

## CITY COUNCIL

May 18, 2004

A regular meeting of the City of Powell Council was held on May 18, 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; Nan Metz, Finance Director; Gary Vest, Chief of Police; Jeff Snyder, Public Service and Parks Director; Rob Rice, City Engineer; Chris Huber, Assistant Engineer; Dawn Nauman, Clerk of Council; Ken Molnar, Director of Law; Shea Crawford, Community Affairs/Special Events Coordinator; residents and representatives of the press.

## CITIZEN PARTICIPATION

Mayor Wiencek identified the Council meeting rules which are available for review at the back of the meeting room. He said that once the public comment session is opened, residents will be asked to identify themselves and be allowed three minutes to make comment or ask questions. After the public comment session is closed, Council will respond to questions or ask any questions that they have. He asked that Council hold their questions until after everyone has had an opportunity to speak.

Ryan Gies, 395 Shyanne Drive, was present to discuss the Murphy Parkway connector plan presented at the last Council meeting. He said he has several concerns that arose from that presentation and said they have researched the issue since that time. He said that his own opinion and the opinion of many of his neighbors present this evening is that the restrictions placed on traffic, specifically the medians prohibiting left hand turns off of northbound Liberty (sic) onto Grandshire and onto Donerail are put in place to favor a few concerned citizens and do not take into effect the general welfare of all of Powell, specifically those in the southwest quadrant, including Murphy's Park, the Lakes of Powell, Woods of Sawmill, and the "other end" of Grandshire. He said this plan was made before Murphy Park was developed and since that time, the facts have changed. He said the "village park connector" looks different than it did in the original plan, and now Grey Oaks runs right by a neighborhood without a fence separating it like on Presidential Parkway. He said he believes this should be reexamined. He said the medians proposed on Murphy Parkway restrict access for a parkway designed to improve traffic flow and accessibility. He said that drivers will find a way to circumvent this traffic plan. He said that Presidential is a parkway, and it is a shame that one end has houses directly on it because the other 90% is a wider road with fences and it is laid out as a perfect east-west connector. He said he feels for the complaints of those that live on the end, but that should not override the concerns of the rest of Powell. He said that he thinks access should be opened up before the medians are put in place, the traffic studied, and then consideration given to turn restrictions during particular times of the day. He indicated opposition to a permanent median.

Christine Bustamante, 398 Shyanne Drive, completely concurred with everything Mr. Gies said. She identified her home at the corner of Grey Oaks and Shyanne Drive. She said this is her home, where she lives, where they ride bikes, play with pets, etc. She said she was very surprised to learn about the plans for this roadway, particularly relating to Presidential Parkway and Donerail and the impact it will have on her neighborhood. She said she is distressed to hear the traffic counts and said she is worried about the safety of her family and her property values. She said the Murphy's Park homeowners make a community development contribution annually that assists in paying for these roads, and they would like to have their voices heard. She said they didn't have a voice when this ordinance was originally discussed.

Brian Lamarre, 403 Shyanne Drive, echoed his neighbors' concerns. He said this is an instance of a select few being given privileges while the overall needs of the community have not been considered. He said their streets will have more traffic. He expressed concern regarding his children's safety as well as those using the sidewalks and riding bikes in the street. He said that they feel they deserve the same consideration that was given to the Presidential Parkway residents. He said they are concerned with the use of taxpayer dollars to construct the medians being discussed, the purpose of which is to create "a gated community feel." He said that it is inappropriate to use taxpayer dollars to give special treatment for a certain section of the City. He said that all roadways should be left open, so that traffic is evenly distributed. Then a study can be done to identify any needs at that time.

Ed Habegger, 419 Charlescam Drive, Village of Murphy Park, said that he bought his condominium on the north side of Grey Oaks Boulevard two years ago and had no knowledge of any "rearrangement in public ways as far as traffic movement is concerned." He said he is concerned about plans that may result in additional traffic

coming down Grey Oaks Boulevard. He said that their condominium is separated from the roadway by a 30 foot grassy strip that parallels Grey Oaks Drive, about 30 feet from the front door. He said that grassy strip is used as a casual walk and play area for his great-grandchildren. He asked that Council discontinue the pursuit of additional traffic on public ways being redirected to his area.

