

CITY COUNCIL

February 15, 2005

A regular meeting of the City of Powell Council was held on February 15, 2005 and called to order at 7:30 p.m. by Mayor Dan Wiencek. Other Council members present were Dave Lackey, Art Schultz, Richard Cline, Don Grubbs, George Kaitza, and Jim Seta. Also present were Stephen A. Lutz, City Manager; Ken Molnar, Director of Law; David Betz, Director of Development; Chief of Police Gary Vest, Nan Metz, Finance Director, and Dawn Nauman, Clerk of Council.

CITIZEN PARTICIPATION

There was none.

APPROVAL OF MINUTES

The minutes of February 1, 2005 were amended and approved.

CLERK OF COUNCIL CORRESPONDENCE

Mayor Wiencek noted the correspondence from the Clerk indicating the need to consider vacancies and appointments to several Boards and Commissions (Exhibit). He said that many of the appointments need to be made to the Historic District Commission but that Commission's organization is still under review by the Planning and Zoning Commission.

Mr. Grubbs expressed concern that many of the terms have actually expired. Mr. Cline said the ordinance indicates that they shall serve until a replacement is appointed so there is not a challenge to the actions of any one serving on a board or commission.

Mayor Wiencek asked if the members of the BZA and Planning and Zoning Commission whose terms have expired are interested in reappointment. David Betz, Director of Development, said they are. Mayor Wiencek asked about those on the Parks and Rec. Board. Mr. Lutz said he would find out and report back to Council. Mayor Wiencek noted that one application has been received from a resident interested in serving on the Arbor Advisory or Parks and Recreation Advisory Board, and asked that Staff look to see if he is available for an interview before the next meeting.

MOTION: Mr. Cline moved to reappoint the following Board and Commission members to the following terms:

Jim Hrivnak	Board of Zoning Appeals	3-year Term Commencing 2/6/05
Don Emerick	Planning and Zoning Commission	3-year Term Commencing 2/9/05
Kevin Futryk	Planning and Zoning Commission	3-year Term Commencing 2/6/05

Mr. Lackey seconded the motion.

VOTE: Y 7 N 0

CONSENT AGENDA

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

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

VOTE: Y 7 N 0

RESOLUTION 2005-05: A RESOLUTION OF NO OBJECTION TO THE EXPANSION OF THE POWELL COMMUNITY INFRASTRUCTURE FINANCING AUTHORITY, WHICH IS A NEW COMMUNITY DISTRICT UNDER CHAPTER 349 OF THE OHIO REVISED CODE.

Stephen A. Lutz, City Manager, said that Mark DiSabato, representing the Powell Community Financing Authority, is here to discuss this issue. He said that at the last meeting, there were concerns that one commercial property was excluded from the authority. Since then it has been included.

Mr. DiSabato said that he was able to meet with the Finance Committee and he thinks he answered a number of their questions. He said that they have structured this financing so that it won't burden the existing district. He said this millage would be placed on the site under consideration and would not go against the current people in the district right now. He said he basically went through his zoning from start to finish on this site, and he thinks many concerns were cleared up at that meeting.

Mr. Kaitsa agreed that the Finance Committee supports the expansion of the authority. Mr. Cline agreed. He said that Mr. DiSabato was helpful and he did answer all the questions that the Committee put to him, in particular concerns related to the office parcel and the question as to whether this infrastructure levy would in some way impact those people that live south of Powell Road. He said that has been resolved by the language in the packet today. He said the Committee recommends approval of this Resolution.

Mayor Wiencek said he is not completely comfortable with the City's control or policy with regard to expansions of infrastructure districts. His personal take is that the purpose of an infrastructure district is to help finance infrastructure. The attachment that the applicant provided includes water inspection fees, sanitary sewer inspection fees, erosion control, tap fees, etc. as infrastructure, and to him, those are not infrastructure. He said that even though this meets the legal definition of infrastructure, he is not sure that this is an appropriate use of that option. Before any more authorities are considered, he wants to make sure that Council has thought these policies through, and he recommended that at some time the Development Committee review this.

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

MOTION: Mr. Cline moved to adopt Resolution 2005-05. Mr. Seta seconded the motion.

VOTE: Y 6 N 0 (Abstain: Grubbs)

RESOLUTION 2005-08: A RESOLUTION AUTHORIZING THE CITY MANAGER TO CONTINUE TO EXPLORE PUBLIC-PRIVATE PARTNERSHIP OPPORTUNITIES WITH THE OLENTANGY SWIM ASSOCIATION, INC.

Stephen A. Lutz, City Manager, said at the last meeting, Council asked to create a Resolution to continue exploring a private-public partnership between the City and the OSA. He said a more specific proposal will likely be discussed at upcoming meetings. Mayor Wiencek said that over the next few weeks, he will be meeting with the OSA to hammer out the details of an agreement by which the City will provide some financial assistance.

