

CITY COUNCIL

September 21, 2004

A regular meeting of the City of Powell Council was held on September 21, 2004 and called to order at 7:30 p.m. by Vice President Jim Seta. Other Council members present were David Lackey, Art Schultz, Richard Cline, Don Grubbs, and George Kaitsa. Dan Wiencek was absent. Also present were Stephen A. Lutz, City Manager; Ken Molnar, Director of Law; David Betz, Director of Development; Rob Rice, City Engineer; Nan Metz, Finance Director; and Dawn Nauman, Clerk of Council.

CITIZEN PARTICIPATION

There was none.

APPROVAL OF MINUTES

The minutes of September 7, 2004 were amended and approved.

FINANCIAL REPORTS

Nan Metz, Finance Director, reviewed the Monthly Financial Report. She said that income tax collections are looking better since the first September payment, but are still only slightly higher than they were last year. She reviewed that the property tax collections remain in good shape. She said that Development Fees are at 132% of the budgeted amount. She said that is good news, but it in essence represents collecting more now than later as Powell is building out faster than was anticipated. She reviewed the Department of Justice Grant. She reviewed the favorable impact of the recent increase in the gasoline taxes. She reviewed the receipts from the Powell Festival donations and said that they were higher than the amount spent, so there should be a carryover. She noted that Parks and Rec. programming fees have been collected in excess of the budgeted amount for the year and the expenditures are below that anticipated. She reviewed that debt service payments are being made, and the tap fees that have been collected. She reviewed the engineering and development fees and the current state of expenditures city-wide.

OTHER REPORTS

The Monthly Parks and Recreation Report was received. Steve Lutz, City Manager, gave an update on the park construction progress as outlined in the Scanner. Mr. Seta said that the skate park is very impressive and he suggested that people take a look at it. He asked if it is correct that each park is averaging 7 days behind. Mr. Lutz said that it is hard to look at it per line item, but the goal is still for the end of the year except for Murphy Park because of the restroom relocation. He said the final costs for that project will be reviewed next week.

The Monthly Police Report was received. Mr. Lutz noted that Chief Vest is attending terrorism training at this time, as outlined in the Scanner. Mr. Seta spoke favorably of the Life Lynx program which was held at the City last weekend.

Mr. Kaitsa asked if nine adult arrests are a high number. Mr. Lutz said that he will look into that and report back at the next meeting.

The Monthly Planning and Zoning Report was received.

David Betz, Director of Development, reviewed the status of the Zoning Code Amendments currently being reviewed by the Planning and Zoning Commission. Regarding the retail regulations, he noted that they will be having a special meeting tomorrow amongst the subcommittee members as well as the Commission, and he anticipates a recommendation back to Council after their October 13 meeting.

Regarding proposed changes to the downtown districts, the HDC has yet to finish their review and make a recommendation. He said he would expect the Planning and Zoning Commission to hear that at their regular meeting in October. He said that the Planning and Zoning Commission has asked for more time to get their review done.

Mr. Seta noted that Council has been provided a copy of the report prepared by Frank Elmer regarding retail use in the Sawmill Parkway corridor. He encouraged Council to review this study. He noted that it includes alternative land uses that are viable and probably more palatable to the community. Mr. Betz said that Staff would like to review some of the factual information in the report to determine its accuracy.

CLERK OF COUNCIL CORRESPONDENCE

Dawn Nauman, Clerk of Council, noted the request for a Liquor License for City BBQ. She noted that Council previously approved the request that a license be transferred from outside of the jurisdiction for City BBQ. Council did not request a hearing on this license.

Ms. Nauman noted that Council needs to determine what they would like to send out to the voters relating to the city's two bond issues tonight. Mr. Kaitsa asked if it has been decided whether the S-corp information can be sent with the Charter Amendment. Ms. Nauman said that the law director indicates that is allowable.

