

CITY OF POWELL COUNCIL

April 22, 2003

A regular meeting of the City of Powell Council was held on April 22, 2003, and called to order at 7:30 p.m. by Art Schultz. Other Council members present were Dan Wiencek, Richard Cline, George Kaitsa and Dave Lackey. Jim Seta was absent. There is currently a vacant seat on Council. 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.

CITIZEN PARTICIPATION

John Werner, Liberty Township Trustee, said that he and Trustee Kim Cellar have been attending Powell Planning and Zoning Commission meetings regarding developments on land recently annexed into the City. He said that he has found that developers aren't even trying to rezone developments in the Township anymore but rather annex them to the City. He said during his tenure as an elected official, he has been basically for high-quality low density development that enhance tax revenue and minimizes the demand on traffic and kids in school. He said that the Powell Planning and Zoning Commission is a good board, but they are falling into some of the same "traps" the Liberty Township Zoning Board have fallen into in the past. He suggested strengthening the Cooperative Economic Development Agreement (CEDA) review committee's role. He said that committee reviews development plans for land annexed into the city. It consists of 5 members from the City and 5 from Liberty Township who make a non-binding recommendation regarding proposals to the Powell Planning and Zoning Commission. He said that group could review developments earlier in the process and help maintain the high-quality, low-lot, low-density development that recent surveys in the City and in Liberty Township have identified as desirable development. He suggested forming a committee to facilitate such strengthening.

Mr. Kaitsa said he thinks that idea makes sense, because the Council has always been concerned about the City being whipsawed in terms of who will give the better "package" to the developer. Mr. Lackey said that the CEDA review committee currently meets to review development plans covered by the CEDA agreement. He expressed concern if that committee's review is anything but non-binding, it could supplant the role of the Planning and Zoning Commission.

Mr. Werner said that the Liberty Township Zoning Board makes recommendations to the Liberty Township Trustees that can only be overturned by unanimous decision. He suggested a similar role between the CEDA committee and Powell Planning and Zoning Commission, only with a super-majority rather than a unanimous vote. He said that the Liberty Township Trustees also do not allow greater density or more amenities than the Liberty Township Zoning Board permits. He suggested a similar relationship where the Powell Planning and Zoning Commission would require significant evidence before they would do anything other than that approved by the CEDA board. Mr. Lackey noted that the Powell Planning and Zoning Commission meets numerous times and addresses many issues the CEDA committee doesn't. He said he feels the CEDA board is important, and Planning and Zoning Commission should be cognizant of its recommendations, but he would like to be very cautious about supplanting their role.

Mr. Kaitsa noted that Mr. Werner is suggesting that additional discussions be held to consider a way a relationship can be established. Mr. Cline agrees that Mr. Werner's request is to discuss this issue, and that is with the full understanding that once those discussions are through, they may still not be on the same page. He said that while the Township may describe desirable development in terms of density and large acreage, he tends not to think in that criteria. However, at the end of the day, he thinks the City and Township have the same vision. He said that discussing this issue further and identifying criteria for desirable development is a good idea.

Mr. Wiencek said he will support discussion but he doesn't want to hamstring the Planning and Zoning Commission's ability to manipulate a proposal to benefit the city. He said, in a larger vision, if the City and Liberty Township work toward a joint Comprehensive Plan, it could better determine the things the CEDA committee is looking at in terms of roadway connections, density, etc. Then the Planning and Zoning Commission can take that recommendation and continue to address issues such as bikepaths, quality of construction, etc. He said he doesn't want to make the CEDA committee all-powerful, but rather clearly define what it is they are to review. Mr. Werner agreed that there are many things the City must consider that isn't the Township's responsibility.

Mayor Schultz agreed that the guidelines need to be clear. He said he has talked to Mr. Cellar about working with Delaware County Regional Planning on build-out scenarios that will identify where the City and Liberty Township are heading if they stay on the current track for development. He said that the exercise of looking at

different build-out scenarios could make developing common goals for the committee easier. He said that Golf Village is proof that the entities can work together and have common goals.