Mr. Cline said he wants the record to be clear while he intends to support this resolution, that should not be construed as a vote in favor of purchasing the pool. He said he thinks there was some misunderstanding about that based on the earlier Resolution. He said there are measures short of purchase that meet the intention of this.

Mr. Seta agreed with Mr. Cline, but said he thinks it is important to pass this resolution because the OSA is concerned and this makes it clearer the direction the City is working.

Mr. Grubbs said he supports this resolution because it speaks in terms of exploring assistance in financing and marketing, but he thinks the devil is going to be in the details. He said he thinks everyone will look very hard at what is actually proposed in assisting a corporate entity within the City and using public funds for that purpose.

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

Mr. Kaitsa said he also plans to support the resolution but he also wouldn't support transferring ownership of the pool to the City of Powell. He said he would very much support exploring options as to how the City can assist the OSA and provide additional recreational opportunities for the residents of Powell.

MOTION: Mr. Cline moved to adopt Resolution 2005-08. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

RESOLUTION 2005-09: A RESOLUTION TO INFORM STATE LEGISLATORS AND STATE EXECUTIVE LEADERS OF OPPOSITION TO REDUCTION OF LOCAL GOVERNMENT FUNDS TO MUNICIPALITIES.

Stephen A. Lutz, City Manager, said that the governor recently came out with the State budget and identified the possibility of reducing the local government funds provided to municipalities. The Central Ohio Municipal Alliance is recommending that local municipalities send Resolutions such as these to State elected officials urging them to be conscious of the impact of these funds. Mr. Lutz said that these funds relate to more than \$300k for the City, and 7% of the municipal budget, and it is desirable to let the state representatives know how important these funds are.

Mayor Wiencek questioned the language in the Resolution related to the Police Department being funded by these dollars. Mr. Lutz said the purpose of that is to bring those dollars down to earth and identify the impact without saying something like "it is equivalent to 21% of the Police Department budget."

MOTION: Mr. Cline moved to amend Resolution 2005-09 so that the second to last paragraph in the first part reads:

WHEREAS, the \$303k received from the local government fund is the equivalent of 21% of the entire police department's annual budget, which equals the funds required for approximately 4 of the City's 17 police officers.

Mr. Seta seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Cline moved to adopt Resolution 2005-09 . Mr. Seta seconded the motion.

VOTE: Y 7 N 0

SECOND READING & PUBLIC HEARING: ORDINANCE 2005-04: AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF POWELL, REVISING SECTION 1151.05 (D) REGARDING POLITICAL SIGNS.

David Betz, Director of Development, said this item was reviewed at the last meeting and there were questions about the wording at the beginning of Section D which he has revised and he hopes will address those concerns. He said that the Planning and Zoning Commission worked on amending this ordinance because the City's existing ordinance was similar to that of the City of Painesville related to political signs which was declared unconstitutional. He said the ordinance refers to political signs and opinion signs.

Mr. Seta said that currently at the carryout, there are two signs that say "No Sawmill Parkway." Mayor Wiencek said he is allowed two because he is on a corner. Mr. Seta said that is the congregating area for signs. Mr. Betz said that he would be allowed one sign per issue per frontage.

Mayor Wiencek asked if a person put four signs that each had one word and read PLEASE STOP SAWMILL PARKWAY. Mr. Betz said he doesn't think the City can legislate everything.

Mr. Kaitsa asked if this eliminates the requirement that signs only be put up 30 days prior to the election. Mr. Betz said that it does.

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

MOTION: Mr. Cline moved to adopt Ordinance 2005-04 . Mr. Seta seconded the motion.

VOTE: Y 7 N 0

SECOND READING: ORDINANCE 2005-06: AN ORDINANCE APPROVING AN ECONOMIC DEVELOPMENT PLAN FOR A PROPOSED DOWNTOWN POWELL INCENTIVE DISTRICT AND DECLARING AN EMERGENCY.

Stephen A. Lutz, City Manager, said that this item was discussed at the last meeting. The purpose of tax increment financing (TIF) is to help fund infrastructure improvements in downtown Powell. The first step is to adopt the economic development plan which has been prepared using the information from the Kinzelman Kline study. He said that once the economic plan is adopted, the City will begin the process of creating a TIF ordinance which will most likely have its public hearing in April. He said anyone residing within the TIF district will be notified of the public hearing for that Ordinance.

David Betz, Director of Development, reviewed the development plan as proposed.

Mayor Wiencek asked about the timing in this procedure. He said he assumes the TIF district is not expected to generate funds for another couple of years. Mr. Betz said the City won't be seeing any funds until approximately 2007, however the point is that this is a way for long-term financing. Mayor Wiencek asked when the clock starts ticking for collecting funds. Mr. Betz said he believes it is a year after the base ordinance.

