

## **CITY OF POWELL COUNCIL**

**May 20, 2003**

A regular meeting of the City of Powell Council was held on May 20, 2003, and called to order at 7:30 p.m. by Vice President George Kaitsa. Other Council members present were Dan Wiencek, Jim Seta and Dave Lackey. Tom Counts was also present. 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.

### **OATH OF OFFICE**

Council Vice President George Kaitsa swore in Tom Counts to fulfill the unexpired term of Council member Mark Klein, ending December 31, 2003.

### **RESOLUTION 2003-12: A RESOLUTION RECOGNIZING MARK KLEIN FOR SERVICE AND DEDICATION TO THE CITY OF POWELL 1996-2003.**

Mr. Kaitsa presented Mark Klein with a Resolution recognizing his service and dedication. Mr. Klein thanked Council for the honor and spoke briefly about his service to the community. Mr. Kaitsa also acknowledged Mary Klein, Mr. Klein's wife.

### **CITIZEN PARTICIPATION**

There was no participation on non-agenda items.

### **APPROVAL OF MINUTES**

The minutes of the May 6 meeting were postponed until the next meeting pending additional details.

### **FINANCIAL REPORTS**

Nan Metz, Finance Director, reviewed the Accounts Payable and Monthly Financial Reports. Mr. Seta asked what comes of the tap fees paid to the Liberty Township Financing Authority. Ms. Metz said they are paid to the City as soon as they are collected.

Mr. Wiencek asked how the City is at 50% of its expenditure of funds for the year when most of the departments are only accounting for 1/3 of their expenditures. Ms. Metz said that is related to the transfer of funds that has been budgeted, a great portion of which is debt services. Mr. Wiencek asked if the City will catch up by December. Ms. Metz said it will, but this really isn't an expenditure.

### **OTHER REPORTS**

#### **Monthly Planning and Zoning Report**

David Betz, Director of Development, added that the Committee reviewing the Downtown Revitalization Plan has completed its interviews and will be making a recommendation to Council regarding its selection and the final scope of services.

#### **Monthly Parks and Rec. Report**

Shyra Eichorn, Parks and Recreation Advisory Board, said that the board has been primarily concentrating on park rules and regulations. She said a meeting will be held on the 22<sup>nd</sup> regarding skate park development.

#### **Monthly Police Report**

Chief of Police Gary Vest reviewed the monthly report. He noted that the number of accidents jumped from one in March to eight in April, and the majority of those are related to assured clear distance. He noted that the Police Department is working from now until Memorial Day on traffic enforcement, partially funded by a grant from the health department.

### **STOP SIGN REQUEST: WOODARD PLACE**

Stephen A. Lutz, City Manager, said that Council has received a request from a resident in Ashmoore for a stop sign at Woodard Place and Keisel Court. He reviewed Council's procedure for consideration of stop signs:

1. A petition is submitted to Council.
2. The Council determines whether to complete a warrant study for such a sign.
3. If a warrant study is completed that determines the sign isn't warranted, the request will not be granted unless a super-majority of Council determines that installation of the stop sign is desirable.

Michael Marchiondo, Ashmoore Homeowners' Association President, said he receives many calls about the traffic on Woodard Place. He said that on this road, traffic can travel from Canterbury to Olentangy Ridge without ever having to stop. He said that the curve at Meadowview Park also causes a hazard due to the increased speed in the area. He said a curb cut originally proposed into the park was removed from the plan because it isn't safe due to the high rate of speed. He expressed concern about the safety of pedestrians and children that live in the area. He said there are an enormous amount of stop signs in Olentangy Ridge, and while he agrees that not everyone stops at them, everyone slows down. Mr. Marchiondo said that there is talk about extending Nathan Drive into Sherbourne Mews, which will either exacerbate or alleviate this problem. He said a lot of people in Ashmoore support this stop sign, and all area residents have signed the petition.