THIRD READING: ORDINANCE 2004-57: AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR 3 PILLAR HOMES FOR A MIXED-USE DEVELOPMENT CONSISTING OF APPROXIMATELY 4,555 SQ. FT. RESTAURANT, 14,040 SQ. FT. RETAIL, AND 17,905 SQ. FT. OFFICE ON THE SECOND STORY IN THE FIRST PHASE FOR A PROPERTY LOCATED AT 50 S. LIBERTY STREET. (TABLED FROM THE LAST MEETING)

Stephen A. Lutz, City Manager, said that the applicant has requested that this item be tabled until the October 5 meeting. The property owner has been out of the country and his attorney is still working on a draft agreement for Council to consider regarding how this developer will finance improvements to the four corners intersection. He said he thinks the developer will hire a traffic engineer to determine the cost of turn lanes at the four corners, then the applicant will issue a letter of credit for approximately 7% of the traffic, as that is the anticipated increase of traffic expected by this development. He said those details still need to be worked out.

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

MOTION: Mr. Cline moved to table this item until October 5. Mr. Kaitsa seconded the motion.
VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2004-61: AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR VILLAGE COMMUNITIES FOR THE RESIDENTIAL PORTION OF THE TRADITIONS OF POWELL, CONSISTING OF 40 TOWNHOME CONDOMINIUMS ON 6.1 ACRES LOCATED ON THE NORTH SIDE OF WEST OLENTANGY STREET ADJACENT TO THE EAST OF VILLAGE POINTE SHOPPING CENTER. (Public Hearing October 19, 2004)

David Betz, Director of Development, gave a brief presentation regarding this development. He reviewed the site, location, layout, existing and adjacent uses. He said this development is in the Historic District overlay and the intention is to design this as an entry into Old Powell. He reviewed the access off of Olentangy Street, and the required left turn lane into the site. He reviewed the interior, private street system. He reviewed that this is primarily a wooded site and the applicant has provided for tree preservation areas and a replanting plan.

Mr. Betz described 4-unit town homes with garage spaces. He noted the slight divergence in parking. He identified the landscaping for each unit. He said they will need to work out the signage details. Mr. Seta asked if the garages will back up to Case Road. Mr. Betz said they will not, individual units will face Case and Lincoln Street in the traditional urban grid.

Mr. Betz said that the Historic District Commission (HDC) has reviewed and approved the architectural details.

He identified the commercial and restaurant portions of this plan that will come before the council in the future.

Mr. Lackey said that the anticipated 53 total peak-hour trips for this development seems low. Mr. Betz said that was just for the residential portion. He said that a turn lane was warranted for this development. Mr. Lackey said he would like to see an impact of the whole development on the four corners intersection. Mr. Betz noted that the applicant is making improvements to all of Case and Lincoln Streets, they will be basically rebuilding that street in order for that to be improved. Mr. Lackey asked who uses those roads currently. Mr. Betz said there are some residences on the street. Mr. Lackey expressed interest in addressing the divergence on the tree requirements by taking some sort of subsidy and applying it to the adopt a street tree program. He said Powell is a Tree City USA, and he doesn't like shying away from the tree requirements. If the trees don't fit on this site because it is so jam-packed, he would like to address alternative locations.

Mr. Grubbs said that originally, the applicant was planning to fulfill only 50% of the tree replacement requirement, and now they are anticipating replacing 72%. Mr. Betz said they achieved a greater portion of tree preservation due to redesign of the parking lot. Mr. Grubbs asked if they dropped the other divergence request regarding setbacks. Mr. Betz said that is correct.

Mr. Schultz said he thinks this is a nice-looking product and he appreciates the attention to detail for the downtown. He asked if the design elements will continue into the warehouse and restaurant uses in the front. Mr. Betz said the initial look at the office building continues the theme. Mr. Schultz asked about connecting this development to the adjacent shopping center. Mr. Betz said that Staff would like to see that happen but the shopping center owner didn't agree. He said it would be desirable because it would enable someone to get from one shopping center to another without using Olentangy Street. Mr. Schultz echoed Mr. Lackey's concerns. He said if the residential is contributing to Lincoln and Case, he thinks that the contributions for traffic impact for the office and restaurant need to be considered. He said the goal is to set a precedent and he doesn't want to selectively apply such standards. Mr. Kaitsa agreed that there should be a uniform standard applied to this development and the one on South Liberty Street.

Mr. Seta asked how these assumptions will be made when the improvements for the four corners haven't been determined. Mr. Lutz said that when the Zenios plan comes forward, Council can review the plan and assumptions and determine whether the solution is reasonable.

Mr. Seta opened this item to public comment.

