

## CITY OF POWELL COUNCIL

December 3, 2002

A regular meeting of the City of Powell Council was held on December 3, 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 Kaitsa, Mark Klein, and Dave Lackey. 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; Ken Molnar, Director of Law; residents and representatives of the press.

### PRESENTATION

Mayor Schultz presented plaques of appreciation to Kroger, Delaware County Bank and Trust, and Elite Athletic Fitness for their support of the Powell Festival last summer.

Adam Montemarano, Kroger, presented Steve Lutz with a plaque of appreciation for his work as Chairman of the Festival Committee.

### CITIZEN PARTICIPATION

Mayor Schultz stated that he has been notified of a petition to be heard by Council. He said there are interviews planned for Parks and Rec. Board members at 8:00 p.m., and he doesn't want to push them back too far. He said he has asked John Edsall to come to this meeting to give an overview of the proposals for park development in Powell.

Dave Ellwood, 161 Whitegate Court, said he lives right next to the park and has a degree in Parks and Recreation from Penn State University. He said that he has concerns with the process of park development since the tax was implemented. He said he and others feel deceived that they voted for the tax that was for playgrounds, ball fields, land acquisition, and bike and walking paths. He said that no shelters were mentioned in the press during the time the levy was being considered. He said he understands that there was one folder sent out to every family in Powell that did mention the shelter, but in his house, such mail is usually thrown away. Mr. Ellwood said that representatives of their neighborhood have attended all park planning meetings and continually asked where Council came up with the \$7 million amount for park development, and have not received an answer about that. He said that "it seems that the taxpayers...gave the Parks and Rec. Committee and Council \$7 million to plan after the tax was already granted." He said that he has also been told that that \$7 million does not include funds for park maintenance, and that is a concern. He said they were also told that if everything in each master plan was implemented for the parks, the cost would be between \$15 - 20 million. He said he is concerned that Council may come back with more taxes to make up the difference or for maintenance. He expressed concern that the additional maintenance will not be manageable with the current maintenance budget and staff.

Mr. Ellwood continued that the main reason they are present tonight is to ask that any plans for a shelter be completely stricken from the master plan for Library Parks. He said they don't want to have to keep coming to Council meetings to voice their opinion that it not be part of the park. He said they are concerned about the shelter because of the past history of the basketball court at Library Park, which they feel is a major design flaw. He said they think the shelter will cause problems similar to those that occurred on the basketball court. He said this is a neighborhood park, and the residents have continually asked that a shelter not be included. He said the signatures of 127 people out of 101 homes prove that the majority of people in their neighborhoods don't want this shelter. He said that "what went on" at the basketball court could not be controlled until it was dismantled. The police "couldn't control it because of first amendment freedom of speech." He said the basketball courts became a nuisance to the neighborhood and they see the same problem occurring with the picnic shelter. He expressed concerns about alcohol, boom boxes, racing in the driveway, etc., causing a safety concern with the children of the neighborhood. Mr. Ellwood said that while this park has served as a community park in the past, the addition of more parks will make this park once again more of a neighborhood park. He expressed concern that the Parks and Rec. Board did not listen to the residents about this issue. He said they have no problem with people in the park. He said that Falcon Ridge residents asked that soccer fields be removed from Arbor Ridge park, and their concerns were addressed.

John Edsall, Edsall and Associates, gave a summary of proposals for all of the parks within the City. He said there are 9 parks under consideration. He said that 7 out of the 9 include small structures of varying sizes. He said he doesn't think there has been a wanton intent to circumvent the needs and desires of the neighborhood in these proposals. He said that when Library Park was first developed, there was actually a very strong desire for the basketball court. Unfortunately, the court has gone the way of many courts in other communities. He said he doesn't understand why people feel that foul language has to be a part of using such courts. Mr. Edsall

reviewed overheads of Arbor Ridge, Memorial Park, Murphy Park, Powell Place, Village Green, and Library Park, and described the shelters being considered for each facility. He said that as far as Library Park goes, one of the comments during the planning process has been that there are many team games there, and it would nice to be able to have some cover from the weather, and better quality restrooms. Additionally, the structure may be able to store additional park equipment. He added that another item included in the proposal for Library Park is removing the basketball hoops and in their place installing tetherball, four square, and hopscotch, which are activities for much younger children. The basketball court will be moved and become two goals back to back to eliminate full court play. He said the additional parking they are proposing actually provides spaces where people already park along the drive.