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

MOTION: Mr. Cline moved to adopt Ordinance 2005-06. Mr. Seta seconded the motion.
VOTE: Y 7 N 0

SECOND READING: ORDINANCE 2005-07: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2005.

Stephen A. Lutz, City Manager, said that this was also discussed at last week's Council meeting. He said this is related to tap fee payments that a homebuilder has requested a refund for.

Nan Metz, Finance Director, said that the developer has paid the Financing Authority for the tap fees and that money was then turned over to the City, but when the homebuilder went to the County to pay for the second half, the County said the credits have been used and they were asked to pay them again. She said that the City has appropriated a majority of the tap fee funds available in order to make debt payments, so there isn't enough money to provide the refund. She described this is as process by which the City is advancing itself the funds and will be reimbursed later. Mr. Cline said the Finance Committee reviewed this and supports this as the most appropriate way to handle this refund.

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

MOTION: Mr. Cline moved to adopt Ordinance 2005-07. Mr. Seta seconded the motion.
VOTE: Y 7 N 0

SECOND READING: ORDINANCE 2005-08: AN ORDINANCE TO APPROVE THE 2005 REPLACEMENT PAGES TO THE POWELL CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

Stephen A. Lutz, City Manager, said that each year the City codifies its ordinances to reflect that which was passed both in the City and at the state level. Ken Molnar, Director of Law, has signed off on the changes.

Mr. Lackey noted two typographical errors in section 513.01.

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

MOTION: Mr. Cline moved to adopt Ordinance 2005-08. Mr. Seta seconded the motion.
VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2005-09: AN ORDINANCE APPROVING THE SUBDIVISION PLAT FOR MURPHY PARK SECTION 5.

Stephen A. Lutz, City Manager, reviewed that this is the final section of Murphy Park, representing 25 single family lots, comprising of the area around Winter Hill Place and Wagon Trail East. He noted the correspondence from Rockford Homes asking that this be adopted at the first reading and as an emergency. He said they would like to complete site development as soon as possible to allow for spring paving.

David Betz, Director of Development, reviewed the plat as proposed. Mr. Cline asked if the information regarding maintenance needs to be included on the plat. Mr. Betz said many of those details will be worked out in the administrative review process. He reviewed the reserve area included in this plan that will help extend a pathway to the north that will eventually connect to the Powel Junction Plan. Mr. Schultz asked if the pathway will be built. Mr. Betz said it will be. The engineering plans are approved and ready to be signed.

Mr. Seta asked about the timing with the road openings with this plat. Mr. Betz said as soon as they get the plans signed, there will be a preconstruction meeting. Mr. Seta suggested contacting the residents that have

previously expressed concern about this issue. Mr. Betz said that is a good idea, but Staff will not know a timeline until there is the preconstruction meeting.

Corey Tartikoff, Rockford Homes, said if all goes well, they intend is to start the earth moving work first, and then do the extension of Winter Hill Place.

Mr. Schultz said that doesn't mean the lots in one area will be done first. Mr. Tartikoff said the lots will be brought on line all at same time. Mr. Seta suggested keeping this portion of the development segregated until the end of the project. Mr. Betz said they probably won't open that street until the houses are substantially complete. Those details will be worked out at the preconstruction meeting.

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 2005-09. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Cline moved to adopt Ordinance 2005-09. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

Mayor Wiencek noted that this was passed on the first reading but not as an emergency, and therefore needs 30 days to become effective.

FIRST READING: ORDINANCE 2005-10: AN ORDINANCE APPROVING AN AMENDMENT TO AN APPROVED FINAL DEVELOPMENT PLAN FOR VICTORY HEALTHCARE, ALLOWING A 2,464 SQ. FT. ADDITION TO AN EXISTING 4,000 SQ. FT. BUILDING FOR USE AS BUS STORAGE AND OFFICE.

Stephen A. Lutz, City Manager, said that the Planning and Zoning Commission has reviewed and approved an expansion of Victory Healthcare, located along Grace Drive.

David Betz, Director of Development, reviewed this proposal. He said at the next meeting there will be a more thorough review. He reviewed the existing commercial building that is being proposed for expansion in the front for an office and in the back for bus storage. He said the business owner uses busses for special trips and events off site, and the new addition will provide a small office for that enterprise. He said that currently, the busses are being stored outside. He reviewed the acquisition of right of way from this property owner to provide the extension of Grace Drive. He said that is the reason for the setback divergence proposed for this plan. He reviewed the site layout and intention to provide additional landscaping. He said they are proposing adding a new front to the existing steel structure, adding new wraparounds and columns and adding some stucco features to the existing portion and the expansion. He noted the proposed porch off the office area.