Rhonda Wooster, 317 Winter Hill Place, agreed with comments thus far. She said that the turn restrictions will create an extra burden on her street. She said that she thinks she represents her neighbors' thoughts, too, that they also would be in favor of lifting the ban of left turns to make it "fair for everyone" by creating right and left turns for all of the streets.

Mickey Hawk, 101 Presidential Parkway, reiterated his and his neighbors support for the plan as it currently exists and how it was passed along to engineering at the last meeting. He said that with due respect to his neighbors, his situation is not the same as on Grey Oaks, where there is only one curb cut into a general parking area for the condominiums. He said that Presidential Parkway has 11 driveways. He said that they have resigned themselves to the fact that their street will be the connector in the mornings from Sawmill Parkway to S.R. 315. He said they are asking for the evening turn restrictions to assure that the traffic from downtown and S.R. 315 can't come through the neighborhood in large quantities. He said that if one refers to the past traffic studies, they will see that all of these issues were well thought out, and that the idea of bringing some traffic through Attucks to Sawmill Parkway and to Powell Road was the right thing to do rather than bringing it across Presidential Parkway.

Glen Tomazic, 387 Shyanne Drive, said that restricting the flow off Murphy Parkway will force traffic to Grey Oaks Drive, which is near Presidential Parkway. He said something needs to be done about all of this and this is an important issue for his neighbors.

Susan Eckert, 301 Shyanne Court, echoed her neighbors' comments. She said that their neighborhood is an area heavily saturated with children. She said there are 37 children that live on Shyanne alone. She said she worries about the safety of the children with increased traffic flow.

Julie Bowman, 354 Manderly Court, asked if the Murphy subdivision existed on paper when the overall traffic plan was conceived. Mayor Wiencek said it was. Ms. Bowman said it was taken into consideration when this plan was developed. Ms. Bowman said that she thinks Presidential Parkway is narrow and she questioned whether it was named "parkway" before it was decided to put houses on it. Mayor Wiencek said he believes that is the truth.

Brian Lamarre, said he understands the concern regarding the driveway cuts on Presidential Parkway, but he is concerned that limiting the traffic on Presidential Parkway will increase traffic on Salisbury Drive which goes by an elementary school and has a lot of pedestrian school traffic. He said there are also home curb cuts on Salisbury Drive. He said that this plan increases traffic on one roadway and limits it on another but they both have the same concerns. He asked again that all roadways remain open until the impact can be studied.

Kristine Bustamante, said that they are not unsympathetic to the residents on Presidential Parkway but they are upset that they had no voice when this was originally discussed.

There being no further comment, the public comment session was closed.

Mayor Wiencek asked if any Council members have questions of any members of the public. There were none. Mayor Wiencek asked to clarify one statement made regarding an annual contribution the residents of Grandshire make. He said that those payments maintain the common areas, not the road improvements.

Ms. Bustamante clarified that those comments were related to a special assessment her neighborhood pays that go to road maintenance.

Mr. Cline said, regarding Mr. Lamarre's comment that taxpayer money is being used to create a gated community, that there is no plan for a gate. Mr. Lamarre said the intention is for a gated community feel and he is concerned that taxpayer dollars are used for a special select few people. He said that they believe that is also illegal. Mr. Cline said they can agree to disagree on those conclusions but he wanted it to be clear that it

wouldn't actually be gated.

Mayor Wiencek opened this item to Council comment.

Mr. Lackey said that he mentioned at the last meeting that he always felt it a bad idea to create restrictions. He said the City policy is for as many connections as possible. He said that restricting access will inappropriately divert the traffic to another entrance. He said that he isn't going to introduce any motions regarding this issue, but he has always said that Grandshire as a neighborhood would ask for these restrictions to be removed, however, he thought it would be after they were put in place. He said that if someone sponsored legislation, he would vote to remove them. He agreed that putting a gatehouse in the front of the development is a bad idea, especially using taxpayer dollars.

