

CITY OF POWELL COUNCIL

September 16, 2003

A regular meeting of the City of Powell Council was held on September 16, 2003, and called to order at 7:35 p.m. by Mayor Art Schultz. Other Council members present were George Kaitsa, Jim Seta, Richard Cline, Tom Counts, Dave Lackey, and Dan Wiencek. Also present were Stephen A. Lutz, City Manager; Dawn Nauman, Clerk of Council; Nan Metz, Finance Director; Ken Molnar, Director of Law; Jeff Snyder, Parks and Recreation Supervisor; Chief of Police Gary Vest, residents and representatives of the press.

CITIZEN PARTICIPATION

There was no comment on non-agenda items.

APPROVAL OF MINUTES

The minutes of September 2, 2003 were approved as printed.

FINANCIAL REPORTS

Nan Metz, Finance Director, reviewed the Accounts Payable and Monthly Financial Report.

Mr. Kaitsa asked what the City is using Maximation for. Ms. Metz said that it is for the police department technology project. Mr. Kaitsa commented that he has heard good things about that company.

Mr. Wiencek said that there was some discussion at the last meeting regarding the Regional Income Tax Agency (RITA). He asked if the percentage of taxes received versus percentage of households meets the City's expectations. Ms. Metz said that the collections were higher this year due to a complete overhaul of their software packages. She said that they are working on correcting their forms so they are more user-friendly for all communities. She said she thinks that the corrections are generally in-line, because of RITA and the City's delinquency collection effort.

OTHER REPORTS

The Monthly Planning and Zoning Report was received. Mr. Lutz reminded Council that the Downtown Revitalization design charette begins next week.

Mr. Seta asked what is the status of the HER property. Steve Lutz, City Manager, said it recently received final approval by the Planning and Zoning Commission. Dawn Nauman, Clerk of Council, said she thinks it will be before Council in November.

The Monthly Parks and Rec. Report was received. Jeff Snyder, Parks and Recreation Supervisor, reviewed that fall programming registration begins tomorrow evening. He said that registrations were way up this summer and he hopes to continue with increased enrollment this fall. Mayor Schultz asked about the status of the updated park rules, which the Parks and Rec. Advisory Board is supposed to be working on. Mr. Snyder said they are in progress, and are going to be working with Chief Vest about the kind of things that the Board can recommend.

Mr. Seta asked about an operation and maintenance plan for the parks. Mr. Lutz said that will be part of the budget process for next year.

The Monthly Police Report was reviewed by Gary Vest, Chief of Police. He noted that since school has been back in session, they have had some additional patrol, traffic stops, and citations. He said they wanted to increase visibility and slow folks down during this time of year. He reviewed a change in the Monthly Report as to how they provide information regarding auto accidents.

Mr. Wiencek commented that he was surprised to see no consistency in accident location but rather accidents spread throughout the community. Mr. Seta said that the tree trimming at Powell Road and S.R. 315 has really helped with visibility at that intersection.

Mayor Schultz said that he has had some complaints about speeding on Presidential Parkway. Chief Vest said no one has contacted him about this, but he will look into it.

CLERK OF COUNCIL CORRESPONDENCE

Dawn Nauman, Clerk of Council, reviewed the two liquor license notices received from the Division of Liquor

Control. She asked if Council would procedurally like to review such applications first before determining if they need to ask the permit holder to come to the meeting to discuss their permit.

Mayor Schultz asked about the application for a building on West Olentangy Street. Ms. Nauman noted that it is currently an office and there are no building/zoning, or Historic District Commission applications for a change of use to a restaurant at this time. She said a restaurant is a permitted use for the zoning.

Mr. Lackey asked about the application located at Golf Village. Mr. Lutz described the retail area located north of Seldom Seen Road and Sawmill Parkway. He said that Wendell's has other establishments in Central Ohio. Mr. Lackey questioned the proximity to the park. Mr. Lutz said the park is located east of the retail area that is along Sawmill Parkway.

Mr. Kaitsa asked if the applicant on West Olentangy Street has other licenses. Ms. Nauman said none that she is aware of. Mr. Cline noted that these are both for new licenses. Mr. Counts said that is an important distinction. Ms. Nauman noted that the City doesn't have control over availability or numbers, but they can object to certain permits based on certain criteria. She said that these licenses are based on the current population and aren't requesting an increase in permitted licenses.

Council did not request a hearing on either license.

Ms. Nauman noted that the Charter Mailing is ready to go out and will probably be mailed next week.

