



**City of Powell, Ohio**  
**COUNCIL MINUTES**  
**December 6, 2005**

A regular meeting of the City of Powell Council was held on December 6, 2005 and called to order at 7:31 p.m. by Mayor Dan Wiencek. Other Council members present were Don Grubbs, George Kaitsa, Dave Lackey, Art Schultz and Jim Seta. Richard Cline arrived at 7:45 p.m. Also present were Stephen A. Lutz, City Manager; Debra Miller, Finance Director; Dave Betz, Director of Development; Robert Rice, City Engineer; Susie Ross, City Clerk; interested parties and members of the press.

**CITIZEN PARTICIPATION**

Mayor Wiencek opened the session for public comment. Hearing none, he closed the Citizen Participation session.

**APPROVAL OF MINUTES**

The minutes of November 15, 2005 were approved.

**CONSENT AGENDA**

<b>Item</b>	<b>Action Requested</b>
Ordinance 2005-62 AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS OF GOLF VILLAGE, SECTION 7, PHASE B SUBDIVISION AS THE SAME IS NUMBERED AND DELINEATED UPON THE PLAT THEREOF RECORDED IN CABINET 3, SLIDES 119-119A DELAWARE COUNTY, OHIO RECORDS.	Adoption of Resolution

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

**VOTE: Y 6 N 0**

**RESOLUTION 2005-33: A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE DELAWARE, OHIO CITY PROSECUTOR'S OFFICE.**

Steve Lutz, City Manager, stated the City currently uses the services of the Delaware City Prosecutor's Office to prosecute all cases coming before the Delaware Municipal Court arising out of alleged violations of the City codified ordinances. He said the Police Chief recommends the City continue this arrangement, from both efficiency and cost standpoints.

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

**MOTION: Mr. Seta moved to adopt Resolution 2005-33. Mr. Kaitsa seconded the motion.**

**VOTE: Y 6 N 0**

Mayor Wiencek recommended the next two items be addressed together.

**RESOLUTION 2005-34: A RESOLUTION TO ESTABLISH THE LAW ENFORCEMENT FUND.**

**RESOLUTION 2005-35: A RESOLUTION TO ESTABLISH A FUND FOR UNCLAIMED FUNDS.**

Debra Miller, Finance Director, reviewed the funds to be established. She stated the Law Enforcement Fund will accept all monies received from drug-related law enforcement/seizures. She said when these types of funds are received, they are allowed to be used only for law enforcement related expenditures, so a separate fund needs to be established.

Ms. Miller said the fund to be established for Unclaimed Funds will accept checks which have not been cashed. She said Staff attempts in due diligence to have these checks cashed, but needs to be able to place these in a separate fund so their age may be monitored. She said after five years the funds may be reclaimed as City revenue.

Mayor Wiencek opened agenda items 6 and 7 for public comment. Hearing none, he closed the public comment session.

**MOTION: Mr. Seta moved to adopt Resolution 2005-34. Mr. Kaisa seconded the motion.**

**VOTE: Y 6 N 0**

**MOTION: Mr. Seta moved to adopt Resolution 2005-35. Mr. Kaisa seconded the motion.**

**VOTE: Y 6 N 0**

**FIRST READING: ORDINANCE 2005-63: AN ORDINANCE ADOPTING AMENDED PERSONNEL MANUAL FOR EMPLOYEES OF THE CITY OF POWELL AND REPEALING ORDINANCE 2002-08.**

Mr. Lutz stated this manual was last changed in 2002. He reviewed the proposed changes in detail and noted the section regarding Use of City Credit Cards has been reviewed previously by the Finance Committee.

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

**MOTION: Mr. Seta moved to suspend the rules on Ordinance 2005-63. Mr. Kaisa seconded the motion.**

**VOTE: Y 6 N 0**

**MOTION: Mr. Seta moved to adopt Ordinance 2005-63. Mr. Kaisa seconded the motion.**

**VOTE: Y 6 N 0**

**FIRST READING: ORDINANCE 2005-65: AN ORDINANCE ACCEPTING THE ANNEXATION OF A 1.446-ACRE TRACT, MORE OR LESS TO THE MUNICIPALITY OF POWELL.**

Mr. Lutz said this proposed annexation is located off of Sawmill Road and Zion Drive. He said it is going through development review at this time for the proposal of two three-unit condominiums.

David Betz, Development Director, reviewed the location of the proposed annexation. He said it meets all of the annexation requirements and the applicant has gone through Sketch Plan and Preliminary Development Plan review by the Planning and Zoning Commission. Mr. Betz provided elevation drawings of the buildings. He said the Preliminary Development Plan was approved with many conditions and the applicant has not yet resubmitted the plan.

Mayor Wiencek stated this applicant has already provided easement to the City for continuation of the bikepath along Zion Drive. He asked Mr. Betz if the buildings are compatible with the adjacent condominiums. Mr. Betz said they plan to use similar stone, stucco and colors. He said the main difference is they proposed two three-unit buildings instead of three two-unit buildings. He said this will preserve some significant larger trees on the site. Mr. Wiencek asked if there had been discussions regarding joining this 6-family homeowner association with the Commons of Powell association. Mr. Betz said it has not been discussed in detail. He asked the agent for the applicant for his opinion regarding the association.

