

CITY OF POWELL COUNCIL

July 1, 2003

A regular meeting of the City of Powell Council was held on July 1, 2003, and called to order at 7:30 p.m. by Art Schultz. Other Council members present were Dan Wiencek, Richard Cline, Tom Counts, Jim Seta 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; Shea Crawford, Community Affairs/Special Events Coordinator; Ken Molnar, Director of Law; residents and representatives of the press.

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

Motion: Mr. Cline moved to adjourn to executive session at 7:35 p.m. in accordance with ORC Section 121.22 (G) (1) Personnel: Board and Commission Appointments. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Seta moved to adjourn from Executive Session at 8:45 p.m. Mr. Cline seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Wiencek moved to reconvene in Regular Open Session at 8:50 p.m. Mr. Lackey seconded the motion.

VOTE: Y 7 N 0

CITIZEN PARTICIPATION

There was no Citizen Participation on non-agenda items.

APPROVAL OF MINUTES

The minutes of June 17, 2003 were amended and approved.

FINANCIAL REPORTS

The Accounts Payable Report was received.

OTHER REPORTS

There were none.

CLERK OF COUNCIL CORRESPONDENCE

There was none.

THIRD READING: ORDINANCE 2003-34: AN ORDINANCE DESIGNATING A THREE WAY STOP AT THE INTERSECTION OF WOODARD PLACE AND KEISEL COURT AND REQUIRING THE CITY ENGINEER TO PLACE TRAFFIC CONTROL DEVICES AT THE INTERSECTION AND DECLARING AN EMERGENCY.

Tim Farrell, 505 Woodard Place, said that he lives right at the intersection referred to in this ordinance, and he asked that Council please consider this stop sign. He said that the speed and visibility is difficult, and the sloped driveways make it difficult to keep young children safe. He said that this stretch is a cut through for the "back streets of Powell," and while the stop signs won't cure the problem, they will certainly help. He said this is a safety issue.

Mr. Seta said he wholeheartedly supports this stop sign, as it is needed in the area. He said he thinks the stop sign will ease a lot of the problems with this intersection.

Mr. Lackey said this is the third meeting on this topic, and it has been publicized, and he has heard nothing but support other than one nay-sayer who was more concerned with process. He said he thinks this process is consistent with the policy because five (5) affirmative votes would be necessary to pass this. He said he doesn't see any negatives with installing the stop sign, and sees a positive in that it would force people to get lulled out of complacency for a few seconds on a street that does have some visibility issues. He added that cars parked on the street make it dangerous for the bus stops. He said he is going to support this ordinance.

Mr. Cline said that he thinks the problems the residents have identified are real, but he doesn't think this is the solution for two reasons. The first is that it denigrates the established process for when signs should be installed. He said that secondly, he doesn't think it is going to be an effective solution. He said he recognizes that other members of Council have a different view.

Mayor Schultz said he is in support of the stop sign, and that this follows the process except for spending money to determine what Council already knows, that a sign doesn't meet the warrants. He said that Council has decided in many other cases just like this that it makes sense to install stop signs to slow traffic down. He said that stop signs have been overdone in the past, but what motivates him on this issue is that there really isn't another stop sign on this entire length of the road if one is headed south. He said he thinks the downside of putting a stop sign in this area is minimal because the area is not over-populated with signs. He said that supporting this stop sign is not changing the procedure.

Mr. Kaitsa said he plans to support the ordinance because this stop sign will be there to protect the safety of the school children, which is consistent with signs put in other areas of Powell and with the policy that allows a sign to go in with a super-majority of Council's favorable vote.

Mr. Counts said he is torn with regard to this issue and he believes that the policy is a little flawed because Council still doesn't have significant evidence of what it takes to require a stop sign in lieu of a warrant. He said that in absence of another solution, this is probably the best, even though it is not the most efficient.

