

CITY OF POWELL COUNCIL

November 19, 2002

A regular meeting of the City of Powell Council was held on November 19, 2002, and called to order at 7:30 p.m. by Art Schultz. Other Council members present were Jim Seta, Richard Cline, Dan Wiencek, George Kaisa, and Dave Lackey. Mark Klein was absent. Also present were Stephen A. Lutz, City Manager; Dawn Nauman, Clerk of Council; David Betz, Director of Development; Rob Rice, City Engineer; Nan Metz, Finance Director, Chief of Police Gary Vest; Shea Crawford, Community Affairs/Special Events Coordinator; Ken Molnar, Director of Law; residents and representatives of the press.

EXECUTIVE SESSION: IN ACCORDANCE WITH ORC SECTION 121.22 (G) (1): PERSONNEL: BOARD AND COMMISSION APPOINTMENTS AND PERSONNEL: EMPLOYEE COMPENSATION

MOTION: Mr. Cline moved to adjourn to Executive Session at 7:30 p.m. to discuss personnel matters under O.R.C. Section 121.22 (G) (1) Board and Commission Appointments and Employee Compensation. Mr. Kaisa seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Cline moved to adjourn from Executive Session at 8:30 p.m. Mr. Kaisa seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Cline moved to reconvene in regular open session at 8:30 p.m. Mr. Kaisa seconded the motion.

VOTE: Y 6 N 0

CITIZEN PARTICIPATION

There was no citizen participation. Mayor Schultz noted that Hugh McMichael, Olentangy High School Student, and a member of the Scouts, was present to observe the meeting.

APPROVAL OF MINUTES

The minutes of October 15, 2002 were approved as printed.

The minutes of November 5, 2002 were approved as printed.

FINANCIAL REPORTS

The Accounts Payable Report and Monthly Report were received.

Nan Metz, Finance Director, briefly reviewed the monthly report. She said that income tax and development fee collections are still ahead of budget. She said that auto license and permissive taxes are ahead and they are helping to make up the difference in the gas tax. She noted that the Accounts Payable Report recognizes that two cruisers were purchased for the Police Department. Payment was also made on the Scioto Ridge bikepath construction project.

PARKS AND RECREATION REPORT

The Monthly Parks and Rec. Report was received. Jeff Snyder, Parks and Rec. Supervisor, was present to review City of Powell parks and programming needs. He said that he likes the plans that John Edsall put together. Mr. Lutz asked how Mr. Snyder envisions using the parks once they come on line. Mr. Snyder said that as the parks are phased, programming will spread out. He said that most summer programming is at Memorial and Library Park currently, but that will spread out to eliminate some of the stress on existing parks.

Mr. Cline asked if the use of contract staff has worked well. Mr. Snyder said that the staff is qualified and the courses offered are very professional, but are more expensive offerings than those managed by in-house staff. Mr. Cline asked if costly programs are less attended. Mr. Snyder said there have been instances where programs were originally unsuccessful and became more popular when they were offered at a lower price.

Mayor Schultz said that during the planning process, it was discussed that there is a perception that Mr. Snyder prefers one park over another. Mr. Snyder said that Library Park is used for sports programming because it is all the City has. He said the facilities are there and it is a very visible park. Mr. Kaisa asked, if the Service Facility becoming available for recreational programming will change how Memorial Park is used. Mr. Snyder said that Memorial Park would become a hub of recreational activity and the building would provide a small recreational

facility. Mr. Kaitsa asked if it would be desirable for Mr. Snyder to have a trailer to use for programming that can be loaded at the city offices and unloaded at the park. Mr. Snyder said it would be useful for items that don't fit in the storage bins that were built in the parks.

Mayor Schultz asked for Mr. Snyder's input on the need for shelters in the park. Mr. Snyder said that the safety of those participating in parks needs to be considered, and shelters shield participants from rain, lightening, and sun. They also provide areas to congregate and participate in activities. He said that different shelters have different uses. He said a shelter with meeting rooms and kitchen areas would be desirable. He said that it is important to have a shelter, restroom, and a pay phone in every park. He said he has not heard of problems occurring in park shelters as much as he has heard about problems with skate parks.

Mayor Schultz said that he thinks there needs to be discussion on maintenance and security of these parks once they get on line. He said that he would like to work with the police to consider safety policies. Mr. Seta said that there is an outline of concerns that he can forward to Mr. Snyder.