Dennis Greenwood, 504 Woodard Place, said that this issue is being raised because of the more than 320 children in Ashmoore subdivision, over 30 of which will be directly effected. He echoed Mr. Marchiondo's comments about the lack of stop signs. He said with summer coming, children will be out playing. He said that there is a great deal of cut through traffic.

There being no further public comment on this issue, public hearing was closed.

Mr. Lackey said that this is a winding street, and because of the trees, automobiles can't easily see people in the street. He said that it is a good idea to do the study. He said he is also cognizant that the traffic engineer says that stop signs aren't effective calming devices, but he feels this is an exception. Mr. Seta agreed that the study is desirable, but he would also like the speed trailer installed in this area in the mean time to help slow the traffic.

Mr. Wiencek said the area is also already posted as a "traffic enforcement area." He asked what warrants will need to be met for a stop sign installation. Mr. Rice reviewed the Ohio Uniform Traffic Manual requirements, and said it is very doubtful that this sign would be warranted. Mr. Wiencek questioned throwing tax dollars away on a study that will prove the obvious. He asked if there will be challenges for tickets issued at stop signs that don't meet warrants. Chief of Police Gary Vest said that anyone cited in a traffic violation can challenge anything. He said the police would approach a new sign by first issuing warnings until people get used to the sign, and eventually, the sign will be treated like all others. Mr. Wiencek asked if there are excessive speed and site-distance issues on this street. Chief Vest said he could look into the specific statistics. He said that when the police cars are present, it does reduce the speed of cars in the area. He said that speeding by 10 mph in a 25 mph zone along a curve can be substantial. He said the level of enforcement desired for any traffic control device can be determined by Council.

Mr. Counts asked what the cost of completing a study is. Mr. Lutz said that such studies are typically contracted out and the cost is \$400-\$500. Mr. Counts if the study would do more than look into a stop sign, such as consider other speed reducing measures. Mr. Rice said it would not. He said that Council did pass a traffic calming policy that Staff could review with residents if Council desires. Mr. Kaitsa asked if Staff could conduct the study. Mr. Rice said that the City doesn't have the necessary equipment, which costs thousands of dollars. He said he is also concerned about the ability of Staff to do that with the existing work load.

Mr. Lackey asked if a majority of people would support the stop sign if the warrant study requirement were waived. Mr. Kaitsa said that he supports the use of stop signs, and he was involved in the implementation of such signs in Olentangy Ridge. He said he thinks Council can use public safety as criteria for installation.

Mr. Wiencek said the purpose for the stop sign policy was to prevent "traffic engineering by screaming." He said the signs in Olentangy Ridge are a result of resident complaint and were not thought-through. He said they are exorbitant and while they do slow traffic, they are also regularly ignored. Having said that, he said he would still support a stop sign in this location.

Mr. Kaitsa said he will continue to support stop signs that help protect the safety of Powell's children.

Mr. Counts said he thinks it is unwise to spend money for a study. He is not opposed to a stop sign, but he feels it would be worth having Staff weigh in to determine whether this is an appropriate place for a stop sign.

Mr. Seta said he is supportive of the sign. He said the residents support the sign, and he agrees the study won't warrant it. Mr. Kaitsa noted that a sign could be placed temporarily for study.

Mr. Lutz recommended that Staff prepare an ordinance for the next Council meeting, as that is the necessary legislation for such installation. Mr. Wiencek said he would like to hear Staff's recommendation for the most

appropriate location for a stop sign to help with this problem. Mr. Rice asked if there are any Children at Play signs in this neighborhood. Mr. Marchiondo said there are not, because there is no sign to attach them to. Mr. Rice said they can be mounted on any post. Mr. Greenwood said that this area is the "straightaway" that is the most appropriate place for a sign.

There was no further comment. Staff was asked to include emergency legislation in the Ordinance that is brought back before Council at the next meeting.

**THIRD 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 Council had previously asked how long they have to approve this Ordinance. He said that according to State Law, they have until the August 19 meeting. David Betz, Director of Development, reviewed the property location, which is surrounded by Powell on three sides. He said that the applicant is currently working on a development plan that would use this property for expansion of their adjacent church.