Mr. Edsall said that the shelter buildings that they are proposing for the parks will be of an architectural concept that identifies each facility as a Powell Park. He continued that if it is Council's desire to eliminate the shelter, they have no problem with that; however, he thinks it is a desirable element. He said that the shelter itself is actually considered one of the lowest ranked priorities for this site.

Mr. Wiencek asked Mr. Edsall to identify his credentials and parks that he has helped to design. Mr. Edsall said that he worked to design Wellington Park in Dublin, which is a 6.5 acre park virtually surrounded by homes with three access points. He said in this park, a shelter was very much desired and was developed. He said that Fred Hahn, the facilities manager for Dublin has indicated that they have had no problems with the shelter. He said the Dublin Police do monitor it. He said that the surrounding residents really did not want parking at this facility, and although it wasn't installed, it is left on the master plan so that there is space and a plan for its addition if it is ever desirable. Mr. Edsall continued that they worked on the Rec. Center site and sports complex for the City of Westerville, as well as 3-4 other parks in Westerville. They have developed plans for 3 park facilities in Powell. He said overall, they have worked on 131 different park facilities and sports complexes throughout Ohio and other states. He said that the most important factor of any plan is that it reflects the desires of the community.

Mayor Schultz opened this item to public comment and asked that comments be kept to the allotted 3 minutes.

Kristi Kouskouris, 281 Bluff Ridge Court, said that the residents don't want to have to keep coming back to address this issue. She said many of them remember when the Bennett Parkway had the potential of becoming the main thoroughfare through Powell. She said their intent by scrapping the shelter now is that won't have to be considered in the future. She said as new people move in, it could be installed, and they "don't want to go through that again." She said this is a neighborhood park, and it is undesirable to attract a lot of people who don't live here and don't pay tax dollars.

John Denunzio, 165 Whitegate Court, said that he doesn't think anyone is questioning the qualifications of Edsall and Associates. He said he understands the desire for continuity with each park and how those shelters can provide a nice addition, but he would like to reiterate that each planning session for this park was a disappointment because the citizens kept saying they were opposed to the shelter, yet it kept showing up on the plans. He said that the petition is a tool for Council to hear the residents. He said 127 neighbors don't want it. He said he would like to know the rest of the process by the end of the meeting.

David Newman, 149 Whitegate Court, said that his property is directly on the park. He said he is here to support his neighbors and those who signed the petition. He asked some form of action from Council to make sure that a decision is made. He expressed concern that the residents feel their voices were not heard.

Tracey Mayberry, 446 Briarbend, said he appreciates his neighbors' efforts in participating in the village government. He said that experts are retained to supplement people's knowledge and experience, but it seems very clear that the structure is not desirable, and it seems prudent to delete it. He expressed a desire for additional comment.

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

Mr. Seta thanked the residents for coming tonight and participating in the preceding public meetings. He reviewed that the \$7 million dollars was a figure reached by first studying the preliminary cost estimates on each park, including inflation, and rounding them up to provide additional dollars for land acquisition. He said that the information on this budget was published prior to the election. He said the bond levy does not include maintenance costs, because those are included in the operating budget for the City, and consideration of those is a separate issue. He said that master plans are really a wish list for all the items that would be desirable for each park. He said that the master plans will be well over \$7 million, but once the cost estimates are developed and presented to Council on December 18, Council will look at them and start to prioritize items for each park.