Mr. Wiencek said that he knows that the Parks and Recreation Advisory Board reviewed the park rules, and they were to be passed on to Ken Molnar, Director of Law for review. He asked to make sure that the park rules are reviewed by the service committee and brought before Council to coordinate with park development.

Mr. Cline said that he is really pleased with the work Mr. Snyder has been doing.

A joint meeting with Council and the Parks and Recreation Board will be held on Wednesday, December 18 at 7:30 p.m.

MONTHLY PLANNING AND ZONING REPORT

Shawn Leininger, Development Planner, reviewed a document amending the previous order of Council regarding a property maintenance violation at 76 Scioto Street (Exhibit). He noted that the only part of the order that has not been completed is the painting of the gable. He asked Council how they would like to proceed from this point.

Garry Swackhamer, Property Owner, said that the wet October weather and need to acquire scaffolding to work on this portion of the project has caused the delay. He estimated that with all the work he was able to accomplish on his house, the gable represents about 2%. Mr. Swackhamer said that he anticipates the work will be done in spring.

Mr. Lackey said that while October was a wet month, August and September were dry months. Mr. Swackhamer said that he was finishing other projects during those periods. He said he used 300 hours of vacation time to complete the work. Mr. Lackey said that Mr. Swackhamer chose the schedule and that the deadlines were an extension of the previous requirement for getting the violations repaired.

Mr. Kaitsa asked how the area of the gable was scraped but not painted if the scaffold could not be acquired. Mr. Swackhamer said that he can reach a portion from one of the windows.

Mr. Wiencek asked if it is correct that Council has two questions to consider. The first is what to do with about this gable and the second is the spring and summer list. Mr. Lutz said that Council has already given Mr. Swackhamer until spring to finish the remaining items and Council just needs to make a decision about the gable. Mr. Wiencek said he thinks Mr. Swackhamer has given a good faith effort to complete the work in the proper time, and the gable is a small part of what he was asked to repair. He said he has no trouble adding it to the spring list. Mr. Cline agreed, and suggested rolling the gable portion into Item 2 in the spring work that requires "all exterior work" be painted and stained. Mr. Kaitsa agreed. He said he doesn't think the weather will cooperate to get that work done now.

MOTION: Mr. Cline moved to amend the order referenced in the memorandum from the Development Planner to City Council dated November 15, 2002, Subject 76 Scioto Street Property Maintenance as follows:

To move item 2 on page 1, in reference to all exterior wood being painted and stained Section 1323.05 (a) and 1323.85 (a) as they relate to the garage and residence as they relate to 76 Scioto Street property maintenance to extend that deadline and include that within that deadline referenced on page 2 of that same memorandum and relating to the work to be done with the chicken coop and barn to

begin by March 20, 2003, and end on or before August 2, 2003.

Mr. Kaitsa seconded the motion.

VOTE: Y 5 N 1 (Lackey)

MONTHLY POLICE REPORT

Chief of Police Gary Vest reviewed the recent community bonfire and Beggar's Night, both which took place without any incidents. He said that Council will be asked to look at an appropriation for \$107,000 for a grant that was received by Powell and 5 other communities. This grant will require no matching funds and will provide additional technology for the police cars. He said that the Powell Police Department will have access to the Ohio Bureau of Motor Vehicles Drivers license photos within the police car. He said that the technology will also provide the police the ability to transfer information to other jurisdictions.

Mr. Wiencek noted a memorandum from the City regarding when to hold Beggar's Night in Powell. He asked if Chief Vest has an opinion on this issue. Chief Vest said that the City has traditionally followed the MORPC recommendation. He said that system keeps trick or treating on Monday-Thursday which is safer than on Friday night, where adult partying and alcohol may be involved. The other advantage is consistency with Dublin and Worthington, and this will keep children trick or treating on one night in the area. If the Beggar's Nights are staggered, children may trick or treat in different neighborhoods on consecutive nights.

Mr. Lackey questioned the amount of alcohol problems that occur between 6 – 8 p.m. on Friday nights. Chief said that one might find adults driving down the street with masks on. He said it isn't a good idea to combine Beggar's Night with periods during which adults celebrate.

Mr. Lackey said that Powell is in the minority in Delaware County for holding Beggar's Night the day before. Chief Vest said that he feels the southern part of Delaware County is more consistent with Franklin County. Mr. Lackey said that Orange Township holds it on Halloween, and Liberty Township will hold it whenever Powell does. Chief Vest said that Powell is an extremely safe community and the criteria other people would use to make such a decision would not impact Powell. However, this could create people coming in from other communities. The risk of that is greater if the City has their Beggar's Night opposite heavier population areas such as Worthington and Dublin. Mr. Lackey asked if a lot of police personnel are busy at football games, etc., on Friday nights. Chief Vest said the department could handle Beggar's Night on Friday night. He said that whatever is determined needs to be planned in advance. He said the City starts to get calls early as to when Beggar's Night will be held.