Jack Reynolds, attorney for the applicant, was present with many church members supporting this annexation. He said this is the third reading, and he would appreciate Council's acceptance. He said that there has been some discussion regarding keeping the house on the 2.065-acre tract. He said the building committee is discussing keeping the house so that it can remain on the acreage and utilized by the community, city, or a non-profit organization that is willing to take over the responsibility. He said that the church is working on a preliminary development plan with the house on it that they would like to resubmit to the Planning and Zoning Commission. He said that the site plan will also include parking, setbacks, green space, etc.

Mr. Seta thanked the applicant for making every attempt to take into consideration the concerns of the residents. Mr. Lackey agreed, and said that it shows goodwill on behalf of the church in resolving a divisive issue. Mr. Counts said that is especially true since they are making it available to the community, who clearly see it as an integral part of the neighborhood.

Mr. Wiencek asked if the offer to keep the house is subject to another group taking over the care and maintenance of it. Mr. Reynolds said that the plan is to make it available for a reasonable price, say a dollar a year, so that they can maintain it. He said he thinks that is a reasonable request because the church was interested in moving forward with plans for a parking lot, and they are making a concession to allow the house to be used. Mr. Wiencek said that one of the concepts that allowed for the house to remain standing and not diminishing the amount of parking requested by the church placed a significant amount of parking in the green space between the education wing and Powell Road. Mr. Reynolds said that all of the parking will remain on the east side and be placed around the house as it stands today. Mr. Wiencek said that at the request of the Planning and Zoning Commission, there were many changes to the parking lot to shield it from the residents and the view from Powell Road. He said that he thinks a trade off for keeping the building will be a more unbroken expanse of asphalt. He said he is unsure the effect that will have on the mounding and landscaping islands. He said there are many details that will need to be worked through. Mr. Counts said that the sanctuary may have to be repositioned in a way to provide a greater encroachment into the setback. Mr. Reynolds said he believes that is the case.

Mr. Kaitsa opened this item for public comment. Hearing none, he closed the public comment session.

Mr. Lackey said that under the federal *Religious Land Use and Institutionalized Persons Act* (RLUIPA), if the City puts an undue burden on a religious institution, they have to provide a reason for doing so. He said if the property is not annexed, that law wouldn't apply. He said he feels it is wise for Council to keep the option of having the most control for the longest period of time. He said he likes what he heard tonight and is probably okay with many things approved, but he asked Council to consider whether it is wise to hold off on this. He said he is unsure it would delay the development in any way.

Mr. Wiencek questioned whether anything will change between now, and two months from now. Mr. Kaitsa said he thinks Council needs to separate the annexation issue from the Planning and Zoning issues which are the actual design and development of the site plan. He said that Council has already adopted a resolution saying it will provide services upon annexation of this property, and the Council shouldn't use the annexation process to address a zoning issue. Mr. Wiencek said the RLUIPA says that the City can't treat churches and institutions differently than other applicants. He said that the applicant is not being unfairly burdened. He said the currently-

approved preliminary plan includes variances, so the Planning and Zoning Commission has gone the opposite direction and approved things the Code doesn't allow. Mr. Wiencek asked how the church would be harmed by delaying the process. Mr. Reynolds said that the church has continued to make good faith efforts over a long period of time and has made concessions to address the concerns of people around them to show good faith. He said that they would like the community to show good faith that they want the church in the City.

**MOTION:** Mr. Wiencek moved to adopt Ordinance 2003-24. Mr. Counts seconded the motion.  
**VOTE:** Y 5 N 0

**SECOND READING: ORDINANCE 2003-21: AN ORDINANCE APPROVING THE FINAL DEVELOPMENT PLAN FOR B & D PROPERTIES FOR 2 16,000 SQ. FT. OFFICE/WAREHOUSE BUILDINGS LOCATED AT 316 WEST CASE AVENUE.**

David Betz, Director of Development, reviewed this development plan. He reviewed the adjacent properties and site plan. He reviewed the proposed elevations and the variances associated with this plan. He reviewed the access drives off of West Case avenue.