Mr. Cline summarized that it sounds like the goal is to get 2 representatives from each the City and Liberty Township to begin discussion regarding what the scope of discussion is going to be. Once the scope is identified, there should be study given to whether the group can work within that scope. Lastly, the representatives from each group can take it back to their respective bodies for review. He said he thinks this would work best in small groups.

Mr. Cellar said that the areas of concern are where the City is meeting Liberty Township and that could be the focus of the CEDA committee. He noted a portion in the Liberty Township Comprehensive Plan addressing maximum intensity land use, and density maximums, and the payback when those densities are reached. He suggested that the committee make recommendations just on that, because in Liberty Township, things such as bikepaths and architectural materials aren't considered.

Mr. Werner suggested that Council review this issue further and appoint someone to a review committee at the next meeting. He suggested that they discuss this with the Planning and Zoning Commission to see if a representative may be interested in this committee as well.

Mr. Lutz noted for the Trustees benefit that there is an Ordinance later on the agenda regarding an overpass of the Home Road railroad crossing. He said that ODOT has asked that the City pass an ordinance authorizing this project, even though they have been told that it is outside the City's jurisdiction. He said that ODOT would like this passed in case this land is annexed in the future. Mayor Schultz said this is the first reading of the Ordinance, and he would be interested in Liberty Township's opinion. The Liberty Township Trustees were provided a copy of the legislation.

CITIZEN PARTICIPATION

James Sloan, Scoutmaster, Boy Scout Troop 132, said that there is a group of Boy Scouts present this evening to fulfill their community citizenship merit badge. He also said they would like to thank Council and the City of Powell for its support for their fundraiser, which is a 5K race. They presented Council with a gold medal from last year's race. He noted that this year's event is planned for June 7.

VILLAGE GREEN FAÇADE IMPROVEMENTS

Dave King, Horne and King Architects, was present to discuss the drawings for the exterior of the Village Green building. Mr. Lutz said that the thought behind this is that since there will be expenditure of park bond levy funds to improve the Village Green park site, it would be desirable to also make changes to the facility. Mr. King said that the estimates have been updated, and an additional item of public restrooms have been incorporated on the south side of the building adjacent to the Community meeting rooms. He said there is still room to accommodate the Police Department for a short and long-term period. Mr. Lutz asked, if the City appropriated funds for the exterior project, how long would it take to complete it. Mr. King estimated one year maximum from start to finish.

Mr. Cline asked about the item in the summary listed as the contractor's marks up. Mr. King said he pulls those out so that Council can look at individual items in greater detail.

Mr. Wiencek suggested considering eliminating the storage area proposed between the new restrooms and those existing so that the facilities are larger and can be accessed from either side. Mayor Schultz asked if there are restrooms planned elsewhere on the Village Green. Mr. Betz said there are not.

Discussion ensued regarding adding the Police Department to this facility. Mr. King said they can meet the accreditation requirements.

Mr. Cline asked if there is enough known about the sub-soil to permit future expansion down as well as up. Mr. King said he would recommend such borings, but he doesn't think those concerns are an issue.

Mr. Kaitsa asked if there would be economies of scale in moving the Police Department at the same time as the façade is improved. Mr. King said there is no question that would be more economical. Mr. Cline asked about cost estimates for the Police Department. Mr. Lutz said that step has never been done. Mr. Cline asked if it is realistic that both the façade improvements and Police Department could be completed in 12 months. Mr. King

estimated 18 months would be necessary to complete both the façade improvement and the Police Department.

Mayor Schultz said that this discussion helps Council get an understanding of the big picture as park improvements and consideration of new housing for the Police Department are contemplated.

APPROVAL OF MINUTES

The minutes of April 8, 2003 were approved as printed.

FINANCIAL REPORTS

Ms. Metz reviewed the monthly Financial Reports and said that the first half of the property taxes have been received and several development fees are running ahead of projection. She said the City is still in really good shape.

Mr. Wienczek asked if there will need to be an additional expenditure for the salt and snow removal expenditures this winter. Ms. Metz said that there will not, but the vehicle gas usage budget is definitely going to need to be increased. She said that an empty staff position has helped cover the labor required by the storms. Mr. Lutz said much of this will depend on how early in the fall the City gets snow and how much plowing will be needed within this calendar year.