CLERK OF COUNCIL CORRESPONDENCE

Dawn Nauman, Clerk of Council, reviewed that the notification regarding Liquor License renewals has been received. Council has until January to pass a Resolution protesting any of these renewals if they desire. Ms. Nauman asked if Council would like any additional information regarding the liquor licenses in the City. Mr. Kaitsa asked if there are any problems with any of the establishments in the City. Chief of Police Gary Vest said that there have not been. Mr. Cline said that he is not opposed to receiving the list of current permit holders. However, if the Chief said there have been no problems, and there are no other concerns, Council can take no action.

Ms. Nauman noted that the draft meeting schedule for next year has been prepared. If there are any questions or concerns about the schedule, Council should contact her prior to December 1, as that is when it is distributed. She said she shifted spring break as was done in the last few years, as well as the fourth of July meeting schedules. Per Council's request, the Council meetings scheduled for election days have been moved to the following Wednesday.

SECOND READING: ORDINANCE 2002-54: AN ORDINANCE ADOPTING THE PROPOSED BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2003 AND DECLARING AN EMERGENCY. PUBLIC HEARING

Stephen A. Lutz, City Manager, said that as part of the budget process, the Finance Director is required to certify the amended revenue estimates with the Auditor.

Mr. Seta asked about questions brought up at the last meeting regarding staffing for road maintenance in the City. Mr. Lutz said that would actually be Ordinance 2002-55, which deals with expenditures. Mayor Schultz opened this item to public comment. Hearing none, he closed the public comment session.

SECOND READING: ORDINANCE 2002-55: AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE MUNICIPALITY OF POWELL, DELAWARE COUNTY, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2003.
PUBLIC HEARING

Stephen A. Lutz, City Manager, reviewed that this Ordinance deals with the expenditures associated with this budget. He said that at the last meeting, Council asked what it would take to maintain the islands in the Villagescape downtown. He said there are 20 islands, and they estimate it will cost approximately \$1,000 for mulch, flowers, and other landscaping materials. Mr. Seta said he thinks it is a good idea to do that.

Commissioner Wiencek asked if \$3,000 is sufficient to cover 3 summer concerts. Jeff Snyder, Parks and Rec. Supervisor, said that \$1,000 per act is appropriate if Council was pleased with the type of concert that was held last summer.

Mr. Lutz noted that any revisions to the budget need to be made tonight to comply with the requirements of the Charter.

Mr. Wiencek said that he would support maintaining the islands.

Mayor Schultz said he thinks that Council has made it clear that there are two main capital improvements to press on with. One is the Murphy Parkway extension, for which it is important to have the appropriate design costs. The other is the façade of the Village Green Municipal Building so that when the park is here, there is an appropriate facility. He said he thinks a close third is whether the City is ready to invest in expanding the building for the Police. He said the first two are the highest priority. Mayor Schultz asked if the budget is sufficient to begin moving forward with those two projects.

Mr. Lutz said that there are funds appropriated to finish acquiring parcels and begin engineering for the Murphy parkway connection. He said that Council would need to find the money in the budget for the final engineering and the actual construction. Mayor Schultz asked if money to begin engineering would be needed for next year. Mr. Lutz said he doesn't think so. Mr. Rice reviewed the preliminary engineering process. Discussion ensued. Mayor Schultz asked if it is reasonable to anticipate the preliminary engineering to be finished at this time next year. Mr. Rice said that he feels the funding and time period are sufficient for completing the preliminary engineering for the Murphy Parkway connection by this time next year. Mr. Lutz said at that time, financing the final engineering and construction should be considered. Mr. Kaitsa asked how long it would take to construct the connection. Mr. Rice estimated at least 6 months.

Mr. Seta asked about the pedestrian railroad crossing that will be located near the Murphy Parkway connection. Mr. Rice said it will be built in advance of the connection by the City. Mr. Seta asked if it will effect the approach. Mr. Rice said it will not.

Mr. Lutz said that no money has been budgeted for the façade. Mayor Schultz anticipated that the Finance Committee will be asked to review funding for both the Murphy Parkway connection and the façade.