Mr. Wiencek said he wishes this could be delayed, because he is still unsure. He said he has heard no evidence that this stop sign will have the desired effect. He said he has heard that it will stop people momentarily. He said that the City's experience, and that of the Ohio Department of Transportation (ODOT) is that stop signs won't reduce speeds. He said while he believes there is an issue, he doesn't believe a stop sign is going to resolve it. He said that the fact that the right solution isn't clear is not enough to vote in favor of this. He said he thinks the City needs to keep looking and find another solution. He said if a month were to go by and no new solution were found, he might be able to support this.

MOTION: Mr. Lackey moved to adopt Ordinance 2003-34. Mr. Kaitsa seconded the motion.

Mayor Schultz noted that it is not uncommon to have varying opinions of Council members on issues such as stop signs.

VOTE: Y 5 N 2 (Cline, Wiencek)

SECOND READING: ORDINANCE 2003-38: AN ORDINANCE PROVIDING FOR THE SUBMISSION OF A CHARTER AMENDMENT TO THE QUALIFIED ELECTORS OF THE MUNICIPALITY OF POWELL INCLUDING ADMINISTRATIVE CHANGES IN THE CHARTER CHANGING THE IDENTITY OF THE MUNICIPALITY FROM VILLAGE TO CITY; DEFINING THE PERSONAL INTEREST OF AN OFFICER OR EMPLOYEE OF THE CITY IN ANY CITY CONTRACTS; PROVIDING FOR THE DESIGNATION OF AN ACTING MUNICIPAL MANAGER; MODIFYING THE DUTIES OF THE MUNICIPAL MANAGER; DELINEATING THE CONTINUING QUALIFICATIONS OF THE DIRECTOR OF LAW; ELIMINATING THE DEPARTMENT OF PUBLIC SERVICE; ELIMINATING THE DEPARTMENT OF DEVELOPMENT; CREATING THE DEPARTMENT OF POLICE; AMENDING THE QUALIFICATION OF COUNCIL CANDIDATES; CLARIFYING INCOMPATIBILITY OF OFFICES; AMENDING THE PROCEDURE FOR FILLING OF VACANCIES ON COUNCIL; MODIFYING THE DUTIES OF COUNCIL; PROVIDING FOR MEETINGS OF COUNCIL; AMENDING THE PROCEDURE FOR CONSIDERATION OF ORDINANCES; PROVIDING FOR A CONSENT AGENDA; AMENDING EMERGENCY ORDINANCE PROCEDURES; PROVIDING FOR COUNCIL RESOLUTIONS; AMENDING RECALL, INITIATIVE AND REFERENDUM PROCEDURES; MODIFYING THE TIME FRAME FOR ENACTMENT OF VOTER APPROVED OR REJECTED LEGISLATION; MODIFYING PROCEDURE FOR BUDGET ESTIMATES; MODIFYING THE MEETING SCHEDULE OF THE PLANNING AND ZONING COMMISSION; PROVIDING FOR THE REMOVAL OF BOARD OR COMMISSION MEMBERS CREATED BY THE CHARTER; AND PROVIDING FOR THE EFFECTIVE DATE OF ENACTMENT OF THIS CHARTER AMENDMENT.

Stephen A. Lutz, City Manager, noted that the revisions since last meeting were included in Council packets. He said there has been some discussion regarding notification, but Staff would like to further discuss those options at the next meeting.

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

Mr. Cline said that he met with Mr. Counts who has some more recommendations to be addressed at the next meeting. He said that they range from cosmetic to substantive, and he will get those forwarded to the clerk in a few days.

Mr. Kaitsa asked if Section 6.05 would allow Council to repeal or amend any Ordinance after it has been determined by an electoral vote. Mr. Cline said that it would, but not until two years have passed and not without

a vote of five (5) members of Council.

Mr. Wiencek suggested that Section 11.05 be amended just to indicate that "Council may...remove a member...with or without cause." He said that all of those examples could be removed. Mr. Cline said that is one of Mr. Count's suggestions, as well.

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

FIRST READING: ORDINANCE 2003-37: AN ORDINANCE AMENDING CHAPTER 1331 OF THE CODIFIED ORDINANCES OF THE CITY OF POWELL ENTITLED "CONTRACTOR'S LICENSE."