Mr. Kaitsa noted that income tax collection is also well ahead of schedule.

OTHER REPORTS

Monthly Police Report: Chief of Police Gary Vest reviewed the police report. He noted that there have been some break ins, predominately in garages, which are considered burglaries because the houses are attached to the garages. He said there was one car accident, but it has been otherwise relatively quiet.

Mayor Schultz asked about a rash of criminal activity north of Powell in the unincorporated township. Chief Vest said there was a series of garage break-ins last month from Genoa into Liberty Township. He said many cars were broken into.

Mr. Kaitsa asked if there has been any development in the Ashmoore incident. Chief Vest said there have not. He said that the intruder entered the residence, but there was no loss, and no reoccurring or similar incidences.

Monthly Parks and Rec. Report: Mr. Lutz said the Parks and Recreation Board has identified a sub-committee to discuss bikepaths, which will be headed by Fletcher Chambers, who is present this evening. He said the parks and rec. brochures were mailed last week, and Staff is ready for a busy summer schedule.

Monthly Planning and Zoning Report: Mr. Betz added that the proposals for the Downtown Revitalization plan are in, and the committee reviewing those proposals will be meeting at 6:00 p.m. on Thursday to narrow the candidate list that are desirable to interview.

CLERK OF COUNCIL CORRESPONDENCE.

Dawn Nauman, Clerk of Council, reported that council moved the May 6 meeting date to the 7th to accommodate Election Day, but there will be no election held within Powell. Council decided to move the meeting back to its regular day, May 6.

Ms. Nauman also reported that the Codified Ordinances are now easily accessible on the City's home page.

RESOLUTION 2003-10: A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE DIVISION OF FORESTRY'S URBAN FORESTRY ASSISTANCE PROGRAM. *** Revised*******

Stephen A. Lutz, City Manger, said that Dave Betz, Director of Development, has found a grant that will provide matching funds for trees to be planted in the park. He said that could extend the City's bond money because the City can get \$30,000 worth of trees for \$15,000.

Mayor Schultz asked what is the time period to make a purchase. Mr. Betz said the project must be completed by June 2004. He said Staff has identified park areas where trees could be planted that won't be disturbed by park development, in Murphy's Park, Meadowview, Arbor Ridge, and Beechwood. Mayor Schultz asked if any

trees can be used elsewhere if the schedule permits. Mr. Betz said that other locations are desirable, but it is unclear whether the schedule would permit it. He said they have also asked for the maximum amount permitted in the grant for the trees in locations he identified. Mayor Schultz asked if the City can reapply. Mr. Betz said that the City would be prohibited from requesting grant money two years in a row.

MOTION: Mr. Kaitsa moved to adopt Resolution 2003-10. Mr. Cline seconded the motion.

VOTE: Y 5 N 0

SECOND READING: ORDINANCE 2003-18: AN ORDINANCE APPROVING THE PLAT FOR MURPHY'S PARK SECTION 4.

Stephen A. Lutz, City Manager, said that beginning with the next Council meeting, Staff anticipates quite a few development items on the agendas. He said that Council could consider clearing some items from the agenda. Mr. Lutz said that this Ordinance is the plat for Murphy's Park, which is the legal document that creates lots, streets, and open space per the Master Plan. Mr. Betz reviewed the plat for Council and noted that Staff recommends approval.

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

Mr. Cline said that 5 votes are needed to suspend the rules, and one Council member must abstain, leaving only four votes this evening.

FIRST READING: ORDINANCE 2003-19: AN ORDINANCE APPROVING THE PLAT FOR GOLF VILLAGE SECTION 8 PHASE A.

David Betz, Director of Development, reviewed the plats for Ordinance 2003-19 and 2003-20. He said that these plats are for a loop area north of Village Club Drive. He said the lots back to a golf course. He said this development was one of the areas that came into the City during annexation and the engineering plans were already approved at the County level. He said that is why the applicant is requesting approval to begin work prior to recording of the plat, and Staff is in support of that.

Mayor Schultz asked who are the builders for this development. Mr. Betz said they are all MI Homes. Mayor Schultz asked why there is a condition that Staff approve the street names. Mr. Betz said that this plan had Polo Lane intersecting with itself, and that is the reason Staff is recommending renaming some of the streets.