MOTION: Mr. Cline moved to amend Section 2 on page 3, under public service department, to increase the operating expenses from \$173,850.00 to \$193,850.00 for the purpose of funding maintenance of the islands. Mr. Kaitsa seconded the motion.

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

FIRST READING: ORDINANCE 2002-57: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2002 AND DECLARING AN EMERGENCY.

Stephen A. Lutz, City Manager, reviewed that this would appropriate \$37,900 for surveys of City parks. These surveys are necessary for creating construction plans. Two responses were received in response to the City's Request for Proposals. One was in the amount of \$64,550 and one \$33,494. He said that John Edsall has worked with the recommended company in the past. Staff recommends approval. Mr. Seta asked if these plans can be generated electronically and applied to the park plans in electronic format. Mr. Lutz said they can.

MOTION: Mr. Kaitsa moved to suspend the rules on ordinance 2002-57. Mr. Cline seconded the motion.

VOTE: Y 6 N 0

Mr. Lackey noted a discrepancy in the dollar amount between the body of the ordinance and the attachment.

MOTION: Mr. Cline moved to amend ordinance 2002-57 so that section 1 reflects funding in the amount of \$37,400. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Kaitsa moved to adopt Ordinance 2002-57 as amended. Mr. Cline seconded the motion.

VOTE: Y 6 N 0

FIRST READING: **ORDINANCE 2002-58: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2002.**

Stephen A. Lutz, City Manager, reviewed that this Ordinance provides funding necessary to pay increased RITA collection fees. He said the collections are ahead of budgeted, and the City pays based on a percentage of taxes collected.

MOTION: Mr. Cline moved to suspend the rules on ordinance 2002-58. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Cline moved to adopt ordinance 2002-58. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0

FIRST READING: **ORDINANCE 2002-59: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2002.**

Stephen A. Lutz, City Manager, reviewed that this Ordinance was discussed during the Police Report discussion earlier in the meeting. He credited Chief Vest for seeking and obtaining these funds. He said the Powell Police Department has received a grant in the amount of \$107,000. There is no matching funds required. The City can buy the equipment and be fully reimbursed by the grant.

Chief Vest expressed a desire for this ordinance to be passed as an emergency and therefore immediately in effect. Mr. Kaitsa asked if the City will be reimbursed money they spend from the general fund. Nan Metz, Finance Director, said that it will not be from the general fund, but from a new fund which is created in the Ordinance.

MOTION: Mr. Cline moved to amend ordinance 2002-59 to add to the title "and declaring an emergency" and a third Whereas section in the ordinance to read as follows: it has been determined that an emergency exists in order to take advantage of and qualify for 2002 Grant Funds. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Kaitsa moved to suspend the rules on ordinance 2002-59. Mr. Cline seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Cline moved to adopt ordinance 2002-59. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0

COMMITTEE REPORTS

Development Committee: No report.

Finance Committee: Mr. Kaitsa noted the Committee will be scheduling a meeting to study the funding for the Murphy Parkway extension and Village Green Façade.

Service Committee: Mayor Schultz noted the Committee will be scheduling a meeting to study the issue of mosquito fogging.

CITY MANAGERS REPORT

A brief discussion was held regarding when Beggar's Night is held in the city of Powell.

Mr. Cline said he had no opinion. Mayor Schultz said he normally wouldn't care, but is slightly concerned about holding Beggar's Night on Friday night due to the increased activity on Friday nights. He suggested going with MORPC's recommendation next year and reconsidering the following year.

Mr. Kaitsa said he would support Beggar's Night on the 31st. Mr. Wiencek agreed. He said that as people move in from other areas, when Beggar's Night is held is creating more and more confusion. He would support holding it on the 31st. Mr. Lackey agreed. Mr. Seta said that holding it on the 31st is better because the kids can sleep in the next day. It was decided that Beggar's Night will be held on October 31, 2003.

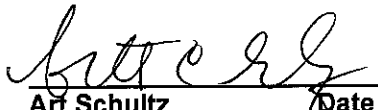
OTHER COUNCIL MATTERS

There were none.

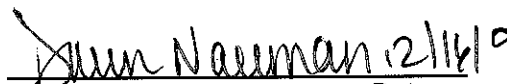
ADJOURNMENT

Council adjourned at 9:45 p.m.

DATE MINUTES APPROVED: December 3, 2002


Art Schultz
Mayor

12/17/02
Date


Dawn Nauman
Clerk of Council

12/14/02
Date