

CITY COUNCIL

February 17, 2004

A regular meeting of the City of Powell Council was held on February 17, 2004, and called to order at 7:30 p.m. by Mayor Dan Wiencek. Other Council members present were Jim Seta, Art Schultz, George Kaitsa, Don Grubbs, Richard Cline and Dave Lackey. Also present were Stephen A. Lutz, City Manager; David Betz, Director of Development; Rob Rice, City Engineer; Nan Metz, Finance Director; Dawn Nauman, Clerk of Council; residents and representatives of the press.

EXECUTIVE SESSION:

MOTION: Mr. Cline moved to adjourn into Executive Session to discuss Personnel (Board and Commission Interviews) in accordance with ORC Section 121.22 (g) (1) at 7:30 p.m. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

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

VOTE: Y 7 N 0

MOTION: Mr. Cline moved to readjourn into regular Open Session at 8:45. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

CITIZEN PARTICIPATION

There was none.

APPROVAL OF MINUTES

The minutes of February 3 were amended and approved.

FINANCIAL REPORTS

Nan Metz, Finance Director, reviewed the Accounts Payable Report. Mr. Grubbs asked about a payment to Eyethink. Mr. Metz said that payment is related to adopting Graphic Standards. Mr. Seta asked if the standards and signs are being incorporated into the park plans. Mr. Lutz said they are to a certain extent.

Ms. Metz reviewed the Monthly Financial Report. She noted that income tax collections were down in January but some of that was made up in February.

Mr. Kaitsa asked why May and June are typically months with higher income tax collections. Ms. Metz said that it is because of the mandatory state and federal April filing deadline. Some residents don't file their estimated taxes and just file at that time.

OTHER REPORTS

Planning and Zoning Report: David Betz, Director of Development, reviewed that there is a Sawmill Parkway corridor meeting scheduled for February 28th at 9:00 a.m. Mr. Wiencek noted that there is a Staff Report for the HDC but no meeting minutes. Mr. Betz said those will be forwarded later.

Police Report: Chief of Police Gary Vest reviewed the Police Report. Mayor Wiencek asked if there have been any noticeable traffic trends. Chief Vest said that they occasionally hear concerns about left turns at the four corners, and so sometimes they focus on that area. He said that Sawmill Parkway continues to get more traffic and additional speeders. Mr. Schultz asked if the traffic problems on Sawmill Parkway are related to teenager or adult drivers. Chief Vest said he is unaware of a disproportionate number of kids violating the law in that area.

Mr. Grubbs asked what the training requirement is for Powell Police officers. Chief Vest said that each officer receives a minimum of 40 hours outside of the department, and 40 hours of firearms, first aid, defensive tactics, pursuit, etc. within the department. He said that they take full advantage of the Ohio Police Officer Training Academy as well as the Highway Patrol Academy. Mr. Grubbs said that he heard Sheriff candidates recently discussing the appropriateness of 30 hours of training. He is glad to hear that Powell is certainly well ahead of them. Chief Vest said that Council has graciously provided a good training budget.

CLERK OF COUNCIL CORRESPONDENCE

Dawn Nauman, Clerk of Council, noted a memorandum provided to Council regarding the public records aspect of electronic mail. Mayor Wiencek asked that Council read that memorandum so that they follow the law relating to open meetings.

Mr. Seta spoke favorably of the power point presentation that was given by the City at the Ohio Parks and Recreation Conference.

RESOLUTION 2004-05: A RESOLUTION TO CONDITIONALLY ACCEPT CERTAIN OUTSTANDING PORTIONS OF THE PUBLIC IMPROVEMENTS IN THE MURPHY PARK, SECTION 1 SUBDIVISION (AS THE SAME IS NUMBERED AND DELINEATED UPON THE PLAT THEREOF RECORDED IN CABINET 2 SLIDES 647 A, B & C, DELAWARE COUNTY, OHIO RECORDS) AND TO COMMENCE THE MAINTENANCE PERIOD FOR ALL FOR PORTIONS OF THE PUBLIC IMPROVEMENTS IN MURPHY PARK, SECTION 1, IN THEIR ENTIRETY.

Stephen A. Lutz, City Manager, said that when a developer is ready for the City to conditionally accept public improvements, they contact the engineering department to prepare a punch list which will be completed in approximately a year, before final acceptance of the improvements.