Doug Kepher, B & D properties, added that there will be two wet ponds in the front of this property with fountains.

Mr. Kaitsa opened this item to public comment.

Vince Margello, 1900 W. Powell Rd., said that he owns the adjacent property. He said that he asked the Planning and Zoning Commission to consider a one-way street for this property, but apparently Staff thinks traffic will flow better from Industrial Parkway to Village Pointe Drive, out to Powell Road. He said if that is the case, he would like Council to see what kind of road is going to be built for this development. He said he would like it to be built to the same standard as Village Pointe Drive, which he was required to build to accommodate industrial traffic.

Mr. Betz said that the cross section of this roadway is the same as that used for parkways in the City, and it is designed to handle the weight of a truck. Mr. Lackey asked if Rob Rice, City Engineer, reviewed the design of the road. Mr. Betz said he actually came up with the cross-section, and he feels it can handle the industrial traffic. He also looked into the one-way issue described by Mr. Margello and recommended two-way traffic.

Mr. Counts said it is almost too bad that this sits back from the main road, because it is going to be aesthetically pleasing.

**MOTION:** Mr. Wiencek moved to suspend the rules on Ordinance 2003-21. Mr. Seta seconded the motion. The motion was approved.  
**VOTE:** Y 5 N 0

**MOTION:** Mr. Wiencek moved to adopt Ordinance 2003-21. Mr. Seta seconded the motion. The motion was approved.  
**VOTE:** Y 5 N 0

**SECOND READING: ORDINANCE 2003-22: AN ORDINANCE APPROVING THE FINAL DEVELOPMENT FOR THE KENNY PROPERTY FOR AN 8,073 SQ. FT. RETAIL CENTER LOCATED AT 399 WEST OLENTANGY STREET.**

David Betz, Director of Development, reviewed this development plan. He reviewed the adjacent properties and site plan. He reviewed the building elevations and the variances to the Zoning Code.

Mr. Wiencek reminded Council that the Planning and Zoning Commission worked very hard to bring this project around to what they felt were acceptable standards. He said the applicant has done a good job meeting their demands, including giving up two more parking spaces to save a tree, and using natural cedar siding. He said the Commission basically redesigned their building. Mr. Counts said that Mr. Wiencek took the lead in the aesthetic design of this project.

Tim Spencer, Triangle Real Estate, said that they are again asking for a rules suspension on this ordinance due to time constraints with Handel's Ice cream, which is their primary tenant.

Mr. Seta asked about discussions regarding bikepaths at the last meeting. Mr. Spencer said that the Mayor asked that they explore adding the bikepath to the empty-lot acreage that they own to the east to make a

connection to Murphy Parkway. He said that they explored that issue, and it will be difficult because of grading issues, the possible need to split the lot, and the potential of having to remove the path during construction on that specific site. Mr. Lackey asked about the property on which this development lies. Mr. Betz noted that they are prepared to install the bikepath along the frontage of this development.

Mr. Kaitsa opened this item to public comment. Hearing none, he closed the public comment session.

Mr. Lackey said he is not thrilled with this design, and it looks nothing like the campus design that was originally proposed. He said that Council set a high standard for the adjacent Goddard School and HER properties, and although much has been done, his first thought is that this looks like a strip mall. He said that Council was sold on the fact that strip malls weren't going to be placed here. He said he won't be the veto on the rules suspension, but he won't support the ordinance because it is not like the original concept plan.

