

CITY OF POWELL COUNCIL

August 20, 2002

A regular meeting of the City of Powell Council was held on August 20, 2002, and called to order at 7:35 p.m. by Mayor Art Schultz. Other Council members present were George Kaitsa, Jim Seta, Dan Wiencek and Richard Cline. Mark Klein and Dave Lackey were absent. Also present were Stephen A. Lutz, City Manager; Sue Ross, Interim Clerk of Council; David Betz, Director of Development; Rob Rice, City Engineer; Ken Molnar, Director of Law; residents and representatives of the press.

CITIZEN PARTICIPATION

Ken Spicer, Candidate for Probate/Juvenile Court Judge, in the Fall Election introduced himself. He stated that he won the Republican primary, was endorsed by the Delaware County Republican Party, and has been an attorney for 30 years.

There were no further citizen comments.

APPROVAL OF MINUTES

The minutes of August 6, 2002 were amended and approved.

FINANCIAL REPORTS

Nan Metz, Finance Director presented the monthly report. She reported that as of July, revenues were 78% of the total anticipated for the year. She stated that the income tax is still the largest revenue source and currently expenditures are 55% of those budgeted.

OTHER REPORTS

Monthly Planning and Zoning

Dave Betz, Director of Development, noted that Council had in their packets a memo regarding the MORPC Walkable Community workshop. He stated that this workshop will not be held but that the City will try to host a workshop next year. He also stated that the Delaware County Economic Development Department will hold a meeting at the Municipal Building on Friday, September 6 where they will be discussing the CEDA agreement between Powell and Liberty Township, the Village of Shawnee Hills planning projects and other economic development programs. Mr. Betz also stated that there will be a Comprehensive Plan Steering Committee kickoff meeting in mid September. He stated that a committee has not been named as they are inviting everyone interested in participating.

Monthly Parks and Recreation

Mr. Lutz reported that Jeff Snyder, Parks & Rec. supervisor, is ready to go to print with the Fall Parks and Rec. Programming Guide. It is a nice variety of brand new programs with some old favorites scheduled. He also stated that the department had just wrapped up a series of three concerts in the park. Many residents enjoyed the programs, and it will hopefully continue next year.

Monthly Police Report

Chief Vest introduced a new format in the monthly police report. He stated that they are experimenting in order to make the report easier to read. Mr. Cline asked if the use of a district concept is new. Chief Vest stated that they have always had patrol districts, but have not calculated numbers by district. He said that by assigning four districts, officers are assigned to each district and will meet with residents and homeowners' associations. Chief Vest said that this type of report will give a broader picture. In response to questions from Council, Chief Vest confirmed that Powell Police officers are now patrolling Golf Village. He also confirmed that two automobile break-ins had occurred in the City and stated that the neighborhood officers will communicate with residents and homeowner associations to heighten awareness.

RESOLUTION 2002-16: A RESOLUTION TO ESTABLISH THE ESTIMATED REVENUES FOR THE CITY OF POWELL FOR THE FISCAL YEAR ENDING DECEMBER 31, 2003.

Steve Lutz, City Manager, stated that the City is required by the Auditor to file by September 1st, the estimated revenues for next year. He stated that it is also used as Staff puts together the operating budget for next year.

MOTION: Mr. Kaitsa moved to adopt Resolution 2002-16. Mr. Cline seconded the motion.

VOTE: Y 5 N 0

**SECOND READING: ORDINANCE 2002-38: AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF POWELL, REVISING SECTION 1147.12: PRESERVATION AND ENHANCEMENT OF COMMUNITY RESIDENTIAL CHARACTER.
ADVERTISED PUBLIC HEARING**

Steve Lutz, City Manager, stated that the Planning and Zoning Commission recently studied whether to allow cement fiber siding as an approved material within the City of Powell. He noted that the Planning and Zoning Commission was notified of tonight's meeting, and that there are two members present to discuss the matter.

Dave Betz, Director of Development stated that the Commission asked Staff to study the issue regarding exterior materials used on new houses within residential districts in Powell. He said that this amendment would allow for use of cement fiber siding as well as it would require that installation would have to follow best available procedures and manufacturers' specifications for the storage and installation of the material. The recommendations from recognized building industry service reports would have to be followed. Mr. Betz stated that the Planning and Zoning Commission also discussed the residing of current residences. He said that the Commission voted 4 - 3 not in favor of this ordinance. Therefore it will take six affirmative votes of Council to approve this Ordinance

Mayor Schultz opened this item to public comment.

