

CITY COUNCIL

March 15, 2005

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

PLEDGE OF ALLEGIANCE

Cub Scout Troops 19 & 32 gave the flag presentation and led those attending the meeting in the pledge of allegiance.

CITIZEN PARTICIPATION

James Sloane, Lewis Center, Powell 5K Director, thanked the City for their support for the Powell 5K race. He said this year will be the 4th year and they have an increasing number of runners every year, starting with 170 the first year and 320 last year. He said that he is excited about the health awareness that brings to the community. They anticipate 400 runners this year. He presented Council with t-shirts from previous years' races. He said that this race raises money for youth to attend summer camps.

Anna, representing the Worthington Ward Youth Young Men and Young Women, thanked Council for allowing the Powell 5K. She said she was a participant in the first race. She said it was a good memory for her, because she ran it with her sister and beat her at the end. She said she got first place, a medal, and it was a great experience. She said it is rewarding to work behind the scenes on the next race.

Mayor Wiencek said he got to fire off the starting horn last year. He said this is a very well run event and he was very impressed with the size of the crowd. He asked that the participants watch out for the construction zones as he doesn't think the parks will be completely done by race time.

There being no further comment, the public participation portion was closed.

APPROVAL OF MINUTES

The minutes of March 1, 2005 were approved as printed.

CLERK OF COUNCIL CORRESPONDENCE

Dawn Nauman, Clerk of Council, noted that the first meeting in May will be held May 4 to accommodate election day.

Ms. Nauman also reported that the Planning and Zoning Report was inadvertently left off the Consent Agenda and it should be included.

Mayor Wiencek noted that the Financial Disclosure Statement from the Ohio Ethics Commission deadline is coming soon.

CONSENT AGENDA

Item	Action Requested
Monthly Police Report	Receipt of Report
Monthly Parks and Rec. Report	Receipt of Report
Monthly Financial Report	Receipt of Report

MOTION: Mr. Cline moved to amend the Consent Agenda to include receipt of the Planning and Zoning Report. Mr. Seta seconded the motion.

VOTE: Y 5 N 0

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

VOTE: Y 5 N 0

SECOND READING & PUBLIC HEARING: ORDINANCE 2005-11: AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF POWELL, REVISING SECTIONS 1129.06, 1129.07, 1127.09, 1127.10, 1131.09 1131.11, AND 1143.11 REGARDING PUBLICATION AND SENDING OF NOTICES FOR PUBLIC HEARINGS.

Stephen A. Lutz, City Manager, said that this Ordinance amends the public notice requirements for various types of hearings. Currently, the City is required to give advance noticed, some require 15, some 20, and some 10 days. Staff is recommending amending the requirements so that all require a 10 day notice to provide some conformity. He said that Ken Molnar, Director of Law, did look into the legality of this legislation.

Ken Molnar, Director of Law, said he reviewed the timing associated with this not because there is anything wrong with the proposal, but because it is different than the state code. He said that following the state code helps the City defend itself if anyone should challenge the City's procedure. That being said, he said there is nothing wrong with the shortening of the procedure, as Council has that ability in the Charter.

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

Mr. Seta asked if it is correct that the intention is to streamline everything. Mr. Betz said it makes it easier for Staff to do the notification, as well as address the limitations created by going from 3 readings to 2. He said for Development Plans, many times the public hearing was scheduled for the third reading to meet the code and since there are only 2 readings now, that is not an option.

MOTION: Mr. Cline moved to adopt Ordinance 2005-11. Mr. Seta seconded the motion.
VOTE: Y_ 5 N_ 0

SECOND READING & PUBLIC HEARING: ORDINANCE 2005-12: AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF POWELL, REVISING SECTION 1133.06 AND 1133.10 REGARDING ESTABLISHMENT OF THE PLANNING AND ZONING COMMISSION AND BOARD OF ZONING APPEALS.

Stephen A. Lutz, City Manager, said that some of the recent Charter amendments impacted the composition of the Planning and Zoning Commission and the Board of Zoning Appeals. This legislation would make the City's ordinances reflect the information in the charter.

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

MOTION: Mr. Cline moved to adopt Ordinance 2005-12. Mr. Seta seconded the motion.
VOTE: Y_ 5 N_ 0

SECOND READING & PUBLIC HEARING: ORDINANCE 2005-13: ORDINANCE AUTHORIZING THE CREATION OF THE DOWNTOWN POWELL INCENTIVE DISTRICT WITHIN THE CITY OF POWELL; DECLARING IMPROVEMENTS TO CERTAIN REAL PROPERTY WITHIN SUCH INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE; DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT OR SERVE THE REAL PROPERTY WITHIN SUCH INCENTIVE DISTRICT; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; AUTHORIZING THE USE OF SUCH SERVICE PAYMENTS IN LIEU OF TAXES TO COMPENSATE THE OLENTANGY LOCAL SCHOOL DISTRICT; CREATING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE BALANCE OF SUCH SERVICE PAYMENTS AND AUTHORIZING CERTAIN ACCOUNTS WITHIN SUCH FUND; AUTHORIZING THE EXECUTION OF A SERVICE PAYMENT AGREEMENT WITH THE PROPERTY OWNERS IN SUCH INCENTIVE DISTRICT; AND DECLARING AN EMERGENCY.

Stephen A. Lutz, City Manager, said the City has been working to form a downtown incentive district. This is the second reading of the ordinance creating such a district. David Betz, Director of Development, reviewed that property owners within the district have been notified of this issue and have been invited to a public hearing on April 19, 2005. He recommended tabling it to that date.

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

MOTION: Mr. Cline moved to table Ordinance 2005-14 until April 19th. Mr. Seta seconded the motion.