Mr. Kaitsa said he was very swayed by the correspondence received by Council regarding this issue. He said at one point he was concerned about the curb cuts on Presidential Parkway and supportive of putting the islands to discourage the traffic but he now has been convinced that by doing that, it is imposing a traffic burden on other subdivisions within the community, and that is inappropriate. He said the concept has always been for a shared burden of traffic, and he is changing the position. He said he is no longer supportive of having the islands on Presidential Parkway. He said it is important enough to reconsider this and recognize that we are all one community and traffic needs to flow without benefiting one subdivision and harming another. He noted that he lives in Olentangy Ridge where there is a lot of Ashmoore traffic.

Mr. Seta said this is a double-edged sword. He said that he participated in the Development Committee review of Grey Oaks Drive and the connection to Winter Hill. He said that it is difficult because decisions for one subdivision do affect others. However, he said that there were promises made regarding this plan. He said the residents on Presidential Parkway thought this was a done deal. He said he doesn't think this is a fair way to address these roadways. He said he doesn't see the necessity to address traffic control until they are developed.

Mr. Grubbs said that as a resident of the area affected, he has heard a lot from everybody. He said his own personal view is that it was a mistake to make that particular compromise back in 2001, but he thinks it was a mistake for the City to be put in that position because of the curb cuts on Presidential Parkway. He said the Council wouldn't be where it is today if that had not occurred, but it did and good people live on Presidential Parkway with families and kids. He said that now there are many people living through the area and there are items in the ordinance that are very ill advised. He expressed concern that the plan calls for signage directing traffic down Grey Oaks Drive when it was known that there would be houses on Grey Oaks with exposed side yards and a sidewalk that is now the only bikepath for all of Grandshire and Woods of Sawmill residents to get to Murphy's Park. He said that until Murphy Parkway is built the current path is Sawmill Road to Woods of Sawmill to Tree Haven to Shyanne. He expressed concern that the extra pedestrian traffic could be negatively impacted by routing traffic down Grey Oaks drive. He said a better solution would be to point people toward Powell Road. He agreed this was a well-debated issue, but he shares Mr. Seta's concerns regarding the promise that was made. He said that this was more than a promise, but a unanimously passed ordinance. He said to change the plan would require a new ordinance. He asked about the ordinance drafted by Mrs. Lamarre. He asked if Council is interested in considering that ordinance. He said he thinks it is worthwhile to start to reassess this issue.

Mr. Schultz said he heard concerns about additional traffic, but he reminded Council that Ed Cooper mentioned at the last meeting that whenever streets are connected, there will be more traffic. While he thinks that is true, he also thinks that the impact will not be clear until all of the connections are made. He said that Council has historically viewed streets differently when curb cuts are involved. He said a commitment was made for the residents of Winter Hill that when traffic starts flowing, and it becomes apparent that residential streets are taking more traffic than they need, that Council will do something about it. He said that as a supporter of the restrictions on turning, he can say the intention was not to redirect traffic to an unrepresented neighborhood but rather try to even out the flow. Salisbury Drive and Presidential Parkway both have curb cuts. He said they were trying to create an even distribution of traffic. He said that trying tonight to make changes tonight or to switch the position is grasping on whatever the biggest group is that shows up tonight, and he thinks that is unreasonable. He said he doesn't think it is clear whether these restrictions are a good idea until they are done. He suggested avoiding pitting one neighbor against another, because everyone wants the same thing.

Mr. Cline echoed Mr. Schultz's comments. He said he was on Council when the plan was amended to allow curb cuts on Presidential Parkway, and he opposed that for this reason. He said that Council has made a commitment to the Presidential Parkway residents that their street would not be made a speedway for east-west connections. He said they likewise owe a commitment to the other residents that are here tonight to not unfairly burden their community with traffic. He said the difficulty he sees this evening are irrevocable steps that have been taken. He said that Presidential Parkway curb cuts cannot be removed. He said that Council should be deferring any permanent restrictive decisions such as the islands that are right in/right out only until such time as Council knows the impact of some restrictions on the overall traffic pattern. He said that he feels for the residents of Presidential Parkway who legitimately believed this issue is closed, but unfortunately some things are never closed and this appears to be one of them.

