



City of Powell, Ohio

COUNCIL MINUTES March 21, 2006

A regular meeting of the City of Powell Council was held March 21, 2006 and called to order at 7:37 p.m. by Mayor Don Grubbs. Council Members Tom Counts, Richard Cline, Elmer Meider, Bill Morton, and Art Schultz were present. Dan Wiencek arrived at 8:04 p.m. Also present were Steve Lutz, City Manager; Debra Miller, Finance Director; David Betz, Director of Development; Rob Rice, City Engineer; Gary Vest, Powell Police Chief; Ken Molnar, Law Director; Susie Ross, City Clerk; interested parties and members of the press.

CITIZEN PARTICIPATION

There was none.

APPROVAL OF MINUTES

The minutes of March 7, 2006 were adopted as submitted.

CONSENT AGENDA

| Item | Action Requested |
|---|--------------------------|
| Monthly Community Affairs/Events Report | <i>Receipt of Report</i> |
| Monthly Financial Report | <i>Receipt of Report</i> |
| Monthly Parks and Recreation Report | <i>Receipt of Report</i> |
| Monthly Planning and Zoning Report | <i>Receipt of Report</i> |
| Monthly Police Report | <i>Receipt of Report</i> |

MOTION: Councilman Cline moved to adopt the Consent Agenda. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

LIQUOR LICENSE REQUEST

Sharamax Foods Inc., dba Saturday's Sports Lounge/Don Antonio's Russ Howland, 1520 Aniko Avenue, Lewis Center, was present regarding the application. He said he purchased the business from Vince Margello in August of 2002 and since that time the partners have changed and the corporate name has changed to Sharamax. Mr. Howland said as of November 2005 he now owns all of the shares in the business. He said they purchased the D-5, D-6 permits on this application from Mr. Margello in 2002 and this is a formality due to the change of shareholders. He said the federal ID number for the business has remained the same.

Councilman Cline asked if there have been increases in incidents since the corporate name change. Chief Vest said there has only been one violation in the last ten years and it will be better having one name on the license.

The members of Council did not request a hearing on this license application.

RESOLUTION 2006-12: A RESOLUTION ALLOWING AN EXTENSION TO BUILDING PERMIT NUMBER 2003-0486 RELATED TO THE COMPLETION OF A BASEMENT RENOVATION FOR SHAUN AND MALINDA MCCLOSKEY.

Steve Lutz, City Manager, said this matter was reviewed and discussed by the Finance Committee and they recommend passage of this resolution. He said that due to a variety of reasons, the resident has requested that the City waive the permit renewal fees. He said it is recommended the initial permit be extended until September 13, 2006 and if they do not complete the project by that time the permit will lapse.

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

Councilman Morton asked if there is a precedent for waiving fees such as this. Councilman Cline said he is not aware of any instance where Council has waived a fee under these circumstances. He said they have waived fees for the school board and have granted extensions of time to complete projects where no fee was involved. He said the Finance Committee felt this was a unique circumstance and a six month extension should be granted.

Councilman Meider asked if there have been neighborhood concerns. Mr. Lutz said this basement project is not visible from the outside. Councilman Cline said the Committee asked if there was any blight on the area because of stacked materials or refuse and there is not. Councilman Counts said as a part of the Finance Committee he agreed to the six month extension. He said they made this recommendation based on the extenuating circumstances including the indoor nature of the work.

Councilman Morton said an extension fee may want to be addressed in the Fee Schedule. Councilman Schultz said that would allow there to be a small penalty so there is incentive to complete the work on time. Councilman Cline said the applicant hopes to have this done by the end of April, so six months is plenty of time. Mayor Grubbs said the Operations Committee may want to discuss this in the future.

MOTION: Councilman Cline moved to adopt Resolution 2006-12. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

RESOLUTION 2006-13: A RESOLUTION APPROVING A STUDY IDENTIFYING PUBLIC PROPERTY SUITABLE FOR TELECOMMUNICATIONS FACILITIES.

David Betz, Director of Development, said this item has been discussed by the Development Committee. He reviewed the federal regulations and resulting City code regarding telecommunications. He said they have not had much of an issue with telecommunications providers requesting sites within Powell. He said there is one site located off of Village Park Drive at Wolfe Commerce Park. He said there is also one site outside of the City boundaries on the other side of the tracks from that site. He said currently there are two providers looking for sites in the southern part of the City and one looking for a site in the center part of the City.

