

CITY OF POWELL COUNCIL

December 17, 2002

A regular meeting of the City of Powell Council was held on December 17, 2002, and called to order at 7:35 p.m. by Art Schultz. Other Council members present were Jim Seta, Richard Cline, Dan Wiencek, Mark Klein, and Dave Lackey. George Kaitsa was absent. Also present were Stephen A. Lutz, City Manager; Dawn Nauman, Clerk of Council; David Betz, Director of Development; Rob Rice, City Engineer; Shea Crawford, Community Affairs/Special Events Coordinator; Ken Molnar, Director of Law; residents and representatives of the press.

EXECUTIVE SESSION

MOTION: Mr. Cline moved to adjourn into Executive Session in accordance with ORC Section 121.22 (g) (1): Personnel: Board and Commission appointments. Mr. Klein seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Cline moved to adjourn from Executive Session at 8:02 p.m. Mr. Klein seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Cline moved to reconvene in regular open session at 8:04 p.m. Mr. Klein seconded the motion.

VOTE: Y 6 N 0

CITIZEN PARTICIPATION

Bill Little, Parks and Rec. Advisory Board, read a statement from Karen Slavik, President of the Parks and Rec. Board, regarding park development in the City (Exhibit).

Mr. Lackey said that he very much appreciates the work of the Parks and Rec. Board, and said they have done a very good job. He said he is in agreement with the board on the issue of the shelter facility.

There were no further comments from Council.

Mr. Little said that as a citizen of Powell, he finds what he has recently read in the newspaper very embarrassing. He said he hopes this isn't a reflection of where the City is going.

APPROVAL OF MINUTES

The minutes of December 3, 2002 were approved as printed.

FINANCIAL REPORTS

There were none.

OTHER REPORTS

Monthly Police

Mr. Lutz said that the Police Chief will be available at tomorrow evening's park meeting to answer any questions on park issues.

Mr. Wiencek asked if the increase in petty crime identified in the report is related to an increase in houses or if there are other factors. Mr. Lutz said that Chief Vest can comment on that at the next meeting.

Monthly Planning and Zoning Report

Mr. Betz reviewed that the next steering committee meeting will be held on January 9th, at which time there will be a review of the Comprehensive Plan survey results.

Mr. Wiencek asked what is the status of the Zoning Code amendment regarding installation standards for siding materials. Mr. Betz said there was discussion of that issue at the last Planning and Zoning Commission meeting and it will be reviewed again. Mr. Wiencek noted that the Historic District Commission (HDC) asked that cement fiber siding be an approved material in the historic district. The Planning and Zoning Commission discussed that issue and did not support it. He suggested that if members of Council feel otherwise, they express that opinion to members of the Planning and Zoning Commission. Mr. Lackey said that the Development Committee recently discussed guidelines for installation and storage. While the material is not approved for city-wide used, it is approved for specific developments, and there are no additional standards for installation. Mr. Betz said that there is some question as to whether new rules for installation can apply to Golf Village because of the CEDA.

Mayor Schultz said that it has been discussed that requiring an underlayment beneath cement fiber siding would create more of a straight line, but it is his understanding that some of the homes in Golf Village that have siding that appears to be wavy have such an underlayment. He asked if that underlayment material should be determined. Mr. Betz said many of these questions need to be considered by the Building Department. Mayor Schultz asked that a lot of those questions be reviewed with the Building Department and the Commission prior to coming before Council for their consideration.

Parks and Recreation Monthly Report

Mr. Snyder noted that the fall quarter ended Monday, and the winter quarter begins January 22. He said that there is more interest in each season as the programming is offered. He said the brochures should be mailed the week of January 6.

Mr. Cline asked Mr. Snyder if he has experienced problems with free-standing structures in parks. Mr. Snyder said that shelters are usually embraced by communities. They are heavily used by parks and rec. departments, civic associations, and neighborhood celebrations. He said he is unaware of any problems. Mr. Cline asked if during the study of shelter facilities, whether Worthington indicated they have had problems. Mr. Snyder said the worst problems they experienced was some graffiti.