Mayor Wiencek said that he believes he heard from a majority of Council that it is desirable to reexamine the original ordinance. He said the engineering plan that was approved was approved by ordinance and any change will also need approved by ordinance. He said a public hearing process (three readings) would be needed if the plan changes. He suggested holding a public design charette where Staff and the public work on this issue more in depth with more ability for debate so that a solution that is reasonably acceptable to everyone can be reached. Mr. Cline reviewed the timing of the engineering and construction of Murphy Parkway and expressed concern that there may be additional stakeholders between now and construction that will still want to weigh in on this issue. Mr. Schultz questioned the benefit of a charette. Mayor Wiencek reviewed that the City is coming close to the point of no return regarding design. Once the design is determined, any change will cost additional funds. He expressed other possible opportunities to control traffic in the area that could be discussed and continued. He expressed a desire to work with residents to determine a desirable design to move forward with. Mr. Grubbs also agreed that there are sections of Murphy's Park that aren't built out but will want to weigh in. He suggested delaying such a charette. Discussion ensued regarding timing and citizen input.

Mr. Lackey said that he thinks the suggestion to make the connection without the restrictions and make recommendations on real traffic patterns is the best he has heard. Mayor Wiencek said that he thinks that is the starting point for the design charette and then the goal is to work to determine other alternatives and ideas. He noted that discussion has been held that Grey Oaks doesn't have fencing and that could be something to be considered. Mr. Kaitsa said he would be in supportive of a charette but he doesn't want it in lieu of opening the roads as Mr. Lackey described. Mr. Lutz said he will work with Council to schedule a charette.

### **APPROVAL OF MINUTES**

The minutes of May 4, 2004 were approved as printed.

### **FINANCIAL REPORTS**

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

Ms. Metz reviewed the April Financial Report. She noted that the income tax collections have increased but that the City hasn't made up the entire ground for the loss in January. She warned that this year, collections may not increase but rather fall about \$125k behind or end up completely flat. Mayor Wiencek asked if it is clear that the January receipts are an aberration and not a mistake. Ms. Metz said she contacted the Regional Income Tax Agency (RITA) who explained some significant changes from individual unidentified taxpayers that are impacting the City. Mayor Wiencek asked if there is a significant tax law change that could explain this. Ms. Metz said that RITA has not been able to point anything out. Mayor Wiencek asked about comparing Powell to other communities. Ms. Metz said it is difficult. She said that for awhile, Powell was still doing well when other communities weren't. She said being a bedroom community, a higher percentage of tax collected is from individual returns rather than corporate profit or withholding. That has always done the City well in the past, but this year it hasn't.

Ms. Metz reviewed an increase in auto licensing tax receipts. She said some may be taken back because certain people think they live in the City but they do not. Mr. Grubbs asked if the gas tax revenue increases with the price of gas. Ms. Metz said it is a percentage of the taxes and was increased by 2 cents. Mr. Lutz said that it will go up 2 cents for three years, and will help the City pave its streets.

**OTHER REPORTS**

The Monthly Planning and Zoning Report was received. Mr. Seta asked about the concept review for 50 S. Liberty Street. Mr. Betz reviewed the location on the old Masteller property.

The Monthly Parks and Rec. Report was received. Mayor Wiencek asked if park construction is on schedule. Mr. Snyder said it is. He said it is ahead of schedule in Arbor Ridge. Mayor Wiencek expressed a desire to hold concerts in the park this summer at an alternate location due to park construction.

The Monthly Police Report was received. Chief Vest reviewed the plan to not throw candy from the moving trolley during the Memorial Day parade. He said they will walk beside the vehicle and throw the candy.