Mr. Seta said he thinks the City did a poor job conveying the procedure for park planning to the Liberty Hills subdivision. He said that the comment about the shelter was on the board at least 15 times, and he was surprised when he saw it appear again. He said that this goes back to the issue of the intensity/density of Library Park. It is a well-used park, but more intensity is a concern. He said he is unsure if what happened with the basketball courts will happen with the shelter, but a shelter will bring more intensity back to the park. He said he hears the residents loud and clear on their desires.

Mr. Lackey said that he thinks the concerns about Library Park being on the "main drag" will help be alleviated when Liberty Road is realigned and the majority of the traffic will take Murphy Parkway. In addition, a park is being planned for the Hard Road area that will serve many of those Franklin County residents. He said he doesn't think adding a shelter is going to add the intensity, but rather will detract from it because it will take away from the playing area. He said the biggest problem he is having right now is taking the "logical leap" that the problems at the basketball court will continue with the shelter. He said the shelter being proposed is an open gazebo. He said he has a feeling that if he showed the picture of an open gazebo to 127 residents, and noted the distance away from the homes, and said it would have security features such as motion sensitive lighting, he could get a fair number of signatures saying they have no problem with the shelter. He said that he has heard of no problems with criminal activity at the shelter in Memorial Park, or at Highbanks. He said he thinks that a building in this location would provide shelter from the sun for the elderly or young children. He said that he has done a little research and been able to find no records of problems with such facilities. He agreed that without being monitored, there could be concerns, but with enforcement of the existing park rules which prohibit boom boxes and alcohol, he doesn't anticipate any problems.

Mr. Cline thanked the residents for their input and the petition. He, however, said he has difficulty understanding how the residents translate a problem with the basketball courts to a problem with the gazebo. He asked that the Chief of Police report back to Council regarding problems in shelter houses in surrounding communities so that Council may make a more systematic evaluation of the risks. He said if there turns out to be serious risks; he has no problem voting to remove it. On the other hand, if there is no objective evidence to support those concerns, Council needs to evaluate the second concern, and that is whether this is a neighborhood park, and if a shelter should be installed where a neighborhood doesn't want it. He said that is something that can be considered in an open meeting. He said he doesn't think it is appropriate to vote on this tonight because it was not on the agenda. He said he had no idea Council was even going to talk about it. In addition, there may be 100 neighbors that may want the shelter, and those people need an opportunity to be heard.

Mr. Wiencek concurred that he is having a hard time making that leap regarding the activity in the basketball courts occurring in the gazebo. He said he thinks that the residents concerns were not ignored. He said there has been quite a bit of effort to address the residents' concerns and maintain the overall vision of what is appropriate in every park. He said the basketball court has been moved and redesigned and additional screening has been proposed. He said that he thinks permanent restrooms are a major component of all of the park system. Some sort of shelter will be required if only to house the bathrooms. He said expects the budget not to allow for every element in every plan. He said at the moment, he doesn't support removing it from the plan, but he would support putting it "way down" on the list of priorities. He said that Council has a legal obligation to spend its fund in a 5-year period, and there is time to understand the experience with shelter buildings. He said there is also time to understand the impact of opening other parks. He said he suspects less use of this park with the opening of more.

Mr. Klein asked Mr. Edsall if he has experience with such structures in other parks. Mr. Edsall said he has experience with another. Mr. Klein asked about the concerns for structures meant for family use or picnic areas. Mr. Edsall said he never heard of anything bad. He said that they have been needed in some facilities for storage and provided the necessary shelter for those park users that need it. Mr. Klein said that on Mr. Elwood's invitation, he went to his home to witness the behavior of those who were using the basketball courts in Library Park. He said that it was an organized group of "thugs" that were rude and bullied other children so they could not use the courts. He said he was concerned and alarmed over this problem, and worked with Council and the City Manager to remove the hoops. He said that the court is now down to one hoop, and the Ellwood's have been very pleased with the results. He said the people that were causing the problem are gone. Mr. Klein said he is committed to maintaining the high quality of life in the parks, and he doesn't want to install any structure or activity that will make the residents feel unwelcome or unsafe. He said that gazebos initially sound like a benefit to families using the park, but if such a structure would "entice large quantities of outside people that are going to change the quality of life in the park," he is not in favor of that. He said that Council needs to be careful and deliberate and receive additional information from Mr. Edsall and the residents before a final decision is made.

