

CITY COUNCIL

March 2, 2004

A regular meeting of the City of Powell Council was held on March 2, 2004, and called to order at 7:40 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; Nan Metz, Finance Director, Chief of Police, Gary Vest; Dawn Nauman, Clerk of Council, Ken Molnar, Director of Law; residents and representatives of the press.

PROCLAMATION

Mayor Wiencek presented a proclamation for Red Cross month to Anthony Washington and Chief of Police Gary Vest March who were present representing the Red Cross.

CITIZEN PARTICIPATION

There was none.

APPROVAL OF MINUTES

The minutes of February 17, 2004 were amended and approved.

The agenda was reorganized to accommodate applicants present for the following Ordinance.

SECOND 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 site location and adjacent uses. He noted that the title of the ordinance needs to be changed to Galloway Drive rather than Galloway Parkway. He reviewed the site layout, bikepath, parking plan, and the list of variances that was provided to Council. He reviewed the proposed elevation and building materials.

Maury Levine, applicant, was present to answer questions regarding the building or site plan. He said this plan reflects a number of wonderful comments they received through the development process. He said that this is a development to be proud of that will fit into the area. He thanked the City and Staff for their help. He said they are anxious to get started and have been working with building and engineering.

Mr. Lackey asked when they will open. Mr. Levine said that assuming the spring weather cooperates, they hope to open in mid-late June.

Mr. Betz said that this is unusual because the development plan will be approved prior to the annexation, but there is a section in the ordinance that clarifies that the plan isn't in effect until the annexation is approved.

Mr. Seta asked if there is an interior connection of the two uses. Mr. Levine said there is not but that both facilities can be accessed from either side outside. Mr. Betz said there is also a walk up service window for Graeters.

MOTION: Mr. Seta moved to amend Ordinance 2004-05 to change Galloway Parkway to Galloway Drive. Galloway drive. Mr. Grubbs seconded the motion.

VOTE: Y 7 N 0

Mr. Molnar questioned Section 1, which indicates that the annexation must be approved. Mayor Wiencek said that the intent is that this ordinance is subject to that approval.

MOTION: Mr. Cline moved to suspend the rules on Ordinance 2004-05. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

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

MOTION: Mr. Cline moved to adopt Ordinance 2004-05. Mr. Kaitsa seconded the motion.  
VOTE: Y 7 N 0

#### FINANCIAL REPORTS

Nan Metz, Finance Director, reviewed the Accounts Payable Report.

#### OTHER REPORTS

There were none.

#### CLERK OF COUNCIL CORRESPONDENCE

Dawn Nauman, Clerk of Council, referred to a memorandum identifying board and commission appointments that need to be made.

#### RESOLUTION 2004-07: A RESOLUTION ESTABLISHING THE LOCATIONS FOR POSTING OF ORDINANCES AND OTHER OFFICIAL DOCUMENTS REPEALING ANY PRIOR ORDINANCES OR RESOLUTIONS ESTABLISHING SAID LOCATIONS.

Stephen A. Lutz, City Manager, said that the current posting locations identified for city documents are at the post office, municipal building, four corners, and south neighborhood park. This Resolution would amend that and make the official posting places the web site, the 47 Hall Street office, and at the post office.

Mr. Seta asked if there is any plan for information boards in the park implementation. Mr. Lutz said there are currently not. He said that the bulletin board at Library Park is hard to reach in inclement weather. Dawn Nauman, Clerk of Council, said she would like to have two posting places, but the Charter requires three.

MOTION: Mr. Cline moved to adopt Resolution 2004-07. Mr. Kaitsa seconded the motion.  
VOTE: Y 7 N 0

#### RESOLUTION 2004-08: A RESOLUTION TO REFER TO THE PLANNING AND ZONING COMMISSION FOR STUDY AND RECOMMENDATION AMENDMENTS TO THE POWELL PLANNING AND ZONING CODE SECTIONS 1109.14, 1111.054, 1111.07, 1123.01 AND 1145.25

Stephen A. Lutz, City Manager, said that last year, the City fell within the NPDES Federal Mandate regarding storm water issues. He said this is a fairly expensive program. The City Engineer has been working with a consulting engineer to make sure that the City meets the requirements. At the end of year one, the City is required to get its ordinances aligned with the federal mandate. Staff is recommending that these proposed amendments be referred to the Planning and Zoning Commission who can make a recommendation for Council to consider.