**CLERK OF COUNCIL CORRESPONDENCE**

Dawn Nauman, Clerk of Council, asked Council members to review their information in the temporary roster so that it can be published as accurately as possible.

**RESOLUTION 2004-13: A RESOLUTION TO REFER TO THE PLANNING AND ZONING COMMISSION FOR STUDY AND RECOMMENDATION AN AMENDMENT TO THE POWELL PLANNING AND ZONING CODE, SECTION 1143.15.**

Mayor Wiencek noted that this Resolution was drafted by Mr. Grubbs. Mr. Grubbs said that he was contacted by residents who submitted a similar ordinance and resolution to the Liberty Township Trustees about five months ago. He said that with the issues along Sawmill Parkway and the concerns expressed last year, it seemed like a good time to consider this as the first step in some formal action of Council regarding big box retail in Powell. He said that City and Liberty Township residents are desirous of consistent zoning requirements in Liberty Township and the City of Powell so that developers cannot use one jurisdiction against another. He said that a concern was expressed to him that Liberty Township has not passed the ordinance that has been presented to them. He said they are interested in waiting until the Comprehensive Plan is updated. He said now seems like an appropriate time to have some parallel discussion with the City and Township. This Resolution suggests a restriction in maximum floor area of 65,000 sq. ft.

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

Mr. Cline asked for an example of a 65,000 sq. ft. building. David Betz, Director of Development, said that a Kohl's store would be approximately 64,000 sq. ft. Mr. Lackey asked how big the Powell United Methodist Church that was just approved will be. Mr. Betz identified it at about 50,000 sq. ft. Mr. Lutz said many of these issues will be considered by the Planning and Zoning Commission. Mr. Cline said that this resolution is extremely well written but he thinks a vote for this resolution is not a vote for study but for action. He said the factual findings in the resolution lead to a certain conclusion. Mayor Schultz said he thinks it is appropriate to have discussion by the Planning and Zoning Commission, but he doesn't want to tie their hands by setting a number for square footage now. He noted that the Sawmill Parkway study identifies zoning more restrictive in the City than that which has been approved in Liberty Township. He referred to a 300 foot long building that was just approved in Liberty Township. He said there is not a break in the length, and it is the size of Village Pointe shopping center. He said if Powell gets really restrictive, no one will want to talk with them. He asked, if they can put an "aircraft carrier right up next to the Woods of Sawmill subdivision," why they would consider coming into the City. He expressed a desire for the Planning and Zoning Commission to review the Sawmill Parkway corridor study. Mr. Grubbs pointed out that the Resolution Council passed in the fall opposing big box retail does identify specific sizes of buildings.

Mr. Kaitsa said that this Resolution just asks the Planning and Zoning Commission to study the issue. Mr. Seta said he thinks this is great, as the City needs to make a very strong statement. He said it bothers him when he hears people say the reason the City is studying the Sawmill Parkway corridor is so that they can annex property. He said that people who live in the City expect certain things in the area and he sees nothing wrong at all with putting restrictions on things that could adversely impact the community. He said the bottom line is that big box retail impacts the downtown redevelopment. Mr. Seta said he supports this. Mr. Kaitsa agreed.

Mr. Lackey said that this legislation makes the assumption that all retail developments over 65,000 sq. ft. are bad. He said that he doesn't want to take away the City's decision-making authority. He said he would rather

Council make informed decisions based on relevant information, including the impact on the schools. He said that the City can put restrictions on future development but it has proven time and time again that foresight isn't as good as hindsight. He said it is possible that a 68,000 sq. ft. development might prove to be a good thing for the City at a later date. He said that for now, if a large development isn't a good thing for the City, the Council doesn't have to approve it. He said the City has much more ability than the Township to make such a decision. He said the only thing this legislation does is close Council's eyes and minds to future development.

Mayor Wiencek suggested amending the legislation to be less specific. Discussion ensued regarding the specific restrictions outlined in the Resolution.