Mr. Kaitsa thanked the residents for taking time out of their schedule to come to Council to and speak about this

issue, and he also thanked all of those who signed the petition. He said he is a strong believer in the petition process. He said that he also feels strongly about Council's need to make sure it doesn't do anything that adversely impacts the neighbors around the park. He said he thinks the petition has made a strong statement. He said he agrees that the residents shouldn't have to come back and revisit this issue, and he is one vote in favor of removing the gazebo from the master plan. He said he thinks there is a need for restroom facilities for all parks, but if there is a desire that it be removed from the master plan, then that can be done as well.

Mayor Schultz said that neighborhood issues are some of the most difficult to consider. He said Mr. Edsall was asked to do the best he could with the input he received, and he absolutely heard that people who abut the park don't want a shelter house. However, he used his best judgment because everything were eliminated that residents didn't want, each park would only be a garden. He said that he is not saying he is for or against a gazebo, but he thinks the gazebo has become an icon of the debate. He said he has talked to several people in his neighborhood, several of whom were actively involved in the petition. He said that he talked them through the proposal, and three out of the four admitted that if it had a small roof, was open to the public with two picnic tables under it, they honestly didn't think a gazebo would have a negative impact. He said he is trying to balance Mr. Kaitsa's desire to base the planning on every neighborhood, or apply a unifying theme. He said perhaps gazebos should be removed from all the parks. He questioned whether Council can really equate "bad things happening in this park" with the gazebo. He said that it may be desirable to close the park at night and gate it like at Highbanks. He said that it could be desirable to wait until the absolute last moment to build the shelter. He said that he thinks this may be debate over a lot of nothing, because if this is on the bottom of the list, it is not going to be built with the bond money.

Mayor Schultz said that Council is fooling itself to think that in 5 years, a new Council can't build something because of a decision this Council makes. He said that this process depends on people providing correct information. This isn't an amphitheater, and it can be scaled up and down. He said he has also heard different reasons why such a shelter isn't desirable. He said that Mr. Ellwood said he would welcome thousands more people into the park, just not the basketball players. He said others say they don't want more people. He said that Council needs to consider what it is trying to accomplish. He said that if he doesn't think anyone is benefiting by improper information. He said that people complain about urinating in the park, but don't want bathrooms. He said that Council needs to work through this and make sure it is communicating. He said that no decisions have been made on size, scale, bathrooms, etc. for the shelters for all of the parks. Mayor Schultz said he doesn't think this is just "Liberty Hills park." A lot of people use it, not just from the south, but from other Powell neighborhoods. He said that it is very difficult to try to make a decision with 120 signatures on a petition. However, accurate information is important, and some people who signed the petition were told that it would be a large shelter. He said that further discussion is needed on this, and Council needs an opportunity to make a decision.

Mayor Schultz discussed the planning process. He said that the primary goal of the upcoming December 18 meeting is to prioritize items from each plan. He said he is fairly certain that this park is not going to be on the top of the list, so that others can come on line and remove some of the pressure from it. On the 18<sup>th</sup>, in addition to setting priorities, Council should consider whether they want to "tweak" the plans individually, and remove basketball courts here, make the shelter small there.

Mr. Edsall added that there have been many discussions that there is a fairly strong need for shelters for additional parks and recreation programming. Additionally persons with disabilities might need the accommodation of such a shelter. He suggested that on the 18<sup>th</sup>, they provide a presentation on the cost considerations for shelters individually, those with restrooms, only restrooms, etc. since much of the determination will be budget-driven.