Rhonda Worcester, 317 Winter Hill Place, said that she thinks she was at the Planning and Zoning Commission meeting when this was discussed and there was a concern that the reason you are doing this development is to get the office and the restaurant and Council has to be sure that the wording doesn't allow the applicant to come in and develop that area and shirk on the other half. Mr. Grubbs said the concern was that instead of mixed uses, it could be all be condominium. Because there is some questions as to what stage of development the office and restaurant use are in, there were some issues of how to move forward.

Mr. Betz said that the answer to that is that this is a Final Development Plan for this portion, but there is still a Preliminary Plan approved by the Planning and Zoning Commission for the rest. He said this is being developed similarly to Murphy's Park, where the residential single family, condominiums, and retail were approved by the Planning and Zoning Commission, but not all developed at the same time.

Ms. Worcester asked that someone take a look at the existing trees on the site. If it is a heavily-wooded area, she is concerned that many trees could die as those around them are cleared. She said that if the applicant is trying to save money by using existing trees as opposed to clearing them out and planting more, that would be a concern. Mr. Cline said that it is usually more expensive to keep the existing trees rather than plant new ones. Mr. Betz said he feels the trees are worth keeping. Mr. Schultz said he would hope they would properly fence around the roots, etc. Mr. Betz said they would be responsible for the trees that remain.

Mr. Kaitsa echoed Mr. Schultz's comments that this is a really nice development.

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

FIRST READING: ORDINANCE 2004-62: AN ORDINANCE ADOPTING PARK RULES AND REGULATIONS FOR PARKS WITHIN THE MUNICIPALITY OF POWELL AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND REPEALING ORDINANCE 93-15.

Stephen A. Lutz, City Manager, said that he will provide a strike-out version in the next packet which is easier to read and determine what is being proposed to be added and to be taken out. He summarized the following changes:

- That the park will operate from dawn to dusk.
- That law enforcement officers are exempted from the prohibitions against hunting or killing animals in the case of the humane destruction of injured animals.
- No person in or adjacent to a park shall use insulting, abusive, or threatening language.
- Alcoholic beverages are prohibited without permission by the City Council.

- Swimming, wading, boating, or ice skating, are not permitted except when appropriate signage permitting those activities is posted.
- Fireworks are prohibited.
- Bikepaths may not be used after hours.

Mr. Schultz asked if people can walk on the paths through the parks at any time. Mr. Lutz said they can, as long as the user is moving through the park.

Mr. Seta asked if park signage will reflect these regulations. Mr. Lutz said it will. He noted that there already is certain signage in the park construction budgets.

Mr. Seta opened this item for public comment.

Bill Morton, 364 Rosewood Court, asked what are the issues surrounding pets in the parks. Mr. Lutz said pets must be constrained and their waste must be picked up after.

This item was taken to a second reading.

**FIRST READING: ORDINANCE 2004-63: AN ORDINANCE MODIFYING APPROPRIATIONS
FOR THE CALENDAR YEAR 2004 AND DECLARING AN EMERGENCY.**

Dawn Nauman, Clerk of Council, reviewed the proposed mailing for the City of Powell Charter Amendment 2004 Ballot issue. This Ordinance will provide funding for this process. She noted the cost to mail this document to the residents per the Ohio Revised Code requirements. She also said that if they would desire, Council could also include information regarding the S-Corp ballot issue for an additional charge and additional appropriation. She presented Council with the language in the Powell Quarterly that will go out within weeks of the Charter Amendment describing the S-Corp issue. She said that the Charter Amendment is required to be mailed to all registered voters in the City of Powell. The quarterly will go to each resident and business. There are 5,454 registered voters and approximately 3,000 households and businesses. She asked that Council determine whether it is prudent to include the information regarding a tax ballot issue with the Charter information.

Mr. Cline asked if the alternative, which is to place an ad in the paper twice, has been considered. Ms. Nauman said that was priced out last year, and it more expensive because it is so long. She said that it will be published in the Delaware Gazette, and she questioned whether the average Powell resident reads that section of the Gazette. She said every change would need to be identified.