Mayor Wiencek said that he is inclined to agree that it is too soon and the wrong venue to consider this Resolution. He said that Kinzelman Kline hasn't yet presented their report regarding Sawmill Parkway, and he expects that the Planning and Zoning Commission will have the opportunity to review that report. At that time, they can address some of these issues. Mr. Cline said that Mr. Grubbs is to be commended for taking the lead on this because this is an issue that needs to be discussed, however, he would also like to have the Kinzelman Kline report. Mr. Lackey noted that he has typically been opposed to larger developments but he has enjoyed the fact that his mind has been changed on some of them, particularly the church, so he is leery of such restrictions.

Mr. Betz said that a draft version of the Kinzelman Kline Report should be available for review at the next meeting. Mr. Grubbs said that he will begin to work on amending the Resolution based on this evening's discussions.

**MOTION: Mr. Cline moved to table Resolution 2004-13 until the next meeting. Mr. Kaitsa seconded the motion.**

**VOTE: Y 7 N 0**

Art Schultz left at 9:06 p.m.

**THIRD READING: ORDINANCE 2004-33: AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF POWELL, REVISING SECTIONS 1109.14, 1111.054, 1111.07, 1123.01, AND 1145.25.**

Stephen A. Lutz, City Manager, said that this is the final reading and public hearing on this Ordinance, the purpose of which is to bring the City's guidelines into compliance with the NPDES Phase II regulations. Staff has been working on these guidelines for sometime. Rob Rice, City Engineer, and Chris Huber, Assistant Engineer, were present to answer any questions about this Ordinance.

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

**MOTION: Mr. Cline moved to adopt Ordinance 2004-33. Mr. Seta seconded the motion.**

**VOTE: Y 7 N 0**

**SECOND READING: ORDINANCE 2004-34: AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR THREE (3) SINGLE-FAMILY LOTS ON 5.125 ACRES WITH 4.16 ACRES OF OPEN SPACE AND AMENDING THE ZONING CLASSIFICATION FROM LIBERTY TOWNSHIP I, INDUSTRIAL DISTRICT TO CITY OF POWELL PR, PLANNED RESIDENCE DISTRICT FOR LAND RECENTLY ANNEXED TO THE CITY OF POWELL.**

Stephen A. Lutz, City Manager, reviewed that this land is located north of Rutherford Road between Sawmill Parkway and the railroad. Centex annexed this property into the City of Powell and added it to the Golf Village infrastructure financing authority. This is the public hearing of this Ordinance.

David Betz, Director of Development, reviewed this development plan for three (3) lots on an interior street and over 4 acres of open space to be graded, seeded, planted, and maintained by the neighborhood association. He identified the bikepath along the northern side of Rutherford Road from the CSX railroad right of way across the site to the property line. He said the developer does wish to extend the bikepath to Sawmill Parkway. He said that there is a golf cart path in that area that they will need to incorporate the path with.

Jack Reynolds, Attorney for the applicant, said this will be another portion of Golf Village. They have asked to be included in the financing authority. He said that Centex has worked with area residents to let them know what will be developed on these lots. He said those residents were notified of this evening's meetings.

Mr. Seta asked how much of the surrounding area is developed. Mr. Betz said all of it is. Mr. Reynolds said this land was originally zoned Industrial and he was representing the property owner before Liberty Township to seek variances to build office warehouses on this property. Centex was so concerned about the ramifications of this that they approached the property owner and asked to buy the property.

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

Mr. Cline asked if there was any debate at Planning and Zoning Commission about this. Mr. Grubbs said there was not, other than the suggestion by the Planning and Zoning Commission that the bikepath throughout the green space be removed and placed along the road. Mr. Seta said the CEDA group liked that, too.

