No report.

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

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

**Planning and Zoning Commission:** No report

**CITY MANAGERS REPORT**

Banner/Light Pole Policy: A brief discussion was held regarding the draft light pole policy that the Service Committee will soon review.

Mayor Schultz suggested that Council consider the draft, as it may not be necessary to send it to Committee. He said that it may be prudent to indicate that the banners will hang for 2 weeks, but it may be less if more than one event happens in the same month. City-sponsored events should get precedence. He said that consideration should be given to having groups cover the entire cost of installing the banners rather than \$10 of the estimated \$25 it will cost to hang each one.

Mr. Cline asked how many banners the City could accommodate. Mr. Lutz guessed about 20. Mayor Schultz said that typically, not every light pole is used. Mr. Lutz said that is because they are expensive.

Mr. Lackey said that he feels "political, commercial, or religious" should be defined. Mr. Lutz said that Ken Molnar, Director of Law, is looking into that. Mr. Cline encouraged Staff to be more specific in that language.

Mr. Cline said that he doesn't think the City should subsidize hanging or removal of these banners and that groups should pay the actual cost to do so. Mr. Kaitsa agreed. Mr. Wienczek said that he originally thought there was no reason to subsidize this, but he believes there is a desire to support community events, and it is not inappropriate to help pay for part of it. Mr. Lackey said there is no charge to rent the pole but rather the costs to install it. He said that not every event will benefit the community. He expressed concern that taxes could be spent on this. Mr. Kaitsa said the City should be "cost neutral" because these are charitable events. Mr. Wienczek said he does not know what the proper fee is, but expressed concern that this could become cost-prohibitive and there will be street poles with nothing on them. Mr. Lackey suggesting reviewing what the City charges to have police direct traffic for charitable events, etc., whether it is the whole amount or a portion. Mr. Seta indicated that he is unsure whether the \$25 fee or \$10 fee is appropriate.

Mr. Cline said this discussion proves that as the City has grown and the demand for services has grown, a uniform policy is important. He said the Service Committee may need to consider a policy about city services in general, i.e., police department involvement. After further discussion, Mr. Lutz said that Staff will revise this policy on banners, as well as draft a policy for use of City personnel for events and functions. The Service Committee will review both. Mr. Cline said that as Staff thinks about fleshing out the definition of political, commercial, and religious in nature, that they consider things like the flea markets, cruise-ins, etc., which are commercial enterprises, but they promote the City. Mr. Lutz said that many communities he contacted indicated that they didn't have a policy because of all of the issues that were raised. Mr. Lackey suggested a special "community promotion" category.

#### CITY MANAGERS REPORT

- Mr. Lutz noted that the Powell/Liberty Township joint CEDA hearing will be held tomorrow at Wyandotte Run Elementary School.
- Mr. Lutz noted that there is a vacancy on the Parks and Rec. Advisory Board. He has included a summary of candidates interested in serving on the Commission. Council determined to have interviews at 7:30 p.m. before the next Council meeting and start the meeting at 8:00 p.m. Mayor Schultz asked that Staff review the total number of vacancies.

Mr. Cline said that the Executive Summary Mr. Betz prepared for the CEDA agreement was very helpful.


#### OTHER COUNCIL MATTERS

There were none.

#### ADJOURNMENT

Council adjourned at 8:40 p.m.

DATE MINUTES APPROVED: May 7, 2002

  
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 Art Schultz Date 5/8/02  
 Mayor

  
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 Dawn Nauman Date 5/7/02  
 Clerk of Council

**CITY OF POWELL COUNCIL**

**April 27, 2002**

A special meeting of the City of Powell Council was held on April 27, 2002, and called to order at 8:30 a.m. by Mayor Art Schultz. Other Council members present were Dave Lackey, Jim Seta, George Kaitsa, Richard Cline, Mark Klein, and Dan Wiencek. Also present were Stephen A. Lutz, City Manager; Glen Dugger, City Legal Counsel, Don Brossius, Township Legal Council, and representatives of the press.

**FIRST READING: ORDINANCE 2002-18: AN ORDINANCE AUTHORIZING THE MUNICIPAL MANAGER TO EXECUTE A COOPERATIVE ECONOMIC DEVELOPMENT AGREEMENT (CEDA) ON BEHALF OF THE CITY WITH THE BOARD OF TRUSTEES OF LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO, AND DECLARING AN EMERGENCY**

Stephen A. Lutz, City Manager, said that Wednesday night, Council held a joint public hearing with Liberty Township Trustees regarding the proposed CEDA agreement. As a result of discussions at that meeting, there have been a couple of revisions to the proposed CEDA:

- On page 3, a section was added (underlined). There was concern that the City could incur some expenses with section 5, so a clause has been added that Liberty Township agrees to "provided, however, that this provision does not obligate the city to hire either outside legal counsel, or independent consultants to assist the Township in opposing such annexation." This clarifies that the City is not financially obligated under this section.
- On page 7, regarding the city issuing bonds to retire the infrastructure authority debt. In the original CEDA, there was a specific dollar amount. In the revised agreement, it indicates that "the city intends to issue general revenue bonds, notes, or other evidence of indebtedness in an amount sufficient for the city to completely retire the existing bonds issued by the Liberty Community Infrastructure Financing Authority.

Mr. Kaitsa asked Mr. Dugger if this protects the City against any financial obligation with respect to this agreement. Mr. Dugger said that City Staff was asked to "help out," or "cooperate," that they would do so, but they would not be obligated to go out and hire legal counsel or hire consultants and expend funds that Council would have to approve. Mr. Brossius said that was the intent.

Mayor Schultz asked if Mr. Brossius has anything to add. Mr. Brossius said it has been a pleasure working with Mr. Dugger and Mr. Lutz. He said this has been a problem-solving process that was interesting rather than adversarial.

**MOTION: Mr. Cline moved to suspend the rules on Ordinance 2002-18. Mr. Kaitsa seconded the motion.**

**VOTE: Y 7 N 0**

**MOTION: Mr. Cline moved to adopt Ordinance 2002-18. Mr. Kaitsa seconded the motion.**

Mayor Schultz asked if there is any public comment on this item. There was none. Mayor Schultz asked for further comment from Council. Mr. Kaitsa said the two changes made to this agreement were based on concerns that he had, and he recognized the cooperative spirit in which they were added.

**VOTE: Y 7 N 0**

**OTHER COUNCIL MATTERS**

Stephen A. Lutz, City Manager, said that Lt. Steve Hrytzik has decided to stay with the City of Powell.

**ADJOURNMENT**

Council adjourned at 8:40 a.m.

**DATE MINUTES APPROVED: May 7, 2002**

  
Art Schultz Date 5/8/02  
Mayor

  
Dawn Nauman Date 5/8/02  
Clerk of Council