Tom Counts, 203 Beechridge Drive, Vice Chair of the Planning and Zoning Commission, stated that he is concerned about the process that they deal with regarding to new exterior materials. He said that the debate about the proposed ordinance centers around whether the product is an inferior product to the other products being used for exterior siding. He stated that he felt that the installation was the bigger issue. He said that the proposed ordinance was extended to cover installation of all replacement exterior products. He said that the issue needs to be faced squarely. He said that the product is accepted and used within the City. He said that if all of the homes in Golf Village where it is allowed as an exterior product use it, it will be the most widely used product in the City. He stated his concern that the same night that the P & Z rejected the City-wide use of cement fiber siding, they also recommended the use of cement fiber in one neighborhood as a replacement instead of vinyl. He said that his feeling is that if the Ordinance is not passed, the City will need to come up with some criteria for the approval of new products.

Kevin Futryk, 701 Pilcher Court, P & Z member, stated that he is one of the 3 members who supported amending the code to allow this product. He said that the deliberations of the Commission did not center around product, but the installation. He stated that it is bad public policy for the City to say that the product is not approved as part of the Zoning Code, but we will allow developers to use it. He said that it sets a policy that is not consistent.

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

Mr. Wiencek stated the Commission had a number of issues in regard to this approval. He said that they had to do with blanket installation, the conflicting information about the cost comparison of this product to vinyl, the installation issues of blow outs and use of wet product, the use of vapor barrier and the aesthetics of some styles of this product. He stated concern that this would not allow the Commission to approve/disapprove on a case by case basis. He said that those issues need to be addressed and he encouraged other Council Members to visit Tartan Fields and the Parade of Homes to see its installation on larger homes. He also stated that he did not think that there is any member of Planning and Zoning Commission that would not accept cement fiber siding if all of these issues were addressed in an ordinance.

After a long discussion, it was decided that that this should be sent back to the Planning and Zoning Commission so that the items discussed can be addressed. This would also allow input and recommendations from the Building Department, so modifications could be made that ensure uniformity and community wide standards.

MOTION: Mr. Cline moved to table Ordinance 2002-38 until the second Council Meeting in September. Mr. Kaitsa seconded the motion.

VOTE: Y 5 N 0

FIRST READING: ORDINANCE 2002-39: AN ORDINANCE TO APPROVE AN AMENDMENT TO THE MURPHY PARK DEVELOPMENT PLAN TO ALLOW THE USE OF CEMENT FIBER SIDING ON PROPOSED SINGLE FAMILY HOMES.

PUBLIC HEARING ADVERTISED FOR 9/3/02

Stephen Lutz, City Manager, stated that this is a request to permit the use of cement fiber siding. The Public Hearing for this issue is scheduled for the next Council meeting.

David Betz, Director of Development, stated that the application is asking to amend the development plan to allow the use of cement fiber siding. During discussion for this development, it was asked that this have the same development standards as Grandshire, which is adjacent to the proposed development. Cement fiber siding is not part of the approval, and is a substantial change to the development plan. The Planning and Zoning Commission has recommended denial of this, mostly because Grandshire development standards did not include cement fiber siding.

Mayor Schultz opened this item to public comment.

Matt Callahan, representative of Rockford Homes, stated that Mr. Betz gave a good summary of their request. He said that this development will be similar to Grandshire, and they would like to offer cement fiber siding as an upgrade to cedar.

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

Mayor Schultz asked if this product has a different look than the siding in Grandshire. Mr. Callahan said that they are intending to use product with a similar look to cedar. Mayor Schultz asked if they would have a problem if Council added that as a stipulation. Mr. Callahan said they would not.

Mr. Wiencek stated that the P & Z Commission told Grandshire residents that they would retain the same building standards as their development. He said that the residents specifically asked that Murphy Park not be of a lesser standard of what they have. He asked if this is a lesser standard.

Mr. Cline suggested that Staff notify the president of the Grandshire Homeowners' Association and ask if they view this product as a lesser standard. He said that their input may influence how Council feels about this request.

This Ordinance was taken to a second reading.

FIRST READING: ORDINANCE 2002-42: AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$11,100,000 OF BONDS FOR THE PURPOSE OF ACQUIRING STREETS, UTILITY LINES, DRAINAGE FACILITIES AND OTHER PUBLIC INFRASTRUCTURE IMPROVEMENTS FROM THE LIBERTY COMMUNITY INFRASTRUCTURE FINANCING AUTHORITY, AUTHORIZING A BOND PURCHASE AGREEMENT APPROPRIATE FOR THE SALE OF THE BONDS, AUTHORIZING THE PURCHASE OF A MUNICIPAL BOND INSURANCE POLICY IN CONNECTION THEREWITH AND APPROVING THE FORM OF OFFICIAL STATEMENT RELATING TO THE BONDS.

