

## **CITY COUNCIL**

**January 18, 2005**

A regular meeting of the City of Powell Council was held on January 18, 2005 and called to order at 7:30 p.m. by Mayor Dan Wiencek. Other Council members present were Jim Seta, Dave Lackey, Art Schultz, Richard Cline, Don Grubbs, and George Kaitsa. Also present were Stephen A. Lutz, City Manager; Ken Molnar, Director of Law; Shawn Leininger, Development Planner; Chief of Police Gary Vest, and Dawn Nauman, Clerk of Council.

## **CITIZEN PARTICIPATION**

There was none.

## **APPROVAL OF MINUTES**

The minutes of January 4, 2005 were approved as printed.

## **CLERK OF COUNCIL CORRESPONDENCE**

Dawn Nauman, Clerk of Council, reported that the next item is related to the following item on the agenda, and that is the reason that the agenda is out of order.

## **RESOLUTION 2005-02: A RESOLUTION ESTABLISHING THE ITEMS THAT MAY BE INCLUDED ON THE CONSENT AGENDA OF REGULAR CITY COUNCIL MEETINGS.**

Dawn Nauman, Clerk of Council, reviewed that the Charter Amendment which was passed in November permits Council to have a Consent Agenda on their regular meeting agenda to dispense with items without comment or discussion. She reviewed the proposed list of items which could be included as outlined in the Resolution. She noted that any item may be removed from a Consent Agenda at the meeting if requested so by one member of Council.

Mr. Seta asked if items could be removed from the Consent Agenda for a particular meeting. Ms. Nauman said that is correct. Mayor Schultz asked if a vote would be required. Ms. Nauman said it would not.

Mr. Kaitsa asked if other municipalities use the same format and same list. Ms. Nauman said that many communities have Consent Agendas. She noted that the Delaware County Regional Planning Commission approves final plats and other zoning issues through a Consent Agenda.

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

Mayor Wiencek asked about item 9, and said he has a hard time imagining Council being able to send something to the Planning and Zoning Commission for study without significant discussion. Mr. Cline agreed. Mr. Grubbs noted that Council passed such a Resolution to meet the NPDES Phase II mandate requirements, and it was not something that needed discussion. Ms. Nauman said that she envisioned Resolutions such as that being included in a Consent Agenda only in certain circumstances, such as Council deciding at a meeting after a lengthy discussion to forward an item to the Planning and Zoning Commission for such study. At the next meeting, that Resolution could be included to follow through on the discussion and intent at the previous meeting.

Mr. Schultz asked, if the Mayor sees something coming up that could be put on the Consent Agenda, but probably shouldn't be, it could be left off. Ms. Nauman agreed. She said these are items that *may* appear on the agenda. She said that 99% of those Zoning Code resolutions would probably appear on the agenda in a normal way, but this provides the option.

Mayor Wiencek asked, if something is pulled from the Consent Agenda, should it fall immediately after the Consent Agenda. Ms. Nauman said that could be handled however Council prefers, but that makes the most sense.

Mr. Cline asked about Ordinances modifying appropriations in the amount of \$10,000 or less. He said that he circled that, but he realizes they are routinely approved.

Mr. Grubbs clarified that these items will be in the packets, appear on the Consent Agenda, but there won't be introduction of them. Ms. Nauman said that is correct. Mr. Grubbs said he likes to hear the Finance Director's synopsis of the largest expenditures included on the Accounts Payable each meeting. Mr. Seta agreed. Mayor Wiencek suggested that Ms. Metz include a summary with her report. Mr. Schultz suggested that the top 5 transactions be highlighted. Ms. Nauman said she can work with Ms. Metz on this issue, and if that doesn't seem to work, that item can be removed from the Consent Agenda.

**MOTION:** Mr. Grubbs moved to amend Resolution 2005-02, Item 11, third line to read "Council can request removal of..." Mr. Cline seconded the motion.