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

Mr. Schultz asked that the information in the cover letter regarding last year's ballot issue be more prominently placed, possibly becoming the third paragraph. He said he thinks the average resident will wonder how this compares with that which was voted before. He asked that key words and phrases be highlighted. He said he thinks lumping them together may make more sense. Ms. Nauman said that from her perspective, she is concerned that mailing them together would tie them together for people. She expressed concern that people might think the tax was related to the Charter. Given the failure of last year's amendments, she said she would be careful about tying them together. She said that she would suggest a different color piece of paper for the separate item. Discussion ensued regarding a variety of options for combining two mailings while at the same time keeping the issues separate.

Mr. Lackey asked if it is correct that the City can satisfy its obligations by simply putting the information regarding the S-Corp issue in the Powell Quarterly. Ms. Nauman said that is correct. Mr. Lackey said he reviewed it and feels it is fine. He said he would like to leave it out of the Charter mailing. Mr. Cline agreed. The first reason is because it saves money and secondly because he hopes it will avoid any confusion.

Ms. Nauman reviewed that the second part of this ordinance is related to the list-serv software which Staff will implement in October as a way to let people know when we've made changes to the web site, announced meetings, etc. She said that there are many opportunities to use this software for marketing parks and recreation program, e-zines, etc. She said it is an inexpensive investment that serves a lot of purposes.

Mr. Seta spoke favorably of these types of software. He said when he receives email updates, he really looks for what has changed. Mr. Schultz asked what the update would say. Ms. Nauman said that people can select the type of information they want to know about. She said she and Shea Crawford have been working on this, and they anticipate something like an email that says "we've updated this section of our web site..." and then a link to the agendas portion. She said the intention is to continue to be accessible and clear with City information.

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

Mr. Grubbs asked if there is an expectation about future costs. Ms. Nauman said she doesn't see it growing any more than the normal rate of inflation. She doesn't think any of the hourly rates for web site design have changed since the beginning. Mr. Grubbs asked if it is a separate contract. Ms. Nauman said it is part of the contract with our web site designers but it will be manageable in-house. They will develop it, host it, trouble-shoot it, and provide support. She said she would think it would be about \$50 a month, which is almost the same cost as maintaining our bulk mail permit. Mr. Lackey noted a typo in the example. Ms. Crawford noted that is a very rough sample.

MOTION: Mr. Cline moved to suspend the rules on Ordinance 2004-63. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Cline moved to adopt Ordinance 2004-63. Mr. Kaitsa seconded the motion.

Mr. Seta clarified that one mailing will be going out, regarding the Charter Amendments.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2004-64: AN ORDINANCE APPROVING THE PLAT FOR GOLF VILLAGE SECTION 12 PHASES C AND D.

David Betz, Director of Development, reviewed that this is a continuation of the Bob Webb development, section 12, which is to the north. He said these are patio home sites on private streets and a condominium association. He reviewed the adjacent developments.

Mr. Schultz asked what is the difference between public and private streets. He asked if people other than the residents drive on those streets. Mr. Betz said they do, as they are connected. Mr. Schultz asked if the fundamental difference is that the City doesn't maintain them. Mr. Betz said that is correct. He said there is a gate on the other end, but it opens automatically. Mr. Schultz asked why someone would want to put in and maintain their own streets. Mr. Betz said that is the way the plan was approved at the beginning, by Liberty Township.

Mr. Grubbs asked if the developments to the west or the north are private, also. Mr. Betz said they are.

Mr. Seta noted a lot of retention areas and asked if there are any concerns about ponding along the west side of the development. Mr. Betz identified no concerns regarding that issue.

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

Mr. Molnar said that developers can put in private roads to a lesser standard than would be required for publicly dedicated roads. Mr. Seta asked how to make sure that the people living on these roads know the City won't plow them. Mr. Cline said the only thing he thinks could be done would be to post private road signs, or "corp ends" signs, but that probably would create more confusion. Mr. Rice noted that there is an annotation regarding maintenance responsibility on the plat. Mr. Betz said he thinks it is also mentioned in the covenants.

Mr. Seta asked whether consideration should be given to making the private roads public. Mr. Lackey said that this is a plat, and the development plan is already approved. Mr. Betz said that the CEDA limits the City's ability

to change this approved plan for Golf Village. Mr. Lackey said that this is the plat stage, which is pretty much administrative.