PARK DEVELOPMENT UPDATE – EDSALL AND ASSOCIATES

John Edsall, Edsall and Associates, reviewed the current status of the park development process (Exhibit).

Mr. Cline asked how difficult it would be to retrofit restrooms for winter use should it be determined in the future that it is desirable. Mr. Edsall said at a minimum, a \$4-5k additional expenditure at the initial construction phase would be necessary to add insulated block. Council discussed the desirability of winter use at the park facilities and determined that Memorial Park is the location that is most likely for winter use. Mr. Edsall said that it is possible they could prepare a per-unit cost that could be considered as a bid-alternate. He said they are trying to complete construction documents by October, so a decision needs to be made. Mr. Seta said that he doesn't want to add additional cost at this point, and does not support the insulated block at Memorial Park. Mayor Schultz, Mr. Cline, Mr. Kaitsa, Mr. Lackey, and Mr. Wiencek all felt it was appropriate to add the insulated block at Memorial Park and asked that a bid-alternate be provided that Council can consider for the other park facilities.

Mr. Kaitsa asked if the Parks and Recreation Advisory Board has an opinion on insulation of the restrooms. Karen Slavik, Parks and Rec. Board, said that this is the first she's heard of it, but she agrees with Council's decision.

Discussion was held regarding the difference between shingles and a standing seam metal roof for the park structures. Mr. Edsall asked if Council would have a problem with high quality dimensional if a standing seam roof is cost-prohibitive. He said that Council can determine later which they would prefer. Council agreed to consider the standing seam roof as a bid-alternate. Mayor Schultz said he would really like to see a metal roof, but asphalt is an option. He said that Council can address that when the estimates come in.

Mr. Edsall reviewed the \$51,000 cost savings identified under the sub-heading of Architectural Plans. Mayor Schultz said it sounds like a "no-brainer" to take advantage of that savings.

Mr. Seta asked if there has been any problem finding the existing utilities. Mr. Edsall said that generally there have been no concerns, except for a minor problem with an easement at Library Park and an existing manhole. Mr. Seta asked if the bathrooms will all be gravity sewers. Mr. Edsall said they will.

Mr. Edsall reviewed the scheduled completion dates beginning on page 3 (Exhibit). Mr. Kaitsa asked if there is a current price range for cost. Mr. Edsall said that he will not speculate until all the team members have met together. He said that should happen by October 10, and Council should be provided the information on the 21st.

Mr. Wiencek asked about the 2-3 feet of soil that was deposited at Meadowview Park to raise the elevation. Mr. Edsall said that they will be working with the grades that are there rather than taking on a great deal of earth work, which could get cost-prohibitive. He said they will be looking at the soil and turf conditions at Library,

Meadowview, and Memorial Parks to ensure there is a good playing surface. Mr. Wiencek asked if drainage issues will be addressed. Mr. Edsall said they will, and that there will be a lot of sub-grade drainage at Library Park. He reviewed the tentative drainage plans for the park.

Mayor Schultz opened this item to public comment.

Ms. Slavik asked for a copy of the revised schedule. There was no further public comment.

Mayor Schultz reviewed a letter he is working on to address specific Parks and Rec. Advisory Board questions regarding park development (Exhibit 2)

Mr. Wiencek asked about number 5, whether the Library Park shelter is adequate to accommodate so many people in the case of inclement weather. Mr. Edsall said it is. They calculated 15 sq. ft. per person not including the picnic tables.

Discussion ensued regarding number 6, and the possibility to make the basketball courts full size at Library Park. Mr. Edsall said that it would not be possible to change the back-to-back design to a full court without starting from scratch. Mayor Schultz asked about considering the ability to change it later. Mr. Edsall said that concerns about the Library Park basketball court are consistent with those he has heard in other communities. He said that he understands there has been a significant cry from surrounding neighbors that a full-court basketball court is not desirable. He described the difficulty in changing the court from back to back to full court due to the size of the pad and location of the hoops.

Mr. Cline noted that the basketball area is being shifted closer to Liberty Road and further from the neighbors who have complained. He asked if the City has the capacity to increase the pad. Mr. Edsall said they do.

Mr. Lackey said he likes how the courts are configured, and noted that there is the ability for full court play at Memorial Park. He said he thinks this makes Library Park available for families to shoot hoops without being in the way of a full game. Mr. Seta agreed. He noted that the basketball court and parking lot are both alternate bid items and may not even be constructed.