**VOTE:** Y 7 N 0

**MOTION:** Mr. Cline moved to adopt Resolution 2005-02. Mr. Seta seconded the motion.

**VOTE:** Y 7 N 0

#### CONSENT AGENDA

Accounts Payable Report	(Action Requested: Receipt of Report)
Monthly Planning and Zoning Report	(Action Requested: Receipt of Report)
Monthly Financial Report	(Action Requested: Receipt of Report)
Monthly Police Report	(Action Requested: Receipt of Report)
Monthly Parks and Rec. Report	(Action Requested: Receipt of Report)

**MOTION:** Mr. Cline moved to adopt the Consent Agenda. Mr. Seta seconded the motion.

**VOTE:** Y 7 N 0

Mr. Lutz suggested that Staff be provided the option to comment on items on the Consent Agenda should they decide to after this. There were no additional Staff comments.

#### **RESOLUTION 2005-01: A RESOLUTION ESTABLISHING THE LOCATIONS FOR POSTING OF ORDINANCES AND OTHER OFFICIAL DOCUMENTS REPEALING ANY PRIOR ORDINANCES OR RESOLUTIONS ESTABLISHING SUCH LOCATIONS.**

This Resolution was listed incorrectly on the agenda as 2005-02.

Steve Lutz, City Manager, reviewed that Staff currently posts at the Post Office, Village Green and the park. This Ordinance would make the two posting locations the City's home page and the Village Green bulletin board.

Mayor Wiencek opened this item to public comment.

**MOTION:** Mr. Cline moved to adopt Resolution 2005-01. Mr. Seta seconded the motion.

**VOTE:** Y 7 N 0

#### **RESOLUTION NO 2005-03: A RESOLUTION SPECIFYING THE MUNICIPAL SERVICES TO BE FURNISHED TO 3.99 ACRES WHICH IS PENDING ANNEXATION TO THE MUNICIPALITY OF POWELL.**

Steve Lutz, City Manager, said that this is related to an almost 4 acre property located off of Zion Drive. He said there is a preliminary plan before the Planning and Zoning Commission regarding this development. This is the first step in the annexation process.

Shawn Leininger, Development Planner, gave a brief review of this development plan. He reviewed the location, surrounding uses and the proposed layout and design.

Mr. Lackey asked what is the density of Woods of Sawmill. Mr. Leininger said it is 1.9 d.u./acre. Mr. Lackey said this will be roughly 2.5 d.u./acre. Mr. Leininger said the Commons of Powell, which is nearby is 2.97 d.u./acre and the Lakes of Powell is 3.5 d.u./acre, so in comparison it falls between the Woods of Sawmill and the developments to the South and the east.

Mr. Schultz asked, if they don't annex will they still have access. Mr. Grubbs said that the City would have to approve the access even if the development plan was before Liberty Township. Mr. Leininger said that is correct.

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

Mr. Lackey said his only comment is that this density is way too high, and until he sees something a lot lower, he will be a firm no vote. He said he feels the Lakes of Powell is too dense, but there are reasons for that that don't exist here. He said the City should be striving for a plan better than this. Mayor Wiencek said that Council is only voting now on the City's willingness to provide services, not the density. Mr. Lackey said he understands that but until he "sees something better," he will be an "N vote."

Mr. Cline echoed Mr. Lackey's concern about the density but says he will take the opposite approach. He said he doesn't see any problem in annexing the land and sorting out the density later. He said it may turn out that the density is acceptable in the context of the final plan, but as of today he is concerned.

Mr. Grubbs said this started with 12 lots and came back at 10, and at the last hearing on the preliminary plan, there were many of residents from Lakes of Powell registering their concerns, so it will get a long hard look. He said the preliminary plan has been tabled. Mr. Kaitsa asked if it is correct that the last number was 10 lots. Mr. Grubbs said they are proposing 10 patio-style homes priced for empty nesters. Mr. Leininger said the anticipated cost each will be \$275-400k, with an association maintaining all landscaping, yards, etc. He said that Planning and Zoning Commission asked for additional restrictions to make it geared toward empty nesters, such as prohibiting outdoor recreational structures, limiting the number of bedrooms, etc. Mr. Kaitsa said that would certainly help the schools. Mayor Wiencek agreed that kind of density may make sense if that is the case.