Mr. Grubbs asked if these have been reviewed by Council. Mr. Lutz said they have not. Mr. Grubbs asked if additional information will be provided to the Planning and Zoning Commission for their study. Mr. Lutz indicated that the City Engineer will attend the Planning and Zoning Commission meeting to explain the ordinances. Mr. Seta said that this is sort of a "moving target" and Council may see these recommendations again. Mr. Lutz said that is correct.

MOTION: Mr. Cline moved to adopt Resolution 2004-08. Mr. Kaitsa seconded the motion.  
VOTE: Y 7 N 0

#### RESOLUTION 2004-09: A RESOLUTION AUTHORIZING THE USE OF A PORTION OF THE PROCEEDS OF BONDS OR BOND ANTICIPATION NOTES OF THE CITY, IN THE PRESENTLY ESTIMATED PRINCIPAL AMOUNT OF \$2,500,000, TO BE ISSUED FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, FURNISHING AND EQUIPPING A NEW POLICE FACILITY, WITH ALL NECESSARY APPURTENANCES AND SITE IMPROVEMENTS RELATING THERETO, TO REIMBURSE THE CITY'S GENERAL OR PERMANENT IMPROVEMENT FUND FOR MONEYS PREVIOUSLY ADVANCED FOR SUCH PURPOSE

Stephen A. Lutz, City Manager, reviewed that this Resolution is related to an appropriation ordinance which will be heard later on the agenda. He said that this is a result of a study regarding the electrical work for the Police Department and for the park at the Village Green. He said it has been determined that the electrical work for the

park can be done for \$2k, but if the Police Department is built on this site, it would have to be torn out to make way for a \$20k improvement. He said that if Council chooses, they can authorize the \$20k project instead of spending \$2k on work that is going to be removed. He said that this Resolution doesn't commit the City to spending the funds, but it just allows reimbursement if Council determines to proceed this way.

Mr. Cline asked if this also gives the City the authority to issue the notes if it is determined to do the \$20k work first. Mr. Lutz said it does.

Mayor Wiencek asked if Staff is confident that the electrical requirements for the Police Department will be sufficiently designed with \$20k. Mr. Lutz said that the electrical engineer has indicated that it will be. Mr. Seta asked if the engineer has identified a service issue. Mr. Lutz said he has. Mr. Kaitsa asked if the Resolution should specifically reference that the City is authorized to issue bonds. Mr. Lutz said that this was put together by the city's bond counsel. Ms. Metz said that this just gives the City the authority to reimburse itself. The idea is if the City is going to incur any expenses prior to issuance, they have to declare the intent to make that expenditure.

MOTION: Mr. Cline moved to adopt Resolution 2004-09. Mr. Kaitsa seconded the motion.  
VOTE: Y 7 N 0

THIRD 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, said that the Law Director has reviewed the replacement pages and Staff does recommend adoption of the Ordinance.

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

MOTION: Mr. Cline moved to adopt Ordinance 2004-04. Mr. Kaitsa seconded the motion.  
VOTE: Y 7 N 0

Dawn Nauman, Clerk of Council, offered to insert the replacement pages for Council if they bring them in.

FIRST READING: ORDINANCE 2004-09: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2004 AND DECLARING AN EMERGENCY. Stephen A. Lutz, City Manager, said that the City will be implementing its mandatory sidewalk repair program. He said that there was a decision made that curb ramps would be maintained and repaired by the City, as it wouldn't be fair for residents on corner lots to incur the additional expense of such ramps. He said this Ordinance transfers \$100k from the general fund to the street maintenance fund to pay for that expense

Mr. Seta asked if these would meet ADA requirements. Mr. Lutz said they would. Mr. Cline said the Finance Committee reviewed this issue and recommends adoption.