Mr. Grubbs asked how this Resolution works when part of it includes the park that will be developed this summer. Rob Rice, City Engineer, said that it includes some work performed by the developer for the park, including the access drive, parking, and water lines. Mr. Grubbs asked if it is correct that it doesn't involve the green space portion. Mr. Rice said it is.

MOTION: Mr. Cline moved to adopt Resolution 2004-05. Mr. Kaitsa seconded the motion.

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

VOTE: Y 7 N 0

RESOLUTION 2004-06: A RESOLUTION WAIVING OR REDUCING CERTAIN BUILDING FEES RELATED TO THE CONSTRUCTION OF THE CITY'S PARKS.

Stephen A. Lutz, City Manager, said that the City recently went out to bid for the development of the City Parks. This Resolution would waive the building fees required for the restrooms, summerhouses, etc., because paying such fees would be basically taking money out of the City's pockets and putting it back in. He said whomever is the low bidder on this project would actually be paying the out of pocket costs incurred for contracted plan review. Mr. Seta asked what is the comparison between the out of pocket costs and the fees. Ms. Metz said that the last time this was addressed, those amounts were very close to each other. Mr. Cline said that when the fees were waived for the school, it was a \$4-5k savings on \$25k expense.

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

MOTION: Mr. Cline moved to adopt Resolution 2004-05. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

THIRD READING: ORDINANCE 2004-02: AN ORDINANCE APPROVING THE FINAL DEVELOPMENT PLAN FOR PETE DELOIS RECREATION OUTLET FOR A 35,800 SQ. FT. RETAIL CENTER LOCATED ON 4.1 ACRES AT 470 WEST OLENTANGY STREET. (PUBLIC HEARING)

David Betz, Director of Development, said that this is a third reading of this Ordinance. He said there were no outstanding questions at the last meeting, and the public hearing was held over for advertising purposes.

Mr. Grubbs asked what is the status of the review of the traffic light that is planned for this location. Mr. Betz said that the applicant is to work out with the Ohio Department of Transportation (ODOT) on how much each will pay for the improvement. Mr. Grubbs asked if the light will be up before the building. Mr. Betz said it should be up about the same time, but the building could be after. He said that ODOT only got through about 3/5 of their projects for 2003 and they still need to get those done. He said that this project is on the list of things to be done in 2004.

Mr. Kaitsa asked about variances. Mr. Betz reviewed the handout that was provided at the last meeting. He said that whether the pennants will be used as identified in the elevation drawings has yet to be determined.

Mr. Seta said that he is pleased with the design, but he doesn't like "what flags do to a building."

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

MOTION: Mr. Cline moved to adopt Ordinance 2004-02. Mr. Kaitsa seconded the motion.
VOTE: Y 7 N 0

SECOND READING: ORDINANCE NO. 2004-04: AN ORDINANCE TO APPROVE THE 2004 REPLACEMENT PAGES TO THE POWELL CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.
Stephen A. Lutz, City Manager, recommended taking this item to a third reading pending review of the document by the Law Director.

FIRST READING: ORDINANCE 2004-05: AN ORDINANCE APPROVING THE COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR GRAETER'S ICE CREAM PARLOR AND CITY BBQ RESTAURANT FOR A 5,044 SQ. FT. COMMERCIAL BUILDING LOCATED AT THE NORTHWEST CORNER OF GALLOWAY PARKWAY AND POWELL ROAD, AND CHANGING THE ZONING CLASSIFICATION TO PC, PLANNED COMMERCIAL DISTRICT FOR PROPERTY BEING ANNEXED INTO THE CITY OF POWELL
David Betz, Director of Development, reviewed the location, site plan and access for this development.

Mr. Seta asked if there are planters planned for the patio. Mr. Betz said they are, and they will be built in. He reviewed the proposed elevations and materials and said that the public hearing is scheduled for the next meeting at which time the applicant will be here with a more formal presentation.

Mayor Wiencek asked if the annexation is complete for the project. Mr. Lutz said that will be addressed at Council's March 23 meeting. He said this Ordinance will require a 30 day wait before it is in effect, therefore the annexation will be in place before the plan is approved.

Mr. Cline asked that Staff provide a list of variances before the next meeting.

Mr. Schultz asked if the bikepath will continue all the way to the corner of Sawmill Parkway. Mr. Betz said that the applicant has committed to taking it to the end of property. He said that it would be advantageous for the bikepath to be extended to the zoo some day.