Mr. Cline said that he thinks the removal of the ability to play two-hoop basketball was an overreaction. He said that he doesn't intend to belittle the concerns of the effected residents, but he thinks their concerns are based on where the court is placed. He said if it isn't practical to make the court adjustable in the future, he'd like it to be configured similarly to its original designed, but placed closer to the street. Mr. Edsall said there would not be space for 4 hoops, which is the original design, but two or three would be possible if Council desires.

Mr. Kaitsa said he thinks it is important to honor the commitment Council made to the neighbors regarding the basketball courts. He said that he likes the design the way it is. Mr. Counts agreed.

Mr. Wiencek said he is inclined to agree with Mr. Cline but he isn't overly concerned because there are other options for full court play in the City. Mayor Schultz said that he thinks this is still a heated issue and Council committed to going back to back. He said he was hoping for a middle ground between full court and the current design, but it appears that is cost-prohibitive.

Ms. Slavik said that the Parks and Rec. Board recommended restroom facilities at every park location in phase 1 of construction. Mayor Schultz said they are included in the master plans as the Parks and Rec. Board recommends, but some may be put in as an alternate based on what is affordable. Regarding the playgrounds, Ms. Slavik said the Parks and Rec. Board was hoping that the Meadowview Park playground would be of adequate size, and she noted that the original recommendation was for 20% larger than the current design. Mayor Schultz said those details will be discussed tomorrow. He said that the letter discussed this evening will be revised and provided to the Parks and Rec. Board for their information.

RESOLUTION 2003-16: A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

Stephen A. Lutz, City Manager, said that last month, Council adopted legislation identifying revenues, and this legislation identifies the tax rates.

Nan Metz, Finance Director, reviewed that the City is required to file this information with the County in lieu of the statutory requirement for a formal tax budget. She noted that it needs to be passed by October 1.

Mr. Kaitsa what is the total millage in Powell with all overlapping taxing districts. Ms. Metz said she believes the effective rate is approximately 47 mills. She said the updated rates are usually identified in December.

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

MOTION: Mr. Kaitsa moved to adopt Resolution 2003-16. Mr. Cline seconded the motion.

VOTE: Y 7 Y 0

FIRST READING: ORDINANCE 2003-49: AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED \$6,000,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF ACQUIRING STREETS, UTILITY LINES, DRAINAGE FACILITIES AND OTHER PUBLIC INFRASTRUCTURE IMPROVEMENTS FROM THE LIBERTY COMMUNITY INFRASTRUCTURE FINANCING AUTHORITY, RETIRING NOTES PREVIOUSLY ISSUED FOR SUCH PURPOSE, AND APPROVING A NOTE PURCHASE AGREEMENT APPROPRIATE FOR THE SALE OF THE NOTES.

Stephen A. Lutz, City Manager, reviewed that last year, the City issued notes and bonds for the Golf Village transaction. They are collecting revenue from properties within Golf Village to pay off the debt. Notes are passed on a one year basis, and this Ordinance would allow to roll those over for another year. Nan Metz, Finance Director, reviewed that the notes issued a year ago have matured, and therefore new notes must be issued. She said last year, they were able to take advantage of a favorable short-term interest rate, and that is the same situation this time. She reviewed that issuing notes rather than bonds allows the City to reduce the total amount of debt. As the community development charge increases, at some point the City will be able to issue revenue debt as opposed to obligation debt, thereby freeing up some of the City's debt limits.

Ms. Metz said this Ordinance cannot be passed as an emergency, but a rules suspension is desirable.

Mr. Seta asked if the City has to use all \$6 million. Ms. Metz said it does, and that this legislation rolls over all of the interest and costs. Mr. Kaitsa asked if it is correct that higher interest rates are avoided. Ms. Metz said it is.

MOTION: Mr. Cline moved to suspend the rules on Ordinance 2003-49. Mr. Kaitsa seconded the motion.

VOTE: Y 7 Y 0

MOTION: Mr. Cline moved to adopt Ordinance 2003-49. Mr. Kaitsa seconded the motion.

VOTE: Y 7 Y 0

FIRST READING: ORDINANCE 2003-50: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2003 AND DECLARING AN EMERGENCY.

Stephen A. Lutz, City Manger, reviewed that this Ordinance provides the funding necessary to purchase the two parcels of land owned by Robert Green that are adjacent to the Village Green, just north of the pond. Mr. Wienczek asked why this Ordinance is being passed as an emergency. Ken Molnar, Director of Law, said that the contract for this property obligates the City to close sooner than 30 days.