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 2004-09. Mr. Kaitsa seconded the motion.  
VOTE: Y 7 N 0

MOTION: Mr. Cline moved to adopt Ordinance 2004-09. Mr. Kaitsa seconded the motion.  
VOTE: Y 7 N 0

SECOND READING: ORDINANCE 2004-10: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2004 AND DECLARING AN EMERGENCY.

Stephen A. Lutz, City Manager, said that this Ordinance appropriates money for the cost of issuance OF THE voted park bonds. Nan Metz, Finance Director, reviewed the Exhibits to the Ordinance. She said this Ordinance appropriates within two different funds, the Parks and Rec. Capital Project Fund and the Voted Park Improvement Debt Service Fund. She said that this is the necessary mechanism to provide funding to move

forward with the construction project.

Mr. Kaitsa said that this also amends the Certificate of Resources.

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

Mr. Lutz noted that the City did recently receive a AA Bond Rating from Standard and Poors. Because of that rating and the current interest rates, the interest on the bonds is very low, at 2.86%, and this will save the taxpayers hundreds of thousands of dollars. Mr. Grubbs asked if that is locked in. Ms. Metz said it is. Mr. Schultz asked about making it 20 years rather than 10 years. Ms. Metz said that 10 years would be a higher interest rate.

**MOTION:** Mr. Cline moved to suspend the rules on Ordinance 2004-10. Mr. Kaitsa seconded the motion.

**VOTE:** Y 7 N 0

**MOTION:** Mr. Cline moved to adopt Ordinance 2004-10. Mr. Kaitsa seconded the motion.

**VOTE:** Y 7 N 0

**FIRST READING: ORDINANCE 2004-14: AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF POWELL, ADDING SECTION 521.22: ILLICIT DISCHARGE AND OBSTRUCTION OF THE SEPARATE STORM SEWER SYSTEM.**

Stephen A. Lutz, said that this is another ordinance related to the NPDES Phase 2 unfunded federal mandate. At the next meeting, Rob Rice, City Engineer, will go over this in more detail. This is a housekeeping ordinance that deals with the illicit discharge of storm water.

Mr. Seta said that discharge is a big issue in the State of Ohio. He asked who will regulate this. Mr. Lutz said he is unsure. He believes it is the Ohio EPA but may be the City's once this is adopted.

This item was taken to a second reading.

**FIRST READING: ORDINANCE 2004-15: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2004 AND DECLARING AN EMERGENCY.**

Stephen A. Lutz, reviewed that this is the appropriation ordinance associated with Resolution 2004-02. If Council passes this Ordinance, the \$20k electrical improvement will be implemented to handle both the park improvements and future police facility. If that is determined undesirable, the \$2k expenditure will be made and that work will be removed when it is time to develop the Police Department.

Mr. Cline asked if the \$20k improvement will address the needs for the contemplated uses of the entire site, including any redevelopment of the administration building. Mr. Lutz suggested that he answer that question at the second reading.

Mr. Lackey asked to know what kind of additional capacity will be available with the \$20k expenditure. He said that the Police Department has discussed additional expansion, and he wants to make sure it could be accommodated.

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

#### COMMITTEE REPORTS

**Development Committee:** Mr. Seta said that the Committee met this evening and went through its priority list. The next meeting will be a joint meeting with the Parks and Rec. Advisory Board to discuss the duties of the park board as well as bikepath priorities. Mr. Schultz said that the parks operation and maintenance plan was also discussed, as Jeff Snyder, Director of Parks and Recreation, is working on that plan.

**Finance Committee:** Mr. Cline reported that the next meeting is scheduled for March 11.

**Operations Committee:** Mr. Lackey reported that the next meeting will be held on March 16.

**Downtown Committee:** Mayor Wiencek said that the Committee met on February 18. There were resident participants there. He said the Committee has been split into subcommittees, one for organizational structure,