Mr. Seta asked if there will be signage on the building in addition to the monument sign by the bikepath. Mr. Betz said there will. He said the applicant has just submitted a sign package and it needs to go before the Planning and Zoning Commission. Mr. Seta said the CEDA review committee has gone over this plan and expressed only an interest in adding an additional tree.

SECOND READING: ORDINANCE 2004-06: AN ORDINANCE AMENDING THE BUILDING CODE OF THE CITY OF POWELL, ADDING SECTION 1337.19: EXTERIOR SIDING STORAGE AND INSTALLATION.
Stephen A. Lutz, City Manager, reviewed that this Ordinance creates standards for the storage and installation of cement fiber siding. He said that this Ordinance only impacts those areas where this material is already approved. Mayor Wiencek said that he has asked Mr. Lutz to coordinate notification of these requirements when they go into effect.

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

MOTION: Mr. Seta moved to suspend the rules on Ordinance 2004-06. Mr. Lackey seconded the motion.
VOTE: Y 7 N 0

MOTION: Mr. Seta moved to suspend the rules on Ordinance 2004-06. Mr. Kaitsa seconded the motion.
VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2004-08: AN ORDINANCE FINDING EVANS, MECHWAR, HAMBLL & TILTON, INC., QUALIFIED TO PROVIDE DESIGN ENGINEERING SERVICES FOR THE EXTENSION OF MURPHY PARKWAY CAPITAL IMPROVEMENT PROJECT.

Stephen A. Lutz, City Manager, said that this Ordinance will authorize the City Engineer to begin to negotiate with EMH&T to provide engineering services for the extension of Murphy Parkway. Last fall, Council passed an Ordinance that grants Council the authority to qualify a firm for projects with professional service fees estimated to exceed \$50k. He said the reason for recommending EMH&T are outlined in the ordinance.

Mr. Kaitsa said that the Finance Committee discussed this and is supportive of this ordinance. Mr. Schultz asked if it is clear what is a good offer. Mr. Lutz said the first thing that needs to happen is Staff to meet with EMH&T to define the scope of service. Mr. Lackey asked what is the timing expected on this Ordinance. Mr. Lutz said that as soon as it is adopted, Staff can begin to negotiate. After such negotiations, an Ordinance will be brought back before Council to approve the funds to complete the project.

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

MOTION: Mr. Cline moved to suspend the rules on Ordinance 2004-08. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Cline moved to adopt Ordinance 2004-08. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

COMMITTEE REPORTS

Development Committee: Mr. Seta said the Committee met this evening as the CEDA review committee and it went well. He said that there is no regular meeting scheduled.

Finance Committee: Mr. Cline said the Committee met last week to begin work on the professional service contract ordinances. They hope to have a recommendation after their next meeting. He said they also met with some representatives from the Big Bear Farms condominium association related to their request that the City accept and maintain their main street. He said that was referred to Staff. He said that the Committee discussed the issue of tax fluctuations, and received a presentation from Horne and King regarding a proposal to integrate and revise the administration building during the police department facility renovation. He said the committee viewed the plans favorably but questions whether the funding is available.

WOODS AT BIG BEAR FARMS ROAD DEDICATION

Mr. Cline reviewed that the Finance Committee wanted Staff to look at this roadway and determine what would be the financial impact of accepting the dedication of it. He said the committee wanted to know if it would immediately need repairs, would it meet public standards, and whether or not it makes sense to accept the dedication. He said that Big Bear Farms doesn't want to bear the expense of maintaining their private roads. The residents there indicated that the City collects their tax dollars but doesn't provide services. He noted that he told them they provide parks, police, etc. He said the Committee also expressed a desire to investigate the precedent that could be set with the 7-8 other private developments that may have the same request.

Mr. Wiencek asked if Staff could look into providing plowing services if it is determined that it is not desirable to accept the street. Mr. Kaitsa suggested that the City somehow allow them to piggyback on the City's contract.

Mr. Lackey said that he likes the suggestions of trying to work in concert with the Homeowners' Association, but he is not in favor of the proposal of taking a previously accepted private road and making it public. He noted it was private when they bought their homes. He expressed concern of having the City Engineer take the time to look into this when he himself is so disinclined to grant this request.