**MOTION: Mr. Cline moved to suspend the rules on Ordinance 2004-34. Mr. Seta seconded the motion.**

**VOTE: Y 7 N 0**

**MOTION: Mr. Cline moved to adopt Ordinance 2004-34. Mr. Seta seconded the motion.**

**VOTE: Y 7 N 0**

**FIRST READING: ORDINANCE 2004-37: AN ORDINANCE AMENDING ORDINANCE 2001-56: AN ORDINANCE ESTABLISHING THE RULES AND REGULATIONS OF THE PERSONNEL BOARD OF REVIEW ISSUED PURSUANT TO THE POWER AND AUTHORITY GRANTED BY CHAPTER 124 OF THE OHIO REVISED CODE AND THE CITY CHARTER.**

Stephen A. Lutz, City Manager, said that about a month ago, the City received a letter from a resident requesting a change to the civil service hiring procedure to give credits for individuals with prior military service. The Personnel Board of Review (PBR) reviewed this issue and recommended the change attached to this Ordinance. This would allow extra credit provided that such member of the armed forces was honorably discharged. They would receive a 20% credit of their total score. The way the rules and regulations are written, anyone in the top ten can be interviewed and considered for hire. This wouldn't guarantee a job, but would most likely place someone in the top ten of the list for further consideration.

Mr. Cline expressed concern that the reserve component has been excluded from this credit. He said that the current doctrine of the armed forces is that reserve employees be treated equally to full-time personnel. He asked if the PBR board reviewed that issue. Mr. Lutz said they did not. They looked at the rules and regulations of other civil service commissions, and most of them do exclude the reserve component. The City's labor attorney said that is typically excluded because it is not considered a full time job or position. Mr. Cline agreed that is historically accurate except in times of war, but the official doctrine now is that reserve component units can and will be expected to do 6-,9-, and 12-month deployments. He said he thinks approximately 14,000 Ohioans have been deployed for up to a year or more. His personal view is that in a time of war, that service is equal to full-time service. He said he would still support a requirement of 180 days of continuous active duty service. Mr. Lackey suggested a better definition of what active duty service is. After further discussion, Mr. Cline said he would be happy to draft a revised recommendation and circulate it prior to the second reading.

**FIRST READING: ORDINANCE 2004-11: AN ORDINANCE APPROVING THE PLAT FOR THE WOODS OF POWELL SOUTH.**

Stephen A. Lutz, City Manager, said that subdivision plats establish roads, open spaces, and lots within a development.

David Betz, Director of Development, reviewed the development plan associated with this plat.

Mr. Kaitsa asked about specific language defining the easements. Mr. Betz reviewed the language and the typical enforcement of it.

Mr. Wiencek asked when this developer will install the bikepath tunnel under Rutherford Road. Mr. Betz said that is the section to the north which will be reviewed later. Tom Carmody, MI Homes, said that he doesn't anticipate that happening this year. Mr. Betz said that portion of the development is going through the Voluntary Action Permit process for clean up, so nothing can be done until that is completed and the site can be engineered.

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

**FIRST READING: ORDINANCE 2004-38: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2004.**

Stephen A. Lutz, City Manger, said that this Ordinance would fund a position classification and performance study. He said this initiative resulted from the Council goal setting session in January. He said that 10 years ago, the City undertook a similar study and it is recommended at this time that a similar study be held for all non-union employees. He said this would look at internal and external comparability of the City's pay amongst City employees and compared to other cities. The Finance Committee expressed a desire that Circuit Rider Management group look at whether a merit pay system or a step pay system plan or a combination of the two is appropriate. He said this project will begin in June and be completed by the first of October in time for the budget process.

Mayor Wiencek asked about the qualifications of the group. Mr. Lutz said they are a local group headed by Doug Plunkett, who was a long time City Manager in the Village of Granville. He said that he has been a principal of this group since about 1997, and he does quite a bite of work throughout the state. He said they have completed similar studies for Oberlin, Pataskala, and others. Mr. Cline said that the proposal includes a brief summary of Mr. Plunkett's career and his qualification. He said the Finance Committee did discuss this and felt that the City would be well-served to have their input on the comparables as well as the performance appraisal system. He said that items 1-4 need to be done as a unit but item 5 could be deleted although the Finance committee felt there would be a benefit in a third party completing that portion. Mayor Wiencek agreed.