Mayor Schultz said that one issue that was discussed during Joint Parks and Rec./Council meetings was a listing of parks and rec. programming and activities that are available to residents of the City. He said this could be a page on the City's web site that links to other areas that provide resources, such as the OYAA and YMCA. Mayor Schultz asked if the City is at the point where it updates its own web page. Dawn Nauman, Clerk of Council, said that the City does not, but they can work with the web designers to determine the cost for adding such a page. Mr. Lackey said it could be as simple as a directory.

Mr. Klein expressed an interest in revisiting the design of the web site and coordinating some of these ideas. He said he thinks Powell is ready for its "next generation web site." He said that this may mean additional expenditure.

Ms. Nauman said that the server the City plans to install next year is actually going to be capable of hosting the web page, and that a cooperative effort can be made to look into this issue. Shea Crawford can address the communications plan aspects, Jeff Snyder the Parks and Rec. aspects, and she can address the IT issues. However, she noted that there is no funding in next year's budget for such a project.

Mayor Schultz suggested that staff begin with determining what pages of the current web site are the most popular, and what can likely be reconstructed. Mr. Cline said that if there is a desire to bring the web page in house and administer it there, then every department in the City needs to determine how they can communicate with the residents. He gave an example of building forms and the building code being available to residents.

Mr. Seta said he thinks the parks and rec. programming page is a great idea. Mr. Wiencek said that his goal for a web page is something functional and standardized and simple. After further discussion, it was decided that this issue would be reviewed by the service committee but the information would be provided to all of Council.

CLERK OF COUNCIL CORRESPONDENCE

Dawn Nauman, Clerk of Council, reviewed that she had her first meeting with the company that will be installing the network server and it should really be an improvement in how the computers work in the office. She briefly reviewed the remote access availability, back up, power supply and firewall that will be available.

FIRST READING: ORDINANCE 2002-63: AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF POWELL AMENDING SECTION 1147.14: RECREATIONAL STRUCTURES.

Stephen A. Lutz, City Manager, reviewed that several months ago, there were several concerns voiced by residents regarding the recreational structures ordinance. The Planning and Zoning Commission has studied this issue further at the request of Council, and prepared the recommended ordinance.

David Betz, Director of Development, reviewed that the main issue discussed the first time this ordinance was considered was basketball goals located in public rights of way. Both the Planning and Zoning Commission and Council determined that it was desirable to keep such structures out of the rights of way. He said that rear and

sideyard setbacks for placement of other recreational structures was also discussed. He said that this legislation changes those setbacks to 5 feet. Mr. Betz said that this amended ordinance takes into account the effective date of the legislation. Recreational structures in the rights of way are not "grand fathered" in due to public safety concerns. However, any other recreational structure installed prior to the effective date of this ordinance is allowed to remain.

Mr. Lackey suggested that section (I) say that "private deed restrictions and covenants may have *additional* requirements" rather than "*other* requirements," because that could imply that deed restrictions would be the only regulations to follow. He said his other concern is whether easily movable structures need to be grand fathered. He noted that one resident had a very light trampoline in a rear-yard easement. He questioned the need for "grand-fathering" easily movable structures. Mr. Betz said that there is no distinction. However, if the item would be moved in any respect, the new requirements would need to be met. Mr. Lackey said that he doesn't want to grandfather those easily-moved items, but at the same time, he doesn't want to make this more complicated. Mr. Betz said he fears this would make it more complicated.

Mr. Betz said that Staff will send notices to residents who previously received notice on these items.

Mr. Wiencek noted that the Planning and Zoning Commission did hear requests that recreational structures be permitted in the right of way and on dead end streets, but they determined they were not desirable. Mr. Lackey said that someone who really wants to do that could go to the Board of Zoning Appeals (BZA) and request a variance.

Mayor Schultz said that such a structure could be rolled to the street, used, and rolled back for storage. Mr. Klein asked if this ordinance prohibits residents from using a rec. structure on the street. Mr. Betz said that if Staff saw such a use, they should ask them to move it out of the right of way and place it behind the sidewalk.

MOTION: Mr. Lackey moved to amend Section (I) to read: "private deed restrictions and covenants may have *additional* requirements" Mr. Cline seconded the motion.

VOTE: Y 6 N 0

There was no further discussion, and this item was taken to a second reading and public hearing at the next meeting.