Mayor Schultz asked for final comments, but asked for no repeats at this point.

Mr. Elwood said that if there are budget concerns, it seems like a "no-brainer" that the submittal of the petition saying this is undesirable would result in cutting it from the plan. He said as far as tying basketball court concerns into this, he has lived right on the park for 13 years, and they have seen a lot of distasteful things of a sexual and/or vandalistic nature.

Julie Denunzio, 165 Whitegate Court, asked that Council give the petition more credibility. She said they did not scare people into signing it, but rather told them the size was not determined. Mr. Denunzio said that it is disheartening that Council asks for public opinion and then disregards it. Mr. Cline said that he in no way intended to insinuate that the petition is not valid, but he would like to hear from the other neighbors who have opinions about this park, but like him, did not know that this issue was to be discussed. He said that he is unwilling to make a decision without proper notification.

Mayor Schultz said that no matter what is done tonight, there is no assurance on what previous Council may do. Mr. Lackey said that his experience on Planning and Zoning Commission and Council is that most of the folks who show up about an issue are those who are against it. He said that doesn't take away from their argument, but the real problem is that Council has to balance the 127 that signed the petition against the 7,000 citizens in the City. He said that he thinks some people feel that the behavior the neighbors want to avoid can still be avoided with a shelter in place and other precautions. Sexual activity is less likely if the lights go on upon entry.

**MOTION: Mr. Cline moved to adjourn to Executive Session at 9:00 p.m. to discuss personnel matters under O.R.C. Section 121.22 (G) (1) Board and Commission Appointments and Employee Compensation.**

**Mr. Kaitsa seconded the motion.**

**VOTE: Y 7 N 0**

**MOTION: Mr. Cline moved to adjourn from Executive Session at 9:45 p.m. Mr. Kaitsa seconded the motion.**

**VOTE: Y 7 N 0**

**MOTION: Mr. Cline moved to reconvene in regular open session at 9:45 p.m. Mr. Kaitsa seconded the motion.**

**VOTE: Y 7 N 0**

#### **APPROVAL OF MINUTES**

The minutes of November 19, 2002 were approved as printed.

#### **FINANCIAL REPORTS**

The Accounts Payable was received.

#### **OTHER REPORTS**

There was no additional reports.

#### **CLERK OF COUNCIL CORRESPONDENCE.**

Dawn Nauman, Clerk of Council, reported that she has heard back that many Council members are available to meet 15 minutes prior to the next Council meeting to discuss local government with several Scout and Weebelo Troops working on a merit badge. She noted that refreshments will be provided to celebrate the holidays.

Steve Lutz, City Manager, reported that Ms. Nauman provided Council with the list of liquor permit holders within the City and asked if there is any interest in objecting to the renewal of any. There being no complaints on specific permits, Council did not request a hearing on any renewals.

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

Mr. Lutz said that this Ordinance allows the Finance Director to certify the amended revenue estimates for 2003.

**MOTION: Mr. Cline moved to adopt Ordinance 2002-54. Mr. Klein seconded the motion.**

**VOTE: Y 7 N 0**

**THIRD 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.**

Stephen A. Lutz, City Manager, that this is the third reading of the budget ordinance. He noted that the City is in excellent financial health, and many communities cannot say the same. He said that this year's budget increases the services to the residents and is balanced.

Mr. Wiencek asked if the ordinance includes the increase to maintain the parking islands in the downtown area. Mr. Lutz said that change was made at the last meeting. He noted that Council cannot make any changes in the budget tonight unless it would like to schedule a special meeting. Mr. Wiencek asked if there were any other significant changes. Mr. Lutz said there were not.