Mr. Betz said Staff has developed a document which identifies publicly owned properties and ranks locations for potential telecommunications sites. He identified the sites held as public property within the City and described the Site Analysis Plan done by Staff to determine the appropriateness of each site. Mr. Betz said Staff determined a weighting on the factors involved.

Mr. Betz said based on the analysis, Adventure Park has the highest score and the Seldom Seen site has the second highest score. He said all of the other sites have some factor which is not appropriate but three other sites (Village Green, South Liberty site, and Rutherford Road site) are ranked as third. He said many factors were considered when weighting the sites including any conflict caused with the Master Plan for each site. He said column marked on the spread sheet as "Not Appropriate" should be changed to "Least Appropriate".

Councilman Schultz asked about Master Plan conflicts. Mr. Betz said as in the example of Meadowview Park, there are access problems and the Master Plan would have to be changed, making it least desirable as a site. He said it seems logical to consider the areas of open space along the railroad which are somewhat away from residential areas.

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

Councilman Cline said he concurs with Staff's recommendation. Councilman Morton said this was discussed at the Development Committee and he supports the findings. He said he wants Council to have full discretion and hopes this does not bind any future decision. Mr. Betz said there is still a process which the applicant will have to go through before a facility may be approved. He said they will have to apply for a Conditional Use Permit and take it to the Board of Zoning Appeals. He said there will be criteria which will have to be met and there will be a public hearing. He said a site on public land will need to have Council approval and a lease agreement. Mr. Betz said this is a working document which prioritizes which sites will work best.

Councilman Counts said with respect to the Village Green he would not like to see any tower close to the Four-Corners as it would destroy the historic area.

MOTION: Councilman Cline, in regards to Resolution 2006-13, moved to amend Figure 1 to change the description of the solid block from "Not Appropriate" to "Least Appropriate", and to change the solid blocks to the numeral zero (0). Councilman Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to adopt Resolution 2006-13 as amended. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2006-21: AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR DISTINCTIVE MARBLE AND GRANITE AT 210 N. LIBERTY STREET FOR PHASE 1 TO INCLUDE AN ADDITION OF 8,768 SQ. FT. FOR USE AS AN OFFICE, SHOWROOM, AND WAREHOUSING PRODUCTION OF GRANITE AND MARBLE.

Public Hearing

Mr. Betz described the location of this property and surrounding uses. He said the applicant has purchased this property for this development. He said in the future they will bring another building before Council after it has been approved by Planning and Zoning. Mr. Betz said this is a proposed addition to the Goodwill Building which will be used for showroom space and production of marble and granite countertops. He said this proposal also includes changes to landscaping and a storage area in the fenced area in the rear. He said the parking will not change in the first phase and the second phase will be a new retail building out front of the existing building. Mr. Betz said Phase 1 will allow the owner to get his business up and running.

Mr. Betz identified the existing building, addition and the exterior elements. He also provided a proposed elevation for Phase 2. He said the Planning and Zoning Commission has approved the plan for Phase 1 before Council.

Councilman Meider asked if Phase 2 has been approved. Mr. Betz said that phase will come before Planning and Zoning and Council in the future. He said the idea behind the front retail building is to allow transition into the Historic District/Downtown area. Councilman Meider asked where the second phase will be visible from. Mr. Betz said it may be visible from a diagonal angle but with the placement of Hickory House, it may not be visible from the north.

Mayor Grubbs asked for a description of the landscaping behind the Hickory House. Mr. Betz said there is a great change in elevation of 6-8 feet and that area has been a grassy area which is not maintained. He described the landscape plan for that area. Mayor Grubbs asked if the existing fence is on the north property line of the plaza. Mr. Betz said it is. Councilman Wiencek asked if this meets all of the landscaping requirements. Mr. Betz said they are meeting the requirements. Councilman Wiencek said it looks as though Phase 2 will wipe out most of the proposed landscaping. Mr. Betz said when Phase 2 is presented to the Commission they will review all of those items again. Councilman Wiencek indicated to the applicant that he has a concern about allowing parking in front in Phase 2.