HISTORIC DISTRICT APPROVAL REVIEW AS REQUIRED BY SECTION 1143.23 (I)

New single family residential dwelling at 25 E. Case Street.

Stephen A. Lutz said that the Historic District Commission (HDC) has approved a plan for a new single-family home in the historic district. After tonight's meeting, Council can request a hearing for further review of this development plan and whether it conforms to the historic district guidelines.

Shawn Leininger, Development Planner, reviewed the plan for a Teale Homes 1600 sq. ft. single family spec home to be located on the corner of Case and N. Liberty Street. He reviewed the proposed future access for this and two adjacent properties by a shared paved drive. He said that they are proposing a 10-foot gravel driveway. There will be no garage but a four car pull up in back. He reviewed the design of the building, a gabled L design with a gray asphalt dimensional shingle roof. He said they are proposing lap siding, and they would like cement fiber siding. The color proposed is Wedgwood Blue with white trim, which matches the current building where Teale Homes is located.

Mr. Leininger reviewed the elevation and proposed materials. He reviewed the HDC's conditions of approval as outlined in the draft November HDC minutes. He described that in this zoning district of OPR, Old Powell Residential District, permitted materials are wood or natural materials. He said the applicant has asked for cement-fiber or vinyl siding. However, because cement-fiber is not outlined in the guidelines, the HDC does not have the authority to permit it. The HDC therefore approved the use of wood or cement-fiber. The applicant would then need a variance from the Board of Zoning Appeals (BZA), or approval for a zoning change by the Planning and Zoning Commission to use cement fiber. Based on this application and the concern for future developments that may want to use cement fiber, the HDC made recommendation to the Planning and Zoning Commission that the requirements of Code section 1147.12 be removed from the historic district overlay so that permitted materials are wood, cement fiber and as a last resort, vinyl.

Mr. Wiencek said that he understands that the Historic District guidelines permit vinyl siding "as a last resort." He asked what a last resort is. Mr. Betz said that a good example is the Powell Daycare building which had an expansive amount of wood that was in extremely poor condition. The HDC felt that replacing it with vinyl siding was the best option for the property owner. It was very cost-prohibitive to replace the material with wood. Mr. Lackey asked if the message is to let your property fall into disrepair so that you may use vinyl later. Mr. Betz said that there are other provisions in the code that prevent that from happening. He said that poor quality siding doesn't mean the owner let it go into disrepair but sometimes it is just a matter of age. Mr. Wiencek questioned whether this is an economic decision. Mr. Lutz said that the determination is to be made by the HDC. Mr. Leininger said that the applicant did ask for vinyl in this instance, but the Commission did not permit it.

Mr. Lackey said he thinks the HDC did a great job with the design, but expressed concern that cement-fiber is approved. Mr. Betz said that the applicant has the right to go to the BZA to request a variance and allow cement fiber siding. He said if the Planning and Zoning Commission and Council amend the code before the house is built, and cement-fiber is considered a permitted siding material, then they can use that.

Mr. Cline expressed concern about the HDC's motion that cement-fiber siding is an approved material, which could result in Council ratifying that approval. Mr. Betz said he doesn't think Council has the power to either grant the variance or change the code with this approval. A lengthy discussion ensued. Mr. Molnar said that the question before Council is whether they want an additional hearing on this approval. He said that Council can consider whether to deny or modify the decision of the HDC at that hearing.

Mr. Klein said that he relies heavily on the opinion of the Planning and Zoning Commission as to whether cement fiber siding is an appropriate material. He welcomed the Planning and Zoning Commission review of this issue.

Mr. Betz added that the minutes upon which Council is placing their judgment have yet to be approved and can later be modified. He said it was their intention that cement fiber is a permitted material if the applicant can get subsequent approval from either the BZA or a Zoning Code change.

Kathleen Quirk-Keyser, property owner, read from page 303 of the Zoning Code which does not use the words "last resort" to describe vinyl siding as a permitted use: "the use of aluminum and vinyl siding in new construction, or to replace existing wood siding should not be considered unless all other possible course of action have been explored." She said that if Hardiplank is not permitted and wood is too expensive, then vinyl would meet the criteria. She then read a statement into the record (Exhibit 2). Ms. Keyser said that they do not want to spend the additional money to get subsequent approval from the BZA or Planning and Zoning Commission to use Hardiplank when vinyl is permitted. She said that done correctly, vinyl siding is a viable option in a neighborhood "in need of a little work." She expressed a desire for Council to hold a hearing so they can permit vinyl.