**MOTION: Mr. Kaitsa moved to adopt Ordinance 2002-55. Mr. Cline seconded the motion.**

**VOTE: Y 7 N 0**

**FIRST READING: ORDINANCE 2002-60: AN ORDINANCE RELEASING THE CLAIM OF THE MUNICIPALITY OF POWELL TO A PORTION OF A PLATTED UTILITY EASEMENT ON LOT 4291, GOLF VILLAGE SECTION 7 PHASE A, PLAT CABINET 3, SLIDES 3-3B DELAWARE COUNTY, OHIO RECORDS.**

Stephen A. Lutz, City Manager, said that the next two ordinances are a result of a surveying error. This area of Golf Village was built under the county and township jurisdiction, but the mistake would have happened under the City's as well. He said that this type of mistake happened in Powell in Bartholomew Run. Because one of the control points were off during the surveying of these lots, the pins were skewed and two lots were constructed within an easement. In this case, there is a 25-foot utility easement in front of the house, into which the front edge of the house encroaches 9 inches. He said it is recommended that this easement be reduced to 23 feet rather than 25 feet. Both the County and City engineer have reviewed this and have no concern of impact on the utilities.

David Krock, ADR & Associates, said that this issue is clearly a result of a mistake by his company.

Mr. Klein asked if there was any consideration given to having the Board of Zoning Appeals (BZA) review this issue. Mr. Lutz said the BZA will address the setback variance that will now be required from this property.

Mr. Klein said that he has personal experience of his own home encroaching into a setback by .4 feet and it caused a major issue for him as a homebuilder. He said that they had the option of getting approval from the village to encroach, or move their house. He said this is a very scary thing for these five homeowners, and he would like to move quickly on this to help resolve the problem.

Ken Molnar, Director of Law, suggested that a section be added to the ordinance authorizing the City manager to execute a deed on behalf of the city transferring the entrance back to the developer.

**MOTION: Mr. Klein moved to add Section 2 to ordinance 2002-60: "That the City Manager is hereby authorized to execute a deed on behalf of the city transferring its interest back to the developer," and to renumber the remaining sections accordingly. Mr. Kaitsa seconded the motion.**

**VOTE: Y 7 N 0**

**MOTION; Mr. Klein moved to suspend the rules on Ordinance 2002-60. Mr. Kaitsa seconded the motion.**

**VOTE: Y 7 N 0**

**MOTION; Mr. Klein moved to adopt Ordinance 2002-60. Mr. Kaitsa seconded the motion.**

**VOTE: Y 7 N 0**

**FIRST READING: ORDINANCE 2002-61: AN ORDINANCE RELEASING THE CLAIM OF THE MUNICIPALITY OF POWELL TO A PORTION OF A PLATTED DRAINAGE EASEMENT ON LOT 4268, GOLF VILLAGE SECTION 7 PHASE A, PLAT CABINET 3, SLIDES 3-3B DELAWARE COUNTY, OHIO RECORDS.**

Stephen A. Lutz, City Manager, said that in this case, the house encroaches into a 15-foot drainage easement by 1 foot 8 inches. This proposed ordinance would modify and reduce the drainage easement to 13 feet. Neither the City nor County engineer have concerns about impact on drainage.

**MOTION: Mr. Klein moved to add Section 2 to ordinance 2002-61: "That the City Manager is hereby authorized to execute a deed on behalf of the city transferring its interest back to the developer." and to renumber the remaining sections accordingly. Mr. Kaitsa seconded the motion.**

**VOTE: Y 7 N 0**

**MOTION; Mr. Klein moved to suspend the rules on Ordinance 2002-61. Mr. Kaitsa seconded the motion.**

**VOTE: Y 7 N 0**

**MOTION; Mr. Klein moved to adopt Ordinance 2002-61. Mr. Kaitsa seconded the motion.**

**VOTE: Y 7 N 0**

**FIRST READING: ORDINANCE 2002-62: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2002 AND DECLARING AN EMERGENCY.**

Stephen A. Lutz, City Manager, said that this ordinance moves money around from different accounts to pay for employee pensions. In the past, this payment was made quarterly, but beginning in October, the payment will be collected on a monthly basis. Therefore, this year's budget needs to include 14 rather than 12 months.