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 2003-19. Mr. Kaitsa seconded the motion.

VOTE: Y 5 N 0

MOTION: Mr. Cline moved to adopt Ordinance 2003-19. Mr. Kaitsa seconded the motion.

VOTE: Y 5 N 0

FIRST READING: ORDINANCE 2003-20: AN ORDINANCE APPROVING THE PLAT FOR GOLF VILLAGE SECTION 8 PHASE B.

Mr. Lutz said this is the western portion of the loop identified in the previous ordinance discussion.

MOTION: Mr. Cline moved to suspend the rules on Ordinance 2003-20. Mr. Kaitsa seconded the motion.

VOTE: Y 5 N 0

MOTION: Mr. Cline moved to adopt Ordinance 2003-20. Mr. Kaitsa seconded the motion.

VOTE: Y 5 N 0

FIRST READING: ORDINANCE 2003-24: AN ORDINANCE ACCEPTING THE ANNEXATION OF A 2.065 ACRE TRACT, MORE OR LESS TO THE MUNICIPALITY OF POWELL.

Stephen A. Lutz, City Manager, reviewed that this proposed annexation is for property located directly east of the Powell United Methodist Church off State Route 750 which currently contains a single family residence. He said the City previously passed a resolution stating they would provide services if the property is annexed. The County Commissioners approved this in February, and the decision is now up to Council.

David Betz, Director of Development, reviewed that the property owner wishes to annex and use the land to expand their existing church. He said a Preliminary Development Plan for this property has been reviewed and conditionally approved by the Planning and Zoning Commission. The church is working on their Final Development Plan submittal.

Mr. Kaitsa asked if there is any reason this needs to go to a second reading. Mr. Lackey said he will probably not support this Ordinance at this point. He said he has seen several plans, and things are moving in the right direction, but he is going to be voting against this for several reasons. He said the longer the City holds off, the more control they have because of the Federal Religious Land use Act. He said that he would also like to wait until the Planning and Zoning Commission is comfortable with the plan for the development.

Mayor Schultz asked how many days Council has to act on this. Jack Reynolds, attorney for the applicant said they must act within 120 days of receipt of the County's approval, which was February 13. Mr. Lackey said it can go through a full three readings. Dawn Nauman, Clerk of Council, said it can.

Mr. Wiencek asked if there is any idea when the church will come forward with a Final Development Plan. Mr. Reynolds said he is unsure. He said that this annexation is really a separate process from the development plan. Mr. Betz noted that the Planning and Zoning Commission still has to review and approve a Final Development Plan before that Final Development Plan will come before Council.

Mr. Cline asked if there wasn't previous discussion that annexations and development plan should happen together. Mr. Wiencek said that the issue that was discussed was that rezoning should occur with the annexation. Mr. Betz said that the annexation and development plan/rezoning were actually begun to be done at the same time, but the development plan has taken longer than expected.

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

There being no further comment, this item was taken to a second reading.

FIRST READING: ORDINANCE 2003-25: AN ORDINANCE CONSENTING TO THE COMPLETION OF THE HOME ROAD RAILROAD GRADE SEPARATION PROJECT BY THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION AND DELAWARE COUNTY AND DECLARING AN EMERGENCY.

Stephen A. Lutz, said that Council briefly discussed earlier in the meeting ODOT's plans for an above-grade crossing at the railroad tracks at Home Road. He said they have asked the City to approve such a proposal. Mayor Schultz asked if it is correct that the emergency language allows them to start as soon as this is approved. Mr. Betz said it is. Mr. Molnar said he is unsure why the emergency language is included in this Ordinance. Mr. Kaitsa said he would like to know why Council is being asked to pass this since it is not in the City's jurisdiction. Mr. Betz said that the City's jurisdiction is very close, and in case the design would come into the City's jurisdiction, then the approval would be there.

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

Mr. Wiencek expressed a desire for Staff to "stay close to the design of this," because overpasses typically take a lot of room and go higher than one expects. He said that he thinks the City and Liberty Township should be working on the architectural design and landscape, because this will be a feature in the community. He said he realizes that the agreement requires the City to pay for anything that they request above and beyond the scope of the project.