Mr. Rice said that Sections 12 A and B plats were approved, and they also had private roads. Mr. Cline asked if the developer could put in a gate later to restrict access. Mr. Betz said they would need to amend the development plan as it wasn't included in the approved plan. Mr. Cline questioned the need to take this to a second reading.

MOTION: Mr. Cline moved to suspend the rules on Ordinance 2004-64. Mr. Lackey seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Cline moved to adopt Ordinance 2004-64. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2004-65: AN ORDINANCE AUTHORIZING COMPLETION OF THE SELDOM SEEN ROAD AND SAWMILL PARKWAY TRAFFIC SIGNAL INSTALLATION AND APPURTENANCES, FURTHER AUTHORIZING THE CITY MANAGER TO SOLICIT BIDS, ACCEPT THE LOWEST RESPONSIBLE RESPONSIVE AND BEST BIDS FOR THE ABOVE-REFERENCED PROJECT, AND CONTRACT THE PROJECT IN AN AMOUNT NOT TO EXCEED THE ESTIMATES, IN ACCORDANCE WITH APPROPRIATIONS FOR THE CALENDAR YEAR 2004 AND DECLARING AN EMERGENCY.

Stephen A. Lutz, City Manager, said that earlier this year, the intersection of Sawmill Parkway and Seldom Seen Road met the state traffic warrants for a traffic signal. Half in this intersection is in the City's jurisdiction, and the other half is in Delaware County. Earlier this year, Council and the County passed an ordinance agreeing to share half of the cost of installing the traffic signal at this intersection. He said that the City engineer has received the engineering for the signal and is ready to go out to bid. The estimated cost is \$154k, and the cost will be shared equally between the City and the County. He said that this signal will look almost identical to the signal that is to the south of this at the school entrance, with a black overhead pole.

Mr. Lackey asked if Council is authorizing Staff to accept a bid for the \$154k as the total amount. Mr. Lutz said that the county will be invoiced for their fair portion of the actual amount. Mr. Grubbs asked what assurance there is that the County will pay. Mr. Lutz said they passed a Resolution. Mr. Seta asked about synchronization of this intersection and others along Sawmill Parkway. Mr. Rice said that Staff met with the county and their consultant to go over interconnection and the recommendation out of that meeting is that at such time when the signal becomes functional, it will be synchronized to the light at Village Club Drive. He said that they would also like to consider synchronization with the signals at S.R. Route 750 and Seldom Seen Road, however, that is in the county jurisdiction.

Mr. Seta opened to public comment. Hearing none, he closed the public comment session.

Mr. Schultz asked how soon this project will begin. Mr. Rice reviewed the process of preparing bid specs, advertising, awarding the bid and moving forward with the installation. He said they anticipate installation in November. Mr. Schultz said that he understands they go up pretty quickly. Mr. Rice said that one stipulation is that there is some pedestrian path work that needs to be done at the intersections to make them ADA compliant. That work may have to wait until spring, as paving isn't always conducive in the fall.

MOTION: Mr. Cline moved to suspend the rules on Ordinance 2004-65. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Cline moved to adopt Ordinance 2004-65. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2004-66: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2004 AND DECLARING AN EMERGENCY.

Stephen A. Lutz, City Manager, said that this Ordinance would appropriate the money to install the traffic signal discussed in Ordinance 2004-65. He said this project is on the Capital Improvements list, which was adopted by Council earlier this year, and Staff recommends adoption.

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

MOTION: Mr. Cline moved to suspend the rules on Ordinance 2004-66. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Cline moved to adopt Ordinance 2004-66. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0

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

MOTION: Mr. Cline moved to adjourn into Executive Session at 8:55 p.m. in accordance with ORC Section 121.22. (G) (2): Land Acquisition. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Lackey moved to adjourn from Executive Session at 9:20 p.m. p.m. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Lackey moved to readjourn into regular open session at 9:21 p.m. Mr. Seta seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE NO. 2004-51: AN ORDINANCE DECLARING CERTAIN MUNICIPAL PROPERTY TO BE SURPLUS AND AUTHORIZING THE SALE OF SUCH PROPERTY IN ACCORDANCE WITH THE AGREEMENT ATTACHED HERETO AS EXHIBIT A AND DECLARING AN EMERGENCY.