Mr. Seta asked about a reduction from the salary in Public Service. Mr. Lutz said that there was a vacancy in the Public Service Department, and that funding was used to pay toward the pensions.

**MOTION:** Mr. Cline moved to suspend the rules on Ordinance 2002-62. Mr. Seta seconded the motion.

**VOTE:** Y 6 N 0 (Abstain: Kaisa)

**MOTION:** Mr. Cline moved to adopt Ordinance 2002-62. Mr. Klein seconded the motion.

**VOTE:** Y 6 N 0 (Abstain: Kaisa)

#### COMMITTEE REPORTS

**Development Committee:** Mr. Lackey reported that a meeting will be held before the next council meetings and the Committee will discuss the sidewalk repair and signage policy.

**Finance Committee:** No report

**Service Committee:** Mr. Klein said the Service Committee did not meet, but he had an offline meeting with Shea Crawford, Community Affairs/Special Events Coordinator, who is creating a working list of the projects identified in the Comprehensive Communications Plan. He said from that, a top ten list of projects will be identified, elements of the communication plan will be reviewed to determine how to implement them. Mayor Schultz said that the Service Committee has been working on communication with Liberty Township. He noted that there is a meeting planned on shared services scheduled for December 19 that no City representatives can attend, and he has sent a letter to Liberty Township requesting that the meeting be pushed back into January rather than be held without City representation.

#### CITY MANAGERS REPORT

Stephen A. Lutz, City Manager, reviewed that the Tree Lighting/Holiday Open House is scheduled for Thursday, December 5.

#### OTHER COUNCIL MATTERS

Mr. Wiencek referenced correspondence from Michelle Peyton regarding her concerns of the development of the pond in Meadowview Park. He said that it was recognized early on that the property lines of adjacent properties go into the pond, and therefore, there is no public access to the pond without filling it in or obtaining an easement. He referenced the property owners' concerns about the addition of a path around the pond, and noted that he is unaware of plans for such a path. He said that concerns about this access is something that Council should address and resolve as soon as possible. Mr. Cline asked what the purpose of an access easement is. Mr. Wiencek said it would provide access to the pond to fish, etc, and also provide access to the rest of the park by residents of Olentangy Ridge subdivision. Mr. Wiencek said at this time, people are walking on Ms. Peyton's and her neighbor's yard to access the pond. Discussion ensued regarding requesting easements in the pond area and/or filling in the pond to gain access. Mr. Lutz suggested that he contact Ms. Peyton and get a little more information on her concerns, and report back to Council.

#### EXECUTIVE SESSION

**MOTION:** Mr. Cline moved to adjourn to Executive Session at 10:30 p.m. to discuss personnel matters under O.R.C. Section 121.22 (G) (1) Employee Compensation. Mr. Kaisa seconded the motion.

**VOTE:** Y 7 N 0

**MOTION:** Mr. Cline moved to adjourn from Executive Session at 10:55 p.m. Mr. Kaisa seconded the motion.

**VOTE:** Y 7 N 0

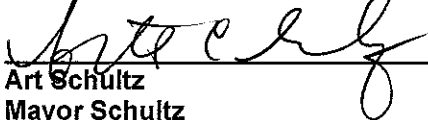
**MOTION:** Mr. Cline moved to reconvene in regular open session at 11:00 p.m. Mr. Kaisa seconded the motion.

**VOTE:** Y 7 N 0

#### ADJOURNMENT

Council adjourned at 11:00 p.m.

DATE/MINUTES APPROVED: December 17, 2002

  
Art Schultz  
Mayor Schultz

Date

  
Dawn Nauman  
Clerk

Date