**MOTION:** Mr. Wiencek moved to suspend the rules on Ordinance 2003-22. Mr. Counts seconded the motion.

**VOTE:** Y 5 N 0

**MOTION:** Mr. Wiencek moved to adopt Ordinance 2003-22. Mr. Counts seconded the motion.

**VOTE:** Y 4 N 1 (Lackey)

**SECOND READING: ORDINANCE 2003-23: AN ORDINANCE APPROVING THE FINAL DEVELOPMENT PLAN FOR RUTHERFORD ESTATES, FOR 59 SINGLE FAMILY HOMES ON 43.47 ACRES LOCATED ON THE SOUTH SIDE OF RUTHERFORD ROAD WEST OF THE CSX RAILROAD AND AMENDING THE ZONING CLASSIFICATION TO PR, PLANNED RESIDENCE DISTRICT.**

David Betz, Director of Development, reviewed this development plan. He reviewed the adjacent properties and site plan. He reviewed the elevations and the variances. He reviewed the left turn lane proposed at Rutherford Road to provide a wider throat and better safety access to the site. He said it will also prevent vehicles stacking over the railroad. He said the County engineer is not requiring this, but Staff thinks it is a desirable feature.

Mr. Seta asked who approved the emergency access near the sanitary pump station. Mr. Betz said that the fire department and sanitary engineer's office will need to approve it. Mr. Seta said he is uncomfortable approving this without those final approvals. He expressed concern about traffic around the sanitary sewer. Mr. Lackey asked what the alternative is. Mr. Seta said that a lot could be reserved. Mr. Betz said that Centex won't allow the connection through their adjacent subdivision, so that is not an option. He said the only other access available would be from an adjacent commercial area, but he wouldn't recommend that because many trees would be removed to provide a 12 foot path only to be used on an emergency basis.

Ron Stone, Developer, said that Centex would not work with them to provide an additional access, as they had already platted their subdivision. He said the alternative is for emergency only and will serve as a bikepath from the subdivision into the park.

Mr. Stone said that they would also like to use cement-fiber siding. He said that the Planning and Zoning Commission vote was 3-3 regarding this material. He said that he feels backing behind that material is important to keep it straight. He said that galvanized nails or screws will eliminate staining of the material. He said that he has been building since 1968, and it is a very good material. He reviewed his proposal for using cement fiber siding. He said he would agree to limiting the number of homes that this material can be used on.

Mr. Wiencek asked if Charlie Vince, the developer of Golf Village, has approved the emergency access that has been discussed. Mr. Betz said he has.

Mr. Kaitsa opened this item to public comment. Hearing none, he closed the public comment session.

Mr. Seta said he doesn't support cement fiber siding, and he won't support it until it is a proven material. He said that the use of such siding in Golf Village was inherited by the City. He said he has done a lot of research on this material, and he can identify when this material is used on homes. He said that the use of the material in the area doesn't support the use of it in this development. He agreed that installation is key, but there is no track record to judge by.

Mr. Lackey said he has no problem with this development, but he will not support cement fiber siding.

Mr. Counts said he is in favor of allowing the use of cement fiber siding. He agreed that installation is important. He said he is concerned with the inconsistent approach to the use of cement fiber, particularly when neighboring houses are going to have it. He said the City is going to have to deal with this issue continually.

Mr. Wiencek said that last week he voted in favor of allowing cement fiber siding for the M/I development just to the east of this development. He said they originally proposed a development similar to Lakes of Powell, including the use of a vinyl siding product. He said that he has consistently voted against cement-fiber, and he still thinks it is aesthetically not as pleasing as real wood, but after review of M/I's installation in Golf Village, he was able to determine that they install this material properly. He said that M/I has also agreed that 50% of every house will be either stone or brick, which is a substantial improvement to the aesthetics of the area. He said that makes him think he may be ready to reverse his vote on the use of that material in this development but only with the significant installation standards that were identified for M/I's development (Exhibit).

Mr. Kaitsa asked if the installation Mr. Stone is proposing is the same that M/I is being held to. Mr. Wiencek said it is, but he noted that Mr. Stone will be selling these lots to builders, where M/I will be developing them hands-on. Mr. Kaitsa said that he also supports the use of cement-fiber siding. He said the City is not consistent in how it allows or disallows its use, and it should be.