Jim Lubinski, Agent for the Petitioner, was present. He said he has had experience with this in the past where a new phase was added to the same site. He stated they attempted to marry the new phase into the existing and he met a lot of resistance. Mr. Lubinski said they have not discussed it at all but his first reaction is that it would be awkward to accomplish. He said it makes sense but may be difficult to accomplish.

Mayor Wiencek asked Mr. Lubinski to attempt to discuss this with the Commons of Powell Homeowners Association. He said the community would be better by having a single association. Councilman Cline arrived at 7:45 p.m.

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

**MOTION: Mr. Seta moved to suspend the rules on Ordinance 2005-65. Mr. Kaisa seconded the motion.**

**VOTE: Y 7 N 0**

**MOTION: Mr. Seta moved to adopt Ordinance 2005-65. Mr. Kaitsa seconded the motion.**

**VOTE:           Y   7             N   0**

**FIRST READING: ORDINANCE 2005-66: AN ORDINANCE APPROVING THE PLAT FOR THE GOLF VILLAGE COMMERCIAL, SUB AREA E.**

Mr. Lutz stated this property is located at the far north end of Golf Village off of Sawmill Parkway on the west side of the road. He said two 12k square foot office buildings have been proposed.

Mr. Betz said this area of Golf Village is zoned PC, Planned Commercial but is restricted to office only uses. He said as part of that the applicant/developer has requested a plat showing two lots, with the office buildings proposed on the southernmost lot. He said there would be one access point on Sawmill Parkway at the signalized intersection south of Home Road and another curb cut at Home Road at the northwest corner of the site. He said this would be east of the high school.

Mayor Wiencek asked if it would be appropriate to have the entrance there. Mr. Betz said it was approved as part of the development plan by the County Engineer. Councilman Schultz asked how staggered this drive is from the school entry. Mr. Betz said he is unsure but it was approved by the County Engineer.

Tim Spencer, Agent for the Developer, D. R. Kenney, addressed Council. He said the curb cut is about 50-75' east of the existing curb cut on the north side of Home Road. He said once the Sawmill Parkway extension is completed north of Home Road, the present entrance to the High School will be vacated. He said full-service access will be given off of Sawmill Parkway. He said the Home Road curb cut will not be completed until the extension north of Home Road is completed. Mr. Spencer said they have exceeded setbacks and will come to Staff for a variance for mounding to preserve more trees. He said they feel mounding is not appropriate with the density of the trees and woods on the southwest corner. Mr. Schultz said the high school students conduct quite a few accidents without any obstacles across from their entrance and it is a concern. He suggested that Council insist the present entrance be vacated before this entrance is allowed. Mr. Betz said he will follow up with the County Engineer and report to Council at the second reading. Councilman Grubbs asked if the zoning to the north lot is also office use. Mr. Spencer verified that it is. Councilman Lackey asked if the 100 foot easement shown is for the power lines. Mr. Spencer stated it is.

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

This item was taken to a second reading.

**FIRST READING: ORDINANCE 2005-67: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2005 AND DECLARING AN EMERGENCY.**

Ms. Miller said this is a year-end ordinance. She said the Building Department has requested an additional \$3k. She said they experienced an employee on a leave of absence so they hired a contractor to cover inspections. Ms. Miller said the other item is regarding the Golf Village Debt Fund. She said the fund borrowed \$11,800 from the General Fund earlier in the year and that money is now available to be repaid. Ms. Miller said this appropriation will return that money to the General Fund. She said the cost issuance is a little higher than anticipated, so an appropriation of an additional \$50 is needed. She said the last item regards the collection of development fees and plumbing inspections fees. She said these continue to be higher than anticipated and this is needed to be able to refund the fees that are collected as an agency.

Councilman Grubbs asked why the Golf Village Debt Fund item is an appropriation. Ms. Miller said she does not have an expenditure or the authority to spend money out of the Golf Village Debt Fund to return it to the General Fund. She also noted the first request moves \$3k from the General Fund to the Building Fund and the third request is an Agency Fund called the Plumbing Inspection Fund.

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

**MOTION: Mr. Seta moved to suspend the rules on Ordinance 2005-67. Mr. Kaitsa seconded the motion.**

**VOTE:           Y   7             N   0**

**MOTION: Mr. Seta moved to adopt Ordinance 2005-67. Mr. Kaisa seconded the motion.**

**VOTE: Y 7 N 0**

**FIRST READING: ORDINANCE 2005-68: AN ORDINANCE TO REDUCE THE 2005 GENERAL FUND BUDGET AND REAPPROPRIATE IN THE 2006 GENERAL FUND BUDGET.**

Ms. Miller stated earlier in the year Staff brought forward an Ordinance to expand the Salt Bin Storage area. She said that awarding of the bid will not be completed in 2005 and this legislation will reduce the appropriation this year and make it in 2006.

Councilman Kaisa asked why this is necessary. Ms. Miller said that there is no appropriation shown in the 2006 Budget to complete the Salt Bin Storage. She said that if nothing is done now, the \$25k will lapse and next year Staff will return to Council to ask for it again.