**MOTION:** Mr. Cline moved to adopt Resolution 2005-03. Mr. Seta seconded the motion.  
**VOTE:** Y 6 N 1 (Lackey)

**RESOLUTION 2005-04: A RESOLUTION TO REFER TO THE PLANNING AND ZONING COMMISSION FOR STUDY AND RECOMMENDATION THE CREATION OF AN AREA PLAN, AS OUTLINED IN SECTION 1141.08 OF THE POWELL ZONING CODE, AND TO RECOMMEND TO COUNCIL A ZONING MAP AMENDMENT, AS OUTLINED IN SECTION 1131.03 (B) OF THE POWELL ZONING CODE, FOR PROPERTY KNOWN AS THE GFS CHECMICAL COMPANY PROPERTY.**

Stephen A. Lutz, City Manager, said in October, the City and GFS chemical entered into a proposed land swap agreement. There are several contingencies as part of that land swap, and one of them is that they must go through the zoning process with the Planning and Zoning Commission.

Shawn Leininger, Development Planner, gave a brief review of this Resolution, and the procedure for creating such an area plan.

Mr. Cline asked if the area plan encompasses more than the parcels that are outlined. Mr. Leininger said it does not.

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

**MOTION:** Mr. Cline moved to adopt Resolution 2005-04. Mr. Seta seconded the motion.  
**VOTE:** Y 7 N 0

**THIRD READING: ORDINANCE NO. 2004-73: AN ORDINANCE APPROVING THE SECOND AMENDMENT TO THE PRE-ANNEXATION AGREEMENT AMONG THE CITY OF POWELL, TRIANGLE PROPERTIES, INC. AND THE LIBERTY COMMUNITY INFRASTRUCTURE FINANCING AUTHORITY.**

Stephen A. Lutz, City Manager, said that the Finance Authority is scheduled to meet again to discuss this issue, and he recommends that this be tabled until the February 1 meeting. He said that the Authority is working on receiving quotes from companies to complete the accounting for the Authority.

Mr. Cline said that the Finance Committee hopes to have the quotes by their meeting next Thursday.

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

**MOTION:** Mr. Cline moved to table this item until the February 1, 2005 meeting. Mr. Seta seconded the motion.

**VOTE:** Y 7 N 0

**FIRST READING AND PUBLIC HEARING: ORDINANCE NO. 2005-02: AN ORDINANCE IMPOSING ASSESSMENTS ON PROPERTIES FOR SIDEWALK REPAIR AND REPLACEMENT AND CERTIFYING THE ASSESSMENTS TO THE DELAWARE COUNTY AUDITOR FOR COLLECTION.**

Steven A. Lutz, City Manager, said that this year was the first year that this sidewalk program has been implemented. He reviewed the procedure of this program and said that in 2004, all residents chose to have the City complete the repairs. Last week, he sent a letter to the residents indicating their costs for completing the project and the assessment to be applied, and he said he has received fairly few calls regarding this correspondence. He recommended this item be taken to a second reading and public hearing at the next meeting.

Mayor Wiencek opened this item to public comment. Hearing none, he closed the public comment session. This item was taken to a second reading.

**FIRST READING: ORDINANCE 2005-03: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2005 AND DECLARING AN EMERGENCY.**

Stephen A. Lutz, City Manager, said that this Ordinance is related to two charges. The first is a carryover related to the Police Department electric work which was approved in 2004 but won't be completed until 2005. The second is \$6,000 proposed to be spent on an assessment of the City's administrative needs and resources to be conducted by Horne and King Architects. They completed a similar study for the Police Department. He said there is the Village Green building, Lechler Building, and old Police Department building will be taken into consideration.

Mr. Cline said this topic was discussed at the Finance Committee and the consensus of the Committee that while it is prudent not to spend money needlessly, this is a study that will pay dividends in the long run. Mr. Kaitsa agreed. Mayor Wiencek asked if the review of the Seldom Seen site will be reviewed as a possible location for a service facility rather than reviewed for determination as a park. Mr. Lutz indicated that is correct.

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 2005-03. Mr. Seta seconded the motion.