Doug Wenzel, Chief Building Official, reviewed that Council addressed an ordinance similar to this last year, but it was tabled indefinitely. He said that this ordinance would change the City's language regarding Contractor's Licensing from "license" to "registration" because Powell can't legally require licensing, as it is the role of the State to do so for certain types of building contractors. He said when this issue was previously discussed, there was some question as to whether Powell's code should be expanded to require registered contractors to be licensed. He said there is currently a House Bill under study regarding requiring residential contractors to be licensed.

Mayor Schultz summarized that the procedure isn't changed, rather what the City calls it is changing. Mr. Kaisa said this would bring our regulations in compliance with the Ohio Revised Code. Mr. Wenzel agreed.

Mr. Counts expressed concern that the language only deals with corporation, and he would rather see it address "any person, corporation, or any other entity recognized by the State of Ohio..." He said that his other concern is that an owner can actually register as a contractor for a brand new house. Mr. Wenzel said that the Building Code allows homeowners to pull their own permit.

Mr. Cline expressed a desire to define the term "person" more appropriately to address Mr. Counts' concern regarding corporations.

Mr. Seta said he is concerned about requiring homeowners to register. Mr. Wenzel said that Staff doesn't push homeowners to register. Mr. Seta asked if those doing the work for the homeowners would be registered. Mr. Wenzel said they would.

Mr. Cline suggested suspending the rules and adopting the Ordinance so that it is in conformance with State Code. He said that Staff can then review the definition of "person and corporation" throughout the code and address any issues or concerns regarding legal entities with a more global amendment to the code.

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

MOTION: Mr. Kaisa moved to suspend the rules on Ordinance 2003-37. Mr. Cline seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Kaisa moved to adopt Ordinance 2003-37. Mr. Cline seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2003-43: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2003 AND DECLARING AN EMERGENCY.

Stephen A. Lutz reviewed that the Service Committee, in a continued effort to implement the City's Comprehensive Communication Plan, recently reviewed proposals for creation of graphics standard and sign design guidelines for the City of Powell. Tom Webster, representing Eyethink, was present to discuss this proposal.

Mr. Webster said that the first part of this process is providing the City the proper tools and graphics design guidelines for using the logo, which his company designed. Secondly, this process will determine how the City identifies itself, including parks and recreation areas, developments, streets, and the Village Green. He said that they plan to work with Kinzelman Kline, who is working on the Downtown Revitalization project, to determine some of these elements. He reviewed that this is a cost-effective proposal during which they will utilize summer interns.

Mayor Schultz said that the Service Committee is very supportive of this project, and the timing is important with the development of the parks and the downtown revitalization. Mr. Counts agreed that this is important, and

noted the use of the logo on various Council items that is inconsistent. Mr. Webster reviewed that when the logo was design, the original intention was that they could create an engraved-typed item with a lot of detail that could be executed in the proper scale.

Mr. Cline asked how this would be integrated into the new parks. Mr. Webster reviewed that they will identify opportunities and needs for signage and work with the Parks and Rec. Committee, Staff, and Council, to develop a plan. Mr. Cline asked if it is correct that the end-product would provide a detailed guide for anyone who uses the logo. Mr. Webster said it would.

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

Steven Bisonnette, Service Committee member, said that there is a great desire to provide consistency on communication coming from the City offices. Mayor Schultz noted that certain sections of the web site are also inconsistent. Mr. Kaitsa asked if the web site will be included in this proposal. Mayor Schultz said they won't pay to modify it, but they will help set design standards. Mr. Webster said that anything with the Powell graphic should be addressed. He noted that the logos on the Powell public service trucks need some work.

Mr. Wiencek asked if it is correct that this study is not going to redesign the logo, which he likes and was determined through a lengthy and drawn-out process to begin with. Mr. Webster said that is correct.

Mr. Kaitsa asked if the deliverable product is a toolkit with design specifications. Mr. Webster said he anticipates 25-45 pages broken into specific categories. He said that there will also be electronic graphics that can be emailed to those who need to use them. He noted that he has people prepared to begin work on this project immediately. Discussion ensued.