Paul Phillips, Developer, said that they could adopt the program identified for M/I. He asked that this item go to a third reading so that it can be considered by the full Council.

Mr. Counts added that M/I indicated they use the same contractor for framing, sheathing, and siding, which allows a more consistent installation of this material.

Mr. Seta expressed concern that there are no installation standards for this material, and he wonders who is going to determine proper installation. He expressed concern that the Planning and Zoning Commission isn't implementing such standards. Mr. Counts agreed that there should be installations standards, but he feels they are more of a building code issue than a function of the Planning and Zoning Commission. He agreed that installation of all material should be subject to the same level of enforcement. Discussion ensued.

Mr. Wiencek asked if the developer is willing to agree to installation standards that the City may adopt in the future. Mr. Phillips said that if the standards apply to everyone, they will. He said that if this material is approved in the M/I development, it would be a hardship to them not to have it. Mr. Wiencek asked, if the building code standards for installation would change, would that apply to everyone. Mr. Betz said it would.

This item was taken to a third reading.

**SECOND READING: ORDINANCE 2003-27: AN ORDINANCE AUTHORIZING AMENDMENT TO THE FEE SCHEDULE OF THE MUNICIPALITY OF POWELL.**

Stephen A. Lutz, City Manager, reviewed that the Finance Committee and Development Department have been considering revisions to this ordinance based on discussion at the last Council meeting. He recommended this item be taken to a third reading so that review can be completed and a revised ordinance provided at the next meeting.

There being no further discussion, This item was taken to a third reading.

**FIRST READING: ORDINANCE 2003-29: AN ORDINANCE ACCEPTING THE ANNEXATION OF A 0.9 ACRE**

David Betz, Director of Development, reviewed that this parcel is part of the Cameron-Wallingford property which was previously annexed but mistakenly did not include this land. He said this would clean up that mistake.

Jack Reynolds, attorney for the applicant, said that this land will be green space as part of the development plan currently before the Planning and Zoning Commission. Mr. Wiencek asked if a public hearing is required for annexation ordinances. Ken Molnar, Law Director, said it is not.

**MOTION: Mr. Lackey moved to suspend the rules on Ordinance 2003-29. Mr. Wiencek seconded the motion.**

**VOTE: Y 5 N 0**

**MOTION:** Mr. Lackey moved to adopt Ordinance 2003-29. Mr. Wiencek seconded the motion.  
**VOTE:** Y 5 N 0

**FIRST READING: ORDINANCE 2003-30: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2003.**

Stephen A. Lutz, City Manager, said that because of a change of rates and an unusually cold winter, additional funds are needed for natural gas, primarily for the Village Green building. He said this Ordinance also includes a reappropriation of funds to purchase a new computer and projector for power point presentations at City meetings which will be shared by the Development and Police Departments.

David Betz, Director of Development, noted that the projector can also access the Delaware County GIS software during meetings. Mr. Kaitsa said the Finance Committee approves this.

Mr. Counts asked if the increase for natural gas will cover the rest of the year. Mr. Lutz said it is anticipated that it will cover the City through December. Mr. Counts asked if the City has used the contingency amount before. Ms. Metz estimated that the contingency began at approximately \$100,000 and there is currently \$74,500 remaining.

**MOTION:** Mr. Seta moved to suspend the rules on Ordinance 2003-30. Mr. Lackey seconded the motion.  
**VOTE:** Y 5 N 0

**MOTION:** Mr. Seta moved to adopt Ordinance 2003-30. Mr. Lackey seconded the motion.  
**VOTE:** Y 5 N 0

**FIRST READING: ORDINANCE 2003-31: AN ORDINANCE AMENDING SECTION 521.211 OF THE CODIFIED ORDINANCES OF THE CITY OF POWELL TITLED "LANDING OF AIRCRAFT" AND DECLARING AN EMERGENCY.**

Stephen A. Lutz, City Manager, reviewed that the City has received a request from the Village Academy to bring in the Channel 10 helicopter to land in the Wolf Industrial Park for their students. He said the current ordinances prohibits such a landing, and Staff has created some amendments for that ordinance. He said this Ordinance would allow emergency landing, such as for military or police use, as well as allowing the Chief of Police the authority to approve the landing within the City for special occasions.