Mr. Cline said that while he was campaigning, these residents brought this request and he encouraged them to approach Council. He said he has to believe that review of this street can be included in the review of the City streets for the annual pavement program. He said that would allow Council to make a more informed decision.

Mr. Schultz said that it would obviously cost more money to take on more road. He said that he concurs with Mr.

Lackey that Staff's plate is full, and if it has already been decided that adding this burden is not desirable, he questions moving forward with the review by Staff. Mr. Cline said if four members don't see any circumstances where the road would be accepted, then the time shouldn't be taken. Mr. Schultz said it will be a "decent amount of money" to support the road. Discussion ensued.

Mayor Wiencek asked if roads within condominium developments are typically built to the City's residential street standards. Mr. Rice said they are not anywhere close to the city's standards for subdivision roadways, not only in terms of width but also pavement composition and curb design. He said there would also be variances required in some circumstances because of setback issues between private and public streets. Mr. Grubbs said it seems like the Council isn't just discussing adding another road but rather adding a possibly poorly constructed road that will require more maintenance than a typical road. For that reason, he doesn't see the need to have Mr. Rice study this further. He said that is good information to provide to a homeowner's association making this request. He said that if such a precedent is set, Council may have to start requiring condo developments to build those streets to such a standard.

Mr. Cline said he thinks the Finance Committee expressed many of these concerns, but he felt maybe this should be considered because this development connects to a City park which could then connect to Sawmill Parkway. He said there is another access to the park under the railroad tracks. Mayor Wiencek said there is also a connection from the school site.

Mayor Wiencek said that he is also not in favor of supporting that. He asked that Mr. Lutz inform the homeowners association of this decision as a majority of Council determined not to move forward. Mr. Schultz said that the maintenance issues of a street not built to the City's standard is a main reason. Mr. Kaitsa said the precedent is also a concern.

Operations Committee Mr. Schultz said that the Committee is working to determine what are its priorities and what tasks will be easiest to implement. He said that they discussed Council members attending Homeowners' Association meetings, and a desire to send a letter to those associations expressing a desire to do so. He said that they would like to start working toward implementing the downtown beautification plantings. Mayor Wiencek asked that Jeff Snyder be involved in this. Mr. Schultz said that regarding the Charter Amendments, they think the logical thing to do would be to meet with the biggest opponents of this process to determine if there is a compromise that can be made.

Downtown Committee Mayor Wiencek said that the next meeting will be held on Wednesday the 18th.

CITY MANAGERS REPORT

Stephen A. Lutz, City Manager, reviewed that the March meetings will be March 2, 16, and 23rd. The fourth meeting (March 11) has been eliminated.

OTHER COUNCIL MATTERS

Mr. Kaitsa asked that Staff provide information on the City of Delaware and their Development Impact Fee. Mr. Lutz said he will provide that for Council.

EXECUTIVE SESSION:

MOTION: Mr. Cline moved to adjourn into Executive Session to discuss Personnel (Board and Commission Interviews) in accordance with ORC Section 121.22 (g) (1) at 9:35 p.m. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Cline moved to adjourn from Executive Session at 9:54 p.m. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Cline moved to readjourn into regular Open Session at 9:54. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

BOARD AND COMMISSION APPOINTMENTS

MOTION: Mr. Cline moved to appoint Dick Fusch to Dan Wienczek's unexpired term on the Planning and Zoning Commission. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

ADJOURNMENT

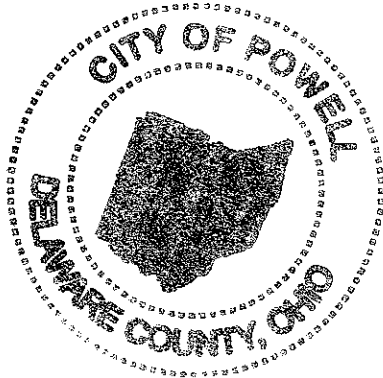
MOTION: Mr. Cline moved to adjourn from regular Open Session at 9:54. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

DATE MINUTES APPROVED: March 2, 2004

Dan Wienczek 3/16/04
Dan Wienczek Date
Mayor

Dawn Nauman 3/20/04
Dawn Nauman Date
Clerk of Council



This ordinance or resolution has been posted in
three (3) public places as defined in ordinance
2004-07 dated 3-2-04
on this date 3/19/04
Nauman
Clerk of Council