Stephen A. Lutz, City Manager, reviewed that the City has been talking with its attorney regarding an agreement with GFS Chemicals regarding acquiring land, and this ordinance is related to that agreement.

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

This item was taken to a second reading.

COMMITTEE REPORTS

Development Committee: Mr. Seta reported that the next meeting will be held on October 5 to discuss traffic improvements.

Finance Committee: Mr. Cline reported that the next meeting will be held on September 28, 2004.

Operations Committee: Mr. Lackey had no report.

Mr. Lackey reported on his presentation to the Worthington Kilbourne Law Class about the smoking ordinance passed by Council. Mr. Lutz noted that three other communities have adopted similar ordinances.

Downtown Committee: Mr. Grubbs reported that the next meeting will be held September 29 and they are going to talk about moving forward with the subcommittees. Mr. Betz said that the DART visit report was received yesterday and will be reviewed by Staff.

CITY MANAGERS REPORT

Mr. Lutz asked to clarify what Council's interest is in the Frank Elmer Report. He said that was not the City's report.

Mr. Lackey said he is not sure he is ready to discuss this issue at the next meeting, but he would like Staff to review it. He agreed that there were a number of assumptions and conclusions made with this plan that he is not sure he agrees with. He said that some conclusions were made on a township-wide basis, and that may be some of the issue. Discussion ensued regarding the meeting that was held by the citizen group that funded the study.

Mr. Grubbs said that he thinks that there is a desire by the citizens group to give a presentation to Council regarding the plan. Mr. Lackey said he would rather they schedule a time to present that report than come during citizen participation. Mr. Schultz said that he is pleased to hear that there is an alternative plan because the Council has something with which to compare and contrast. Mr. Cline agreed. Mr. Seta said he would like to hear what the school board has to say regarding the impact of these developments on them. Mr. Betz said he believes that data is already available on the auditor's web site. Mr. Kaitsa said he did have a resident approach him and indicate that a lack of commercial properties means a greater burden for taxpayers regarding the schools.

CITY MANAGER'S REPORT

Mr. Lutz noted a need to look again for an architect to serve as advisor to the Planning and Zoning Commission. He said that one qualified response was received the last time this position was advertised, but attempts to interview that applicant have failed.

Mr. Lutz reported on the developments at Murphy Park and Liberty and Seldom Seen Road that are in foreclosure. He said that City crews were sent in to cut grass in those developments, and a lien will be placed on the properties to reimburse the City. Mr. Kaitsa asked if any work has been done. Mr. Lutz said someone has tar-papered the roofs this week. Mr. Betz said there are several people interested in taking over this projects, but it is a very complicated procedure because of the number of liens on the property.

Mr. Lutz noted that the mandatory sidewalk repair work has been completed in Bartholomew Run and Olentangy Ridge. He said that an assessment will be put in place to recover the costs from the property owners.

OTHER COUNCIL MATTERS

Mr. Seta asked what is the desire of Council regarding the Swackhamer property maintenance issue. Mr. Molnar said it is really in the judge's hands. He said from his perspective, there is nothing to do until another hearing is scheduled. At this point of time, the fine is accruing. Mr. Betz said that he is very close to being complete, and he has done an excellent job with what he is done, but he is just not finished. He said the homeowner's argument is that he has had many delays. Mr. Seta said he has concerns with properties in town that are owned by people out of town and are in a state of disrepair.

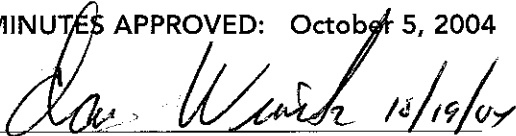
Mr. Kaitsa asked for an update on Mr. Barton's property. Mr. Betz said he has met the requirements of the last legal action.

Mr. Grubbs asked for an update of the Miriello development downtown. Mr. Betz said there is a possibility that a restaurant may go in there, necessitating additional space and kitchen facilities. He said that the HDC needs to review it and they may need a variance. Additionally, they may need some sort of a lease agreement because of parking.

ADJOURNMENT

Council adjourned at 9:38 p.m.

DATE MINUTES APPROVED: ~~October~~ 5, 2004



Date

~~Jim Seta~~
Vice President of Council

DAN WIEMECK
MAYOR



Date

Dawn Nauman
Clerk of Council