Mr. Lackey questioned whether the definition of aircraft should indicate it must include a passenger. He asked if hot air balloons should also be included. Ken Molnar, Director of Law, said that would be appropriate. Chief of Police Gary Vest said he is fine with hot air balloons as long as he can sign off on their take off and landing. Mr. Lackey additionally suggested moving language requiring the Chief Law Enforcement Officer's approval from section c to section b.

Mr. Wiencek asked if there should be an exception for emergency landings. Chief Vest said that he discussed the issue with the prosecutor, and they feel that they won't cite pilots with such emergencies. A lengthy discussion was held regarding the amendments proposed by Mr. Lackey. Mr. Kaitsa questioned whether the definition should refer to a pilot rather than a passenger.

Mr. Seta asked if there are any concerns about liability with the Chief of Police permitting landing of aircraft. Mr. Molnar said there are no more than with usual government functions, such as the building departments inspecting homes and approving them. Mr. Lackey asked about the language holding a corporation responsible. Mr. Molnar said that is in the event that any liability comes from a larger source than the pilot.

Mr. Wiencek suggested postponing the ordinance to another reading. Dawn Nauman, City Clerk, noted that the request from the Village Academy is for a landing the same day as the next Council meeting.

**MOTION:** Mr. Lackey moved to amend Ordinance 2003-31 so that Section 421.11 (a) (1) reads: *"Air Craft" means any contrivance heavier than air used or designed for aviation or flight and carrying a pilot in the air except a parachute or other contrivance for such aviation used primarily as safety equipment, and specifically including hot air balloons.* and Section (b) reads *"Except in the case of an emergency, no person shall land an aircraft within the corporate limits of the City at other than at a landing field without approval in writing by the Department of Transportation, State of Ohio, the Federal Aviation Administration, and the chief law enforcement officer for the City of Powell. For purposes of this section,*

*the pilot is presumed to be in control of the aircraft." Mr. Wiencek seconded the motion.*

VOTE: Y 5 N 0

**MOTION:** Mr. Lackey moved to suspend the rules on Ordinance 2003-31. Mr. Wiencek seconded the motion.

VOTE: Y 5 N 0

**MOTION:** Mr. Lackey moved to adopt Ordinance 2003-31 as amended. Mr. Wiencek seconded the motion.

VOTE: Y 5 N 0

**FIRST READING: ORDINANCE 2003-32: AN ORDINANCE APPROVING THE PLAT FOR GOLF VILLAGE SECTION 5 PHASE A.**

David Betz, Director of Development, reviewed the location of the plat and adjacent developments. He said that this portion of Golf Village is being developed by Centex Homes. There being no discussion, this item was taken to second reading.

**COMMITTEE REPORTS**

**Development Committee:** Mr. Seta reviewed that the Committee will soon meet to discuss the skate park design. He reviewed the Development Committee process for reviewing park plans. Shea Crawford, Community Affairs/Special Events Coordinator noted that the press has been notified of upcoming Development Committee meetings regarding park development. Mr. Wiencek expressed a desire not to try to regulate concerns about the skate park until they present themselves. Chief of Police Gary Vest agreed. Mr. Wiencek asked if \$300k is appropriate funding for a skate park. Mr. Lutz said the \$300k was the amount identified to create a community skate park rather than a regional skate park. Mr. Counts said skate parks look like a lot of concrete and he would like to explore options to soften the facility. Mr. Seta said that the location of this property is ideal to keep from seeing an expanse of concrete, as the land where it will be located is lower than the street.

**Finance Committee:** Mr. Kaitsa said that the Committee met last Thursday and discussed the capital improvements program and debt policy. He said the Committee is working to prioritize several of the large projects that are desirable to complete. The Committee also discussed the Regional Income Tax Agency (RITA) collection program, and also RITA pursuing tax collections for the City.