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

**MOTION: Mr. Seta moved to suspend the rules on Ordinance 2005-68. Mr. Kaisa seconded the motion.**

**VOTE: Y 7 N 0**

**MOTION: Mr. Seta moved to adopt Ordinance 2005-68. Mr. Kaisa seconded the motion.**

**VOTE: Y 7 N 0**

**FIRST READING: ORDINANCE 2005-69: AN ORDINANCE AUTHORIZING AMENDMENT TO THE FEE SCHEDULE OF THE MUNICIPALITY OF POWELL.**

Mr. Lutz stated Staff has reviewed the current Fee Schedule and recommends a few changes which are before Council. He said Staff also recommends this be taken to a second reading so it may be reviewed by the Finance Committee at their December 13<sup>th</sup> meeting.

Mayor Wiencek asked Staff to review page 2 for Non-Residential Zoning Certificate fees. He asked if it would be appropriate to add another tier above the 10,000 square foot heading.

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

This item was taken to a second reading.

**SECOND READING: ORDINANCE 2005-61: AN ORDINANCE TO ACCEPT THE PROPOSED BUDGET; TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE MUNICIPALITY OF POWELL, DELAWARE COUNTY, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2006.**

Mr. Lutz said there was a presentation at the last Council meeting regarding the proposed 2006 budget. He said it is a status-quo budget with no additional staff or new services. He said as projected, the carryover will be spent down over the next several years. He said the Finance Committee is looking at possible measures for the City to implement to eliminate that in the future.

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

**MOTION: Mr. Seta moved to adopt Ordinance 2005-61. Mr. Kaisa seconded the motion.**

**VOTE: Y 7 N 0**

**COMMITTEE REPORTS**

**Development Committee:** Mr. Seta said the last meeting of the year was held earlier in the evening. He said the Committee received a Traffic Calming request in Golf Village between Seidom Seen and Rutherford Road. He said there are three bus stops and a tremendous amount of traffic. He said the Committee discussed options available and will contact Chief Vest to request the speed trailer and monitoring of the area. Mr. Seta said the Committee asked the applicant to start circulating petitions but it is likely the area will not meet warrants for a stop sign. He said the second item concerned a potential Cingular cell tower in the City at the Lechler property site. Mr. Seta said the intent is to look at City property first and a 125' tower is proposed, which is much smaller than the other towers in the township. Mr. Lutz said if Council deems this appropriate it would next go to the Board of Zoning Appeals. Mr. Seta

said the final item discussed was the West Olentangy Street/Village Pointe Drive pathway. He said the Committee reviewed the proposed RFP.

**Finance Committee:** No report. Next meeting will be following the Board of Tax Appeals on Tuesday, December 13<sup>th</sup>.

**Operations Committee:** No report. Next meeting to be determined.

**Downtown Committee:** No report. Next meeting will be Wednesday, December 14<sup>th</sup> prior to the Planning and Zoning Commission.

Mayor Wiencek said returning Council members should consider Committee vacancies which will be available in January.

#### CITY MANAGER'S REPORT

No report.

#### OTHER COUNCIL MATTERS

Councilman Schultz said it is unfortunate the County Engineer has decided not to proceed with the design of bike/pedestrian paths on the overpass at Home Road. He said it is a concern that there will be a park and a pathway up Sawmill Parkway with no access to the west side of the path. He asked that Staff contact the Engineer. Mayor Wiencek stated he agrees completely that the bicycle/pedestrian traffic needs to be accommodated across the overpass. He said this is a pedestrian-friendly community. He said Dave Betz has not heard back from ODOT and the letter in question is from the consulting firm hired by the County. Mr. Wiencek said he will personally contact ODOT and State Representative to request their involvement. He said they will also contact the incoming Township Trustees, Mr. Cape and the school system to gain their support.

**MOTION:** Mr. Seta moved at 8:27 p.m. to adjourn from Regular Open Session to Executive Session under ORC Section 121.22(G)(1) Discussion of Proposed Salary Adjustments and Section 121.22(G)(3) Pending Litigation. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

**MOTION:** Mr. Cline moved at 9:35 p.m. to adjourn from Executive Session. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

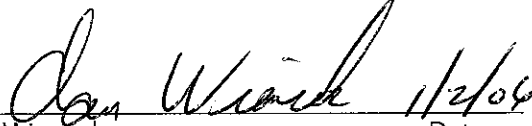
**MOTION:** Mr. Cline moved at 9:35 p.m. to reconvene in Regular Open Session. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

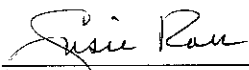
**MOTION:** Mr. Cline moved at 9:36 p.m. to adjourn from Regular Open Session. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

DATE MINUTES APPROVED: December 20, 2005

  
\_\_\_\_\_  
Dan Wiencek  
Mayor

Date

  
\_\_\_\_\_  
Susie Ross  
City Clerk

1/2/06

Date

#### City Council

Dan Wiencek, Mayor

Richard Cline

Don Grubbs

George Kaitsa

David Lackey

Art Schultz

Jim Seta