Mayor Wiencek expressed a desire to work with the company directly to determine whether the City's expectations will be met. He would like access to human resource professionals. Mr. Lutz said that Mr. Plunkett can attend a meeting or two to discuss policy issues. Mr. Cline suggested a planning meeting rather than a Council meeting. Mayor Wiencek asked that the Personnel Board of Review also be involved. Mr. Lutz said a special meeting can be coordinated and those interested may attend to express those concerns.

Mr. Seta asked if there is any reason to wait on this. Mr. Lutz said there is not.

**MOTION: Mr. Cline moved to suspend the rules on Ordinance 2004-38. Mr. Seta seconded the motion.**

**VOTE: Y 7 N 0**

**MOTION: Mr. Cline moved to adopt Ordinance 2004-38. Mr. Seta seconded the motion.**

**VOTE: Y 7 N 0**

**COMMITTEE REPORTS**

**Development Committee:** Mr. Seta reported that the next meeting will be held on June 1 and bikepaths will be discussed.

**Finance Committee:** Mr. Cline reviewed that the Committee met last Thursday and discussed the last ordinance as well as the income tax subpoena program. He reviewed the Capital Improvement funding finance spreadsheet that Council will be asked to review soon. Mr. Cline said there is still reason for concern regarding income tax collections. He said the next meeting will be held on June 17.

Mayor Wiencek asked if there has been any discussion of a capital improvements planning session. Mr. Lutz said that the Finance Committee discussed having a Capital Improvements Planning meeting at a time other than during Council meetings. Mr. Cline suggested first getting the Capital Improvements "matrix" in a form that is understandable. Once Council has reviewed that report they will have a common basis of knowledge that will

be appropriate for a Saturday morning meeting to determine priorities and funding.

**Operations Committee:** Mr. Lackey said that this evening's meeting was cancelled and will be rescheduled.

**Downtown Committee:** Mr. Grubbs reported that the last meeting was Wednesday at 6:30. He said the citizen participation is on the rise. He said that he thinks the "critical mass" is getting started. He said the group discussed a variety of organizational strategies.

### **CITY MANAGERS REPORT**

Mr. Lutz reviewed the handout regarding the Downtown Resource Team visit Staff is proposing to move forward with the Downtown Revitalization. He said the cost is \$1,000 plus expenses. There is money in the operating budget to fund this, but they would like a thumbs up from Council. This would provide expert advice to see how to get started with this process. Mayor Wiencek said it sounds like this \$1,000 is a replication of much of what Kinzelman Kline was hired to do. Mr. Lutz said he doesn't believe the Committee felt this was a replication of efforts, but rather a much more detailed look at the options available to the City. Council gave a "thumbs up" on this process. Mr. Betz said this is more of a strategic management recommendation rather than land-use and zoning recommendation. Mr. Grubbs said that they will be provided the Kinzelman Kline plan on which to base their recommendations. Mr. Kaitza said this is more of a "how-to" process.

Mr. Lutz said he will work with the mayor to identify a date to have a Capital Improvements meeting. He said he thinks it is important to keep working on that and moving forward because if one of the suggestions is to fund the exterior of this building it would be desirable to do so during park development.

Mr. Lutz reviewed the first change order needed for park development. He said the cost was \$1,150 to complete some soil samples, and the result of that testing was favorable.

Mr. Lutz said it is coming up on the deadline to review the alternate bids, but since it is early in the development process it seems inappropriate. Mr. Kaitza asked if the contractor could be requested to hold their prices.

Mr. Lutz said the Executive Session identified on the agenda is not needed.

### **OTHER COUNCIL MATTERS**

Mayor Wiencek asked about the boards and commissions application deadline. Mr. Lutz said it is next Friday and that Council should be provided a list at their next meeting.

Mr. Seta said he thinks the public notice regarding park development has been positive. He said it sounds like the contractors have been courteous and efficient.

### **ADJOURNMENT**

Council adjourned at 9:50 p.m.

**DATE MINUTES APPROVED: June 1, 2004**

---

Dan Wiencek  
Mayor Wiencek

Date

---

Dawn Nauman  
Clerk of Council

Date