MOTION: Mr. Cline moved to suspend the rules on Ordinance 2003-50. Mr. Kaitsa seconded the motion.

VOTE: Y 6 Y 1 (Seta)

MOTION: Mr. Cline moved to adopt Ordinance 2003-50. Mr. Kaitsa seconded the motion.

VOTE: Y 6 Y 1 (Seta)

FIRST READING: ORDINANCE 2003-52: AN ORDINANCE ESTABLISHING A PROCEDURE FOR THE SOLICITATION OF PROFESSIONAL DESIGN SERVICES.

Ken Molnar, Director of Law, reviewed that Ordinances 2003-52 and 2003-53 are related. 2003-52 is designed to allow Council to "do what it wants when it wants." He said it is a starting point with which Council can create a policy and he would like to know if Council is comfortable with the dollar amount.

Mr. Kaitsa said he is satisfied with the legislation as is, although he might support changing dollar amount to match the threshold in Chapter 153 of the Ohio Revised Code, which is \$25k. Kaitsa recommend to stay with the

\$25k.

Mr. Lackey noted a typographical error in Section 1b and recommended that Section 2 identify the Municipal Manager in both references. He said that when he read this Ordinance, he felt that it doesn't really do anything. He said it doesn't require the municipal manager to do anything. He said he would rather have an Ordinance that more clearly defines the advertising and selection process. Mr. Kaitsa disagreed. He said it formalizes the process. Mr. Lackey said it may formalize the process for advertising, but not for choosing.

Mr. Cline said that he feels the purpose of the Ordinance is to determine how Council will gather qualified people, but not how they will choose from them. Mr. Wienciek said that he agrees with Mr. Lackey that this Ordinance has no teeth or guidelines. Mr. Molnar said that the Charter says that unless Council speaks on a specific issue, the City must follow the state code. The whole purpose of this Ordinance is to speak on this issue so that the City can handle these types of issues as it wishes.

Mr. Counts said this is a "stop-gap measure" because of Ordinance 2003-53. Mr. Seta asked if there is a "magic number" at which Council should advertise. Mr. Counts said this is not a bid statute, but rather an identification of a group of people that will be notified when the City has a project that needs design services. Discussion Ensued.

Mr. Cline said that this Ordinance is necessary for the City to pass Ordinance 2003-53. Mr. Molnar agreed. Mr. Counts said once this is passed, and Ordinance 2003-53 is passed, Council can go through a thorough process of identifying a desirable procedure for notification for architects.

Mayor Schultz asked if Council can agree that it wants to pass this Ordinance as a "stop-gap" and then come back and readdress all of the issues that have yet to be addressed at a later date. Council agreed. Mayor Schultz asked what needs to be changed tonight to make this Ordinance satisfactory.

MOTION: Mr. Cline moved to amend Ordinance 2003-52 so that Sections 1 and 2 read as follows:

Section 1: That the procedure set forth herein shall not apply in case of:

- a. Any instance or project deemed to be an emergency by the Municipal Manager, or
- b. Any instance or project with estimated professional design fees less than Fifty Thousand dollars (\$50,000).
- c. Prior approval and finding by Council that an eligible design firm is qualified to provide services and determined to be the most qualified shall be valid for any subsequent project.

Section 2: The Municipal Manager shall periodically at the discretion of the Municipal Manager advertise in a newspaper of general circulation in the community for professional design service individuals or firms seeking a statement of qualifications, experience and any other information deemed relevant by the Municipal Manager to evaluate the design firm on a particular project or generally.

Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Cline moved to suspend the rules on Ordinance 2003-52. Mayor Schultz seconded the motion.

VOTE: Y 7 Y 0

MOTION: Mr. Kaitsa moved to adopt Ordinance 2003-52. Mr. Cline seconded the motion.

VOTE: Y 7 Y 0

Council determined to refer the matter for a more thorough Ordinance on this policy to the Finance Committee for study and recommendation.

FIRST READING: ORDINANCE 2003-51: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2003.

Stephen A. Lutz, City Manager, reviewed that this Ordinance would appropriate \$175k to hire Horne and King Architects to work on the design of the Police Department facility at the Village Green. He noted that this contract is broken down into sections, and can be terminated at any section.

Mr. Cline said that the money needs to be appropriated before the Ordinance that says Council is going to spend the money, and that is the reason for addressing this Ordinance before 2003-52.