MOTION: Mr. Cline moved to suspend the rules on Ordinance 2003-43. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Kaitsa moved to adopt Ordinance 2003-43. Mr. Cline seconded the motion.

VOTE: Y 7 N 0

COMMITTEE REPORTS

Development Committee: Mr. Seta reviewed that a meeting was held with Edsall and Associates regarding the schematics for the buildings to be located within the parks when they are developed. He reviewed that they are seasonal facilities. He reviewed the discussions regarding lighting, odor, materials, and design elements. Mr. Lackey said that they are proposing to bring a better representation of the Village Green Amphitheatre before the Development Committee for review.

Mr. Lackey said that the second skate park meeting will be held on July 8 and he encouraged people to attend if they are interested in this issue. He said that the current proposal is for a facility of 14,500 sq. ft. Mayor Schultz said that now is the time for Council members to weigh in on the details of this park design.

Mr. Cline questioned whether a seasonal design is appropriate for the park restroom facilities. He said that some parks are used 9-10 months out of the year. He expressed concern that seasonal use would close in September and open in May. Mr. Lutz said that the seasonal use is based on freezing weather, so that pipes are drained to keep from bursting. He said this is very common in Central Ohio. Mr. Wiencek said it would be nice to have facilities for parks used in the winter, such as Meadowview, where people ice skate. Mayor Schultz asked that the Development Committee review the issue of seasonal use and how common it is. Mr. Cline expressed a desire to know what the difference in cost is for seasonal or year-round facilities.

Mr. Kaitsa asked where the carnival design will be used. Mr. Seta said that style is a bathroom style used in Memorial, Meadowview and Murphy Park.

Mayor Schultz said that sometimes, all brick facilities without windows are unattractive. Mr. Lutz said they have included fake doors and windows. Mayor Schultz said that even though siding needs to be repainted frequently, he doesn't think it is cost-prohibitive. Mr. Lackey said that brick is also more durable, and the City is better off with a more permanent facility.

Finance Committee: Mr. Kaitsa reported that the Finance Committee will meet on July 10.

Service Committee: Mayor Schultz noted that the Service Committee met and discussed the design guidelines that were discussed earlier in the meeting.

CITY MANAGERS REPORT

Stephen A. Lutz, City Manager, reported that Staff will attend a sanitary sewer meeting at the County scheduled for July 16. He said the plan is to bring all government entities together to discuss future needs in an effort to provide for long-term planning. He said this meeting is for elected officials and it is prudent for a member of Council to attend. David Betz, Director of Development, said that the goal is to create an overall master plan for sanitary sewer needs in the future. He said that this meeting will allow for public input. A brief discussion was held.

Mr. Lutz reviewed a proposed change in route for the Powell Cycling Classic that will allow the City to keep Liberty and Powell Roads open. He said the proposed course will effect Liberty Hills, Bartholomew Run, and Falcon Ridge, and has been deemed acceptable by the race committee. Council gave a "thumbs up" to the new route provided that Staff can review this with the effected neighborhoods and get their blessing.

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

Motion: Mr. Cline moved to adjourn to executive session at 10:15 p.m. in accordance with ORC Section 121.22 (G) (1) Personnel: Board and Commission Appointments and under ORC Section 121.22 (G) (2), Land Acquisition. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Counts moved to adjourn from Executive Session at 10:45 p.m. Mr. Lackey seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Cline moved to reconvene in Regular Open Session at 10:45 p.m. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

BOARD AND COMMISSION APPOINTMENTS

MOTION: Mr. Cline moved to make the following appointments to Board and Commissions:

Applicant	Board or Commission	Expiration Date
Vincent Margello	Historic District Commission	July 1, 2006
Edgar Knowlton	Parks and Recreation Advisory Board	May 15, 2006


Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

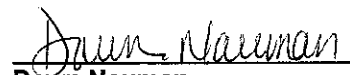
ADJOURNMENT

Council adjourned at 10:50 p.m.

DATE MINUTES APPROVED: July 15, 2003

 8/5/03

 Art Schultz Date
 Mayor

 8/5/03

 Dawn Nauman Date
 Clerk of Council