Mr. Lackey asked to see a summary of the cost differences between the various materials being discussed if a hearing is held on this item.

MOTION: Mr. Cline moved that the Certificate of Appropriateness approved by the Historic District Commission with respect to 25 E. Case Street, as shown in the November 21, 2002 be set for a hearing before the City Council at their next meeting.

VOTE: Y 7 N 0

Mr. Cline said that he is interested in Staff's recommendation with respect to the use of cement fiber and vinyl siding on this property. Mayor Schultz asked if it is within Council's authority to allow vinyl. He asked if it is correct that Council cannot permit Hardiplank but could permit vinyl. Mr. Betz said that is correct.

COMMITTEE REPORTS

Development Committee: Mr. Lackey said that the committee met today and is almost complete with the proposed sidewalk and signage policies. Mr. Wiencek asked if an ordinance is enacted sometime in January or February and takes effect in March or April, whether the sidewalk can begin this spring or summer. Rob Rice, City Engineer, said that is the intention.

Finance Committee: There was no report, but a meeting is scheduled for January 16, 2003.

Service Committee: Mayor Schultz said that Staff is continuing to work on prioritizing items of the communications plan.

CITY MANAGERS REPORT

Stephen A. Lutz, City Manager, distributed to Council a group of park plans and estimates prepared by Edsall and Associates for review at tomorrow evening's joint planning meeting.

A discussion was held regarding the schedule for developing parks in Powell. Mr. Seta referred to correspondence to Council on the issue of a park development schedule (Exhibit 3).

Mr. Cline asked if Mr. Seta is recommending that Edsall & Associates be awarded the job of completing the construction documents to avoid the additional delay in going out to bid. Mr. Seta said that he feels Mr. Edsall has done a very good job on this project so far and is the best qualified to complete the work. David Betz, Director of Development, agreed. He likened it to having the same architect that designs the house preparing the building plans. Mayor Schultz said he doesn't think Council is going to decide this issue tonight, but he is in favor of Edsall preparing an estimate for the creation of the construction plans and documents.

Mr. Cline asked if there is a desire among Staff to manage the park construction project or hire someone to do that as well. Rob Rice, City Engineer, said that he supports Edsall continuing to be involved in this project. He said that this project is multi-faceted, and Edsall is accustomed to managing construction of such projects. He said no matter who is hired to complete the next phase of the project; a manager should be retained to oversee the construction.

After further discussion, Mr. Lutz recapped that Council would like to receive a proposal from Edsall & Associates that they can review at their next meeting. The proposal should have 2 sections. The first would be for putting together the plans, details, and bid packets, and the second would be a proposal for providing construction administration services.

Mayor Schultz said that in addition to determining how to proceed with the remaining engineering and construction, Council needs to conclude the final master plans for each park. He said he doubts that will be completed at tomorrow's meeting. He said the second thing Council needs to do is to decide what is phase 1 and what is phase 2. Mr. Lutz said that Mr. Edsall has been asked to identify his recommendation for what could be completed with \$5 million. Mayor Schultz said that tomorrow, Council will get a complete understanding of Mr. Edsall's recommendations. They will make determinations on what the plans should consist of at a later meeting.

OTHER COUNCIL MATTERS

Mayor Schultz noted that Liberty Township has mailed a survey to its residents and included a survey for residents of the Township and the City of Powell to complete. He encouraged everyone to fill out that information.

Mr. Wiencek asked that the City's representative to the Council of Older Adults convey to them that Christmas cards may not be the best use of limited funding resources.

BOARD AND COMMISSION APPOINTMENTS


MOTION: Mr. Cline moved to appoint Chris Thomas and Bonnie Blankenship to the empty seats on the Parks and Recreation Advisory Board. Mr. Klein seconded the motion.

VOTE: Y 7 N 0

ADJOURNMENT

Council adjourned at 9:45 p.m.

DATE MINUTES APPROVED: January 7, 2003

 1/21/03
Art Schultz Date
Mayor