Mayor Schultz said that the City has discussed bikepaths along the road in this area, and that should be considered.

There being no further comment, this item was taken to a second reading.

FIRST READING: ORDINANCE 2003-26: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2003.

Stephen A. Lutz, City Manager, said that the gas and oil account for the City does not have sufficient funds to last throughout the year, because of the additional winter weather concerns this year. He said this appropriation should get the City through the year, and has the recommendation of the Finance Committee.

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 2003-26. Mr. Kaitsa seconded the motion.

VOTE: Y 5 N 0

MOTION: Mr. Cline moved to adopt Ordinance 2003-26. Mr. Kaitsa seconded the motion.

VOTE: Y 5 N 0

COMMITTEE REPORTS

Development Committee: Mr. Lackey reported that the Committee will soon be meeting to start discussions on the skate park design. Mayor Schultz said that he knows that Mr. Edsall will have a packet of information prior to that meeting for review so that as much as possible can be accomplished in the single meeting. Mr. Lackey said they will coordinate this with the parks and rec. skate park subcommittee members.

Finance Committee: Mr. Kaitsa reviewed that the Finance Committee met last evening and discussed property appraisals in relationship to the whole City planning area, standardizing the land dedication requirements for developments, and aligning the required appraisals with those completed by the County auditor.

Mr. Kaitsa said the Committee also discussed the Capital Improvements program in relation to the following projects:

- The Village Green façade
- The Police Department at the Village Green
- The Murphy parkway development to the south
- The Villagescape

He said that Staff has been asked to see how much debt could be issued while still keeping the existing revenue stream. Mr. Cline said it seems that it may be possible that all four of these projects could be completed.

The Finance Committee is recommending that Delaware County be provided with 10 hours of assistance in traffic control for their bicentennial celebration. He said the Committee reviewed the City's sick leave policy and recommended the definition of immediate family mirror that of the FMLA.

Mr. Kaitsa said that the Committee lastly reviewed having RITA take over tax collection for the City.

Mr. Wiencek asked that the Parks and Recreation Advisory Board be provided a copy of the proposed language regarding the park land dedication requirements for developments.

Service Committee: Mayor Schultz said that the Committee is working with Staff on the issue of mosquito fogging. He said that Staff is coming back with a recommendation on this issue. Mr. Wiencek said that he read an article in the dispatch recently that included interesting data that mosquito fogging created no detrimental effects. Shea Crawford, noted that similar information was in the Delaware Gazette recently. She said that communities across the county are dealing with these issues.

Charter Review Task Force: Mr. Cline said that the task force has provided their remaining comments to staff and they have been put together for the group to review.

CITY MANAGERS REPORT

Stephen A. Lutz, City Manager, suggested that Council also consider discussing land acquisition when they enter executive session to discuss personnel issues.

EXECUTIVE SESSION: IN ACCORDANCE WITH ORC SECTION 121.22 (G) (1) PERSONNEL: APPOINTMENT OF A PUBLIC OFFICIAL.

MOTION: Mr. Cline moved to adjourn to Executive Session to discuss Land Acquisition in accordance with ORC Section 121.22 (g) (2) and (g) (1) Personnel: employment of a public employee and Council, Board, and commission Appointments. Mr. Wiencek seconded the motion.

VOTE: Y 5 N 0

MOTION: Mr. Cline moved to adjourn from Executive Session at 10:00 p.m. Mr. Wiencek seconded

the motion.

VOTE: Y 5 N 0

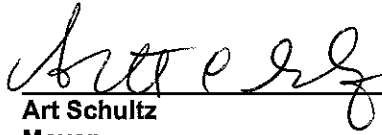
MOTION: Mr. Cline moved to reconvene in Regular Open Session at 10:00 p.m. Mr. Wiencek seconded the motion.

VOTE: Y 5 N 0

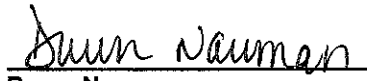
ADJOURNMENT

Council adjourned at 10:00 p.m.

DATE MINUTES APPROVED: May 6, 2003



Art Schultz Date
Mayor



Dawn Nauman Date
Clerk of Council