Stephen Lutz, City Manager, stated that this is the first reading of this ordinance which discusses the issuance of bonds to retire the Liberty Community Infrastructure Debt on Golf Village.

Mr. Cline stated that although the language of ordinance and supporting text is different than most of the City's ordinances, this was developed by Bond Council, and he feels semantic changes are not appropriate.

This Ordinance was taken to a second reading.

FIRST READING: ORDINANCE 2002-43: AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED \$11,100,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF ACQUIRING STREETS, UTILITY LINES, DRAINAGE FACILITIES AND OTHER PUBLIC INFRASTRUCTURE IMPROVEMENTS FROM THE LIBERTY COMMUNITY INFRASTRUCTURE FINANCING AUTHORITY.

Stephen Lutz, City Manager, stated that this is the first reading of this ordinance regarding the notes to be issued regarding Golf Village. He said that Staff met with representatives of rating agencies of Moody's and Standard and Poor, hoping to receive an upgraded bond rating. The present rating of A-1 could be upgraded to an AA, which would allow the City to issue the bonds at a slightly lower rate, saving residents money.

This Ordinance was taken to a second reading.

FIRST READING: ORDINANCE 2002-41: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2002.

Stephen Lutz, City Manager, stated that this is an appropriation ordinance increasing the contracted plan review services. The Commercial Building Department plans have to be sent out for review because it requires the signature of an architect. Because of increased building activity, there are increasing fees to the contract plan review.

Nan Metz, Finance Director provided a handout and explained the changes needed to comply with requirements of the County Auditor.

MOTION: Mr. Kaitsa moved to suspend the rules on Ordinance 2002-41. Mr. Cline seconded the motion.

VOTE: Y 5 N 0

MOTION: Mr. Cline moved to adopt Ordinance 2002-41. Mr. Kaitsa seconded the motion.

VOTE: Y 5 N 0

COMMITTEE REPORTS

Development Committee: Mr. Seta stated that the sidewalk policy is ready to come before Council, with the first draft due next week.

Finance Committee: The last Finance Committee meeting was scheduled. The next meeting is September 12.

Service Committee: The Service Committee has not met.

CITY MANAGER'S REPORT

Mr. Lutz reported on the following items:

Scout troops 843 and 1243 are in attendance this evening, as part of their fulfillment of their Citizen and Community Badges.

The Seldom Seen Road, which was scheduled to open by the end of August, will open one week early, by end of this week.

Mr. Lutz introduced Nicole Gomez, who replaced Chris Hogan as the reporter for This Week newspaper.

At the last Council meeting it was asked if, on development related ordinances, it would be possible to have just two readings instead of three. He said that Staff looked at the City Charter and it requires three readings on all ordinances. He said that it does permit Council to suspend rules or enact ordinances by emergency, but Council cannot technically say that there will be only two readings. As a result he suggested that Council create a small task force to do a comprehensive review of the Charter. He further recommended that Rich Cline, Art Schultz, Ken Molnar, Steve Lutz, and a former Council Member study the Charter and propose recommended changes for consideration.

OTHER COUNCIL MATTERS

Action Items

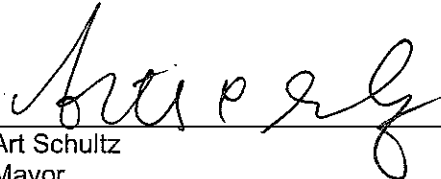
Mr. Cline asked about the at-grade railroad crossing at the Village Green. Mr. Lutz stated that the railroad has informed Staff that before they will consider another at-grade crossing, Murphy Parkway must be completed. Mr. Cline asked about the timetable. Mr. Lutz stated that Staff is in the process of requiring the right of way, and after acquired, must decide how they plan to fund the project. Mr. Cline suggested that Staff the railroad crossing as an action item.

Mr. Seta asked if Staff has established a date for the joint Council/parks meeting. After considerable discussion, it was estimated that the meeting will take place in late September.

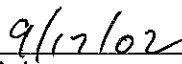
ADJOURNMENT

Council adjourned at 9:18 p.m.

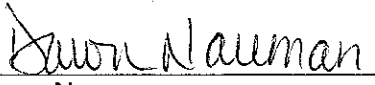
DATE MINUTES APPROVED: September 3, 2002



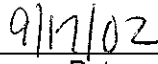
Art Schultz
Mayor



Date



Dawn Nauman
Clerk of Council



Date