**VOTE:** Y 7 N 0

**MOTION:** Mr. Cline moved to adopt Ordinance 2005-03. Mr. Seta seconded the motion.

**VOTE:** Y 7 N 0

**SECTION 1143.23 (i) REVIEW OF AN APPROVAL BY HDC**

**Keyser Properties, 91 North Liberty Street, Extension of Approved Certificate of Appropriateness to demolish a Single-Family Structure.**

Stephen A. Lutz, City Manager, said that the Historic District Commission (HDC) previously approved demolition of a house at this location. The person who is planning to demolish that has requested an extension. The HDC did grant that extension. Under the rules of Council, Council has the opportunity to require a hearing for this issue.

Shawn Leininger, Development Planner, reviewed his memorandum describing this request (Exhibit).

Mr. Seta asked if the extension is to March 1, 2005. Mr. Leininger said it would require removal by April 1. Mr. Seta questioned why this hasn't been done. Mr. Leininger said that the property owner has had the property for sale, and there is now a buyer who will be responsible for removal. Mr. Seta expressed frustrations that there are 3-4 similar properties in disrepair and he feels like the City is helpless. He said it seems the City has no recourse to force the property owners' to take care of these properties. He said some of these properties are caving in. In this case, this carport collapsed. On South Liberty, there is a garage that collapsed. He said that it sends a bad image right on Liberty Street. He said not approving this would hurt the City more than help it, but he feels

like there is something that should be done on these properties. He indicated that the property owners are often apathetic because they don't live in Powell. Mayor Wiencek indicated that may be an issue the Planning and Zoning Commission should study.

Mr. Leininger said they will send notice if this doesn't move along, and the parties can go to court. Mr. Molnar said that could take anywhere from 3-6 months. Mr. Seta said it has been like this for two years.

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

Council did not request a hearing on this item.

**COMMITTEE REPORTS**

Development Committee: Mr. Seta said the next meeting is February 1. He also discussed the Parks and Recreation liaison position as suggested by the Parks and Recreation Advisory Board. Mayor Wiencek said he believes the draft was discussed and approved by Council. He said he thinks the Parks and Recreation Advisory Board should be given the discretion to select their liaison.

Finance Committee: Mr. Cline said the Committee met on January 11 and talked with representatives of the Liberty Community Infrastructure Financing Authority. The Committee also reviewed the progress on the Police Department facility and discussed the financing for that facility. The Committee will meet again on the 26<sup>th</sup> of January to hopefully have a detailed discussion of the 2005 budget issues.

Mayor Wiencek asked who is responsible for guiding the bikepath development. Mr. Lutz said it is the Development Committee. Mr. Schultz said those discussions are hinged on when the City is comfortable moving forward with spending the remaining money left on the bond. Mr. Lutz said there is plenty of time before the money has to be spent.

Operations Committee: No report.

Downtown Committee Mr. Grubbs reported that the Committee met last week primarily to discuss creating a TIF district downtown. He said there will be an ordinance before Council at the next meeting dealing with the first step, an economic development plan. He reviewed the timeline for implementation of such a program, and said it should tentatively be completed in May. Mr. Lutz said that Bond Counsel will be present at the next meeting. He noted that enactment of this type of TIF does not increase taxes. Additionally, it will be a non-school TIF so the schools won't lose any funding.

**CITY MANAGERS REPORT**

Mr. Lutz said that Staff is recommending holding the Powell Festival on August 19-20, which is later in the year than usual so that the grass can be established at the Village Green prior to the event.

Mr. Lutz recommended that Council enter into a brief executive session to discuss land acquisition.

**EXECUTIVE SESSION**

MOTION: Mr. Cline moved to adjourn into Executive Session at 8:25 p.m in accordance with ORC Section 121.22. (G) (3) Land Acquisition.

VOTE: Y 7 N 0

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

VOTE: Y 7 N 0

MOTION: Mr. Cline moved to readjourn into regular open session at 8:46 p.m. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Cline moved to adjourn at 8:47 p.m. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

DATE MINUTES APPROVED: February 1, 2005

*Dan Wiencek* *2/1/05*  
Dan Wiencek                      Date  
Mayor

*Dawn Nauman* *2/1/05*  
Dawn Nauman                      Date  
Clerk of Council