Gary Wanamaker, Kirkham Building Systems, was present to answer any questions on this issue. Mr. Betz suggested that Mr. Kirkham be prepared at the next meeting to identify the color scheme that has been approved by the Planning and Zoning Commission. He said that he feels this is a good enhancement to an older-type building.

Mr. Cline said it appears one purpose of this plan is to put a bus under shelter into the garage. Mr. Wanamaker said that is correct. Mr. Cline asked what is Victory Healthcare. Mr. Wanamaker said that they own the Arlington Court nursing home, but the owner also owns the Bash Driving Range. The busses they use are for golf outings or different events.

Mr. Cline asked if the addition is primarily for the garage or the office. Mr. Wanamaker said that they have an existing engineering office in the old part of this building, and the new part will primarily provide a place for vehicles and for people to gather for events, but the intention is that it could be additional office space at a later date. Mr. Betz said that as things progress in the area, the applicant wants the ability to move toward a retail or office use.

Mr. Lackey asked if Staff has any concerns about line of sight issues with traffic. Mr. Betz said they do not. He said the stepping back of the building helps with that, as it enhances the design of the building.

Mayor Wiencek commended the applicant for attempting to dress up what is "not the style of building we would like to see on Grace Drive," but said he can't help but feel that if the Planning and Zoning Commission had access to an architectural advisor, there might have been some alternative designs that would have been a little better. He said it is tough to dress up an ugly building, but it seems that something else could have been done. Mr. Wanamaker said he thinks that once you see the color scheme, it will be a very attractive development.

Mr. Grubbs said that the Planning and Zoning Commission did identify windows that were stylistically undesirable, but that is as far as it went regarding architectural details. He said it would be helpful to have a paid advisor. He added, however, that the applicant and Staff worked together and asked questions about designs and the applicant did a lot of work on a variety of designs and styles.

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

COMMITTEE REPORTS

Development Committee: No Report.

Finance Committee: Mr. Cline said that the Finance Committee met last week and talked with Mr. DiSabato regarding the Powell Financing Authority infrastructure. The committee is scheduled to meet March 8 to continue work on reaching a consensus on a recommendation regarding the budget issues that have been previously discussed.

Operations Committee: Mr. Lackey reported on his progress in establishing a "Mobile Food Establishment" ordinance which in effect would regulate ice cream vendors. He said there is currently no mechanism in the City to prevent or detect individuals providing this service that have criminal backgrounds, notably in crimes of a sexual, violent, or drug- or alcohol-related nature. He said that Ken Molnar, Director of Law, is currently reviewing his proposal that includes the following:

- Annual registration with the Chief of Police.
- Criminal background checks.
- A prohibition on people who have backgrounds of sexual, violent, drug or alcohol abuse convictions or sales of control substances from operating mobile food establishments.
- A photo identification will be required to be posted in mobile food establishments.

Mayor Wiencek asked about vendors that provide food at construction sites. Mr. Lackey said that they would be covered by these regulations but they could be exempted if that is desired. Mr. Seta asked if what started it was a concern about ice cream. Mr. Lackey said that is correct.

Downtown Committee: Mr. Grubbs said the Committee met this evening and heard subcommittee reports and an update on the TIF process. He said the Organization Committee still needs a chair, preferably an attorney or CPA with non-profit experience. He asked if anyone knows anyone who might fit that bill. He said the next meeting will be March 15 at 6:30 p.m.

CITY MANAGERS REPORT

Stephen A. Lutz, City Manager, reviewed that Shawn Leininger, Development Planner, is leaving the City of Powell because he has been named as the Zoning Administrator for the City of Delaware. He said the City will miss his presence. He has done a lot for the community and he will be difficult to replace. Mayor Wiencek thanked Shawn for his service and said that Council is appreciative of his efforts.

OTHER COUNCIL MATTERS

Mr. Seta asked for information on the proposed alternative at-grade crossing designs for Home Road. Mr. Lutz said he will forward that information. Mayor Wiencek asked if the City didn't already oppose an above-grade crossing. Mr. Betz said that a variety of options were discussed. Mayor Wiencek asked how much influence the City has. Mr. Lutz said it is desirable to be involved in this process. Mayor Wiencek said that he would like more



information on this issue and would like to know how Liberty Township feels about this. He said this issue will have significant visual impact. Mayor Wiencek asked if the current proposal provides pedestrian access. Mr. Betz said it does.

Mr. Grubbs asked about correspondence in the packet related to the Olentangy Rotary's concerns about fees. Mr. Betz said he notified the group that if they reserve the meeting room for their hour meeting, their fees will go up by \$5, which would be the first increase they have had in four years. They are not present at the meeting.

ADJOURNMENT

Council adjourned at 8:40 p.m.

DATE MINUTES APPROVED: March 1, 2005

	
_____ Dan Wiencek Mayor	_____ Date
_____ Dawn Nauman Clerk of Council	_____ Date