**Service Committee:** No report.

**Charter Review Task Force:** Mr. Lutz noted that the Task Force met last week to review final amendments that they will present to Council in the next few months. If Council approves such amendments, they will go before the voters in November.

**CITY MANAGERS REPORT**

Mr. Lutz reviewed a memorandum dated May 12 which identifies the most important meeting dates for park issues. He said the final plans will be reviewed by Council in October and November.

Mr. Lutz noted that the Memorial Day parade will be held on Monday and Council is invited to participate by riding on the zoo trolley.

**OTHER COUNCIL MATTERS**

- Dawn Nauman, Clerk of Council, noted that there are expired boards and commission terms that Council will soon need to address.
- Mr. Lutz suggested that Council convene in a short executive session at the end of the meeting to discuss land acquisition and pending litigation.
- Mr. Wiencek asked if it is correct that complete park development should be finished by November 2004. Mr. Lutz said that is the plan. He added that the following year, Council will see an impact in the budget in relation to hiring park maintenance personnel.
- Mr. Kaitsa asked what is the status of Mr. Barton's property. Mr. Lutz said that will be discussed in Executive Session.
- Mr. Kaitsa asked about the closure of Jewett Road. Mr. Lutz said that the City was not notified of the closure, which is apparently for repair of the railroad.

- Mr. Kaisa asked about a road pavement problem at the bottom of the Powell Road hill. Mr. Lutz said Mr. Wiencek brought that to his attention. Mr. Rice contacted ODOT who is aware of the problem. Mr. Wiencek said that he suggested that the City patch it from time to time since it is Powell citizens having to deal with it. Mr. Kaisa said he doesn't think the City has the jurisdiction to do that. Mr. Lutz suggested that a letter be drafted to send to ODOT regarding this issue.
- Mr. Wiencek said that Rumpke has been inconsistent in picking up recycling and yard waste. He suggested considering a penalty clause in the next contract. Mr. Lutz said that he and Mr. Rice did recently meet with representatives of Rumpke to discuss this issue.
- Mr. Seta reviewed that he attended the Regional Council of Governments meeting, and that Council will be asked to adopt a resolution entering into an agreement that allows the board to function. Mr. Wiencek asked what is in it for the City. Mr. Seta said that it is an effort for local municipalities to share what is going on and to help the school district look ahead for future needs. A brief discussion ensued.

**EXECUTIVE SESSION IN ACCORDANCE WITH ORC SECTION 121.22 (G) (2) LAND ACQUISITION AND (G) (3) PENDING LITIGATION.**

**Motion:** Mr. Kaisa moved to adjourn to executive session at 10:30 p.m. in accordance with (G) (2) Land Acquisition and (G) (3) Pending Litigation. Mr. Seta seconded the motion.

**VOTE:** Y 5 N 0

Mr. Lackey left at 10:45 p.m.

**MOTION:** Mr. Seta moved to adjourn from Executive Session at 11:00 p.m. Mr. Wiencek seconded the motion.

**VOTE:** Y 5 N 0

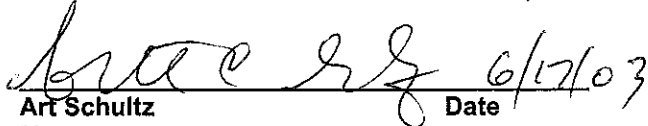
**MOTION:** Mr. Seta moved to reconvene in Regular Open Session at 11:00 p.m. Mr. Wiencek seconded the motion.


**VOTE:** Y 5 N 0

**MOTION:** Mr. Seta moved to adjourn from Regular Open Session at 11:00 p.m. Mr. Wiencek seconded the motion.

**VOTE:** Y 5 N 0

**DATE MINUTES APPROVED:** June 3, 2003

  
Art Schultz Date 6/17/03  
Mayor

  
Dawn Nauman Date 6/17/03  
Clerk of Council