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 2003-51. Mr. Kaitsa seconded the motion.

VOTE: Y 7 Y 0

MOTION: Mr. Kaitsa moved to adopt Ordinance 2003-51. Mr. Cline seconded the motion.

VOTE: Y 7 Y 0

FIRST READING: ORDINANCE 2003-53: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH HORNE & KING ARCHITECTS, INC. FOR PROJECT ADMINISTRATION, EVALUATION, PLANNING, DESIGN DEVELOPMENT, CONSTRUCTION PROCUREMENT AND ADMINISTRATION ASSOCIATED WITH RELOCATION OF THE POLICE DEPARTMENT TO THE VILLAGE GREEN MUNICIPAL BUILDING.

Mr. Seta asked for the definition of "construction procurement services" and "contract administration." Mr. Lutz reviewed a section of the contract that identifies construction procurement services as "reproduction of documents, postage, handling, delivery, etc...." Mr. Cline said that in the Finance Committee meetings, he was told that "project administration" include overseeing the project in the same way that Edsall and Associates is overseeing the parks. Mr. Seta said that he doesn't like it when contract administration services are lumped in with the design fee, and he expressed concern that they may run out of funds to oversee the project by using them during design. Mayor Schultz said that the contract can be terminated at any of the 5 phases, and that would eliminate the problem.

Mr. Lackey identified a typographical error in the third "Whereas" paragraph of the Ordinance.

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

Mr. Kaitsa noted that the fee for this contract is 7.7%, which is very good.

MOTION: Mr. Cline moved to remove the period at the end of the third Whereas paragraph in Ordinance 2003-53. Mr. Kaitsa seconded the motion.

VOTE: Y 7 Y 0

MOTION: Mr. Cline moved to suspend the rules on Ordinance 2003-53. Mr. Kaitsa seconded the motion.

VOTE: Y 7 Y 0

MOTION: Mr. Kaitsa moved to adopt Ordinance 2003-53. Mr. Cline seconded the motion.

VOTE: Y 7 Y 0

COMMITTEE REPORTS

Development Committee: Mr. Seta reviewed that the Committee will meet tomorrow to discuss playground facilities.

Finance Committee: Mr. Kaitsa said that the Committee did not meet, but did communicate with one another on all of the items passed on this evening's agenda.

Service Committee: Mayor Schultz said they are working to schedule a meeting.

Mr. Wiencek expressed a desire for the Development Committee to review the use of cement-fiber siding in the City.

CITY MANAGERS REPORT

There was no report.

OTHER COUNCIL MATTERS

- Mr. Seta briefly reported on the most recent Regional Council of Governments meeting. He identified the proposals of the school to ask for several levies in the spring to support growth. Mr. Wiencek asked if the City can impose impact fees based on developments impact on the schools. Mr. Seta indicated that the Council is trying to determine what kind of impact fees it can charge.
- Council reviewed and commented on the next issue of the Powell Quarterly. Mr. Lackey pointed out several typographical errors. Mayor Schultz questioned the Community Infrastructure charge article. Dawn Nauman, Clerk of Council, said that Staff does get a lot of questions about those charges, and it is desirable to educate the community. Mayor Schultz and Mr. Kaitsa made some recommendations for streamlining the article.

EXECUTIVE SESSION IN ACCORDANCE WITH ORC SECTION 121.22 (G) (2) LAND ACQUISITION.

MOTION: Mr. Cline moved to adjourn into Executive Session in accordance with ORC Section 121.22 (G) (2): Land Acquisition at 10:05 p.m. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Cline moved to adjourn from Executive Session at 10:30 p.m. Mr. Counts seconded the motion.

VOTE: Y 7 N 0

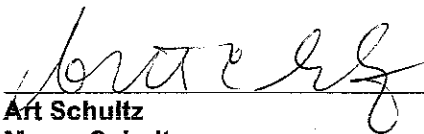
MOTION: Mr. Cline moved to reconvene in Regular Open Session in at 10:30 p.m. Mr. Counts seconded the motion.

VOTE: Y 7 N 0

ADJOURNMENT

Council adjourned at 10:30 p.m.

DATE MINUTES APPROVED:



 Art Schultz
 Mayor Schultz

10/20/03

 Date



 Susie Ross
 Deputy Clerk of Council

10/16/03

 Date

This ordinance or resolution has been posted in
 three (3) public places as defined in ordinance
 94-11 dated 4-3-94
 on this date 10/21/03



 Susie D. Ross
 Clerk of Council