Councilman Cline said he noted in the Planning & Zoning minutes reference to a variance which may be needed to complete Phase 2. Mr. Betz said there may need to be a variance to allow lot coverage of 85% rather than the code requirement of 80% coverage. He said this to be determined. Councilman Cline said that will be an issue of concern and the applicant should be advised to stay within the limits.

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

Councilman Schultz said it is commendable that this company is staying within Powell. He said they are working with a building which is a challenge and Phase 1 will improve its appearance. He said he is excited about the proposal of Phase 2 as it extends the downtown area. He said higher density may be a fair trade. Councilman Meider agreed. Councilman Cline said he does like the concept drawing for Phase 2 and appreciates that the applicant sees the need to dress up the site between the end of Phase 1 and the beginning of Phase 2.

Councilman Counts said they will be very happy even if Phase 2 doesn't happen as this enhances this building. Councilman Wiencek agreed. Councilman Morton said this building will have more functionality and provide a useable business to the Community. Mayor Grubbs asked if the Phase 1 proposal includes improvements to the sidewalk and pathway. Mr. Betz said this will come with Phase 2.

MOTION: Councilman Cline moved to suspend the rules in regards to Ordinance 2006-21. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2006-21. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2006-17: AN ORDINANCE APPROVING THE AMENDED DRAFT SOLID WASTE MANAGEMENT PLAN OF THE DELAWARE, KNOX, MARION, MORROW JOINT COUNTY SOLID WASTE MANAGEMENT DISTRICT, AND DECLARING AN EMERGENCY.

Mr. Lutz said the DKMM Solid Waste Management District is required by law to review and amend their plan every five years. He said an executive summary of the update was provided to Council. He said this is a 15-year plan and was submitted to the Ohio EPA in June of 2005. He said their Policy Committee held a 30 day written comment period and 4 public hearings. Mr. Lutz said this plan indicates there is a 15 year disposal capacity in the landfills and that they meet State requirements. He said the plan raises tipping fees from \$5 per ton to \$5.50 per ton effective January 2007.

Councilman Wiencek said the last time this plan came before Council there was discussion of trying to influence them to have some of the recycling/drop off functions in this part of the county. He asked that Staff contact the District to pursue that suggestion. Mr. Lutz said he will draft a letter.

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

Councilman Cline asked if this type of ordinance has to be taken to a second reading. Ken Molnar, Law Director, said it does not require two readings.

MOTION: Councilman Cline moved to suspend the rules in regards to Ordinance 2006-17. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2006-17. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2006-18: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2006 AND DECLARING AN EMERGENCY.

Mr. Lutz said Council established a Flexible Benefit Fund at the last meeting. He said this appropriation allows Staff to make the expenditures of employee contributions already collected in this fund.

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

Councilman Wiencek asked if this is a receipt returned system or debit card system. Mr. Lutz said it is a debit card system.

MOTION: Councilman Cline moved to suspend the rules in regards to Ordinance 2006-18. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2006-18. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2006-19: AN ORDINANCE AUTHORIZING INSTALLATION OF THE SR 750, BENNETT PARKWAY AND CRESSINGHAM LANE TRAFFIC SIGNAL AND APPURTENANCES, AND FURTHER AUTHORIZING THE CITY MANAGER TO SOLICIT BIDS, ACCEPT THE LOWEST RESPONSIBLE RESPONSIVE AND BEST BIDS FOR THE ABOVE-REFERENCED PROJECT, AND CONTRACT THE PROJECT IN AN AMOUNT NOT TO EXCEED THE ESTIMATES AND DECLARING AN EMERGENCY.

Mr. Lutz said late last year Council authorized the installation of a traffic signal at this intersection. He said Council also authorized the funds to engineer the signal, the engineering is complete and Staff is ready to go out to bid on this project. He said once this goes out to bid and bids are received Staff will have a better idea of the time it will take to complete this project.

Councilman Wiencek asked if the existing flashing light at Thornbury and SR 750 will be removed. Robert Rice, City Engineer, said it will be removed. Councilman Wiencek asked if the bikepaths will be disconnected from the road or a cautionary sign added. Mr. Rice said just disconnecting the paths on both sides of the road should discourage anyone from crossing there. He said they can deal with it in-house if the pedestrians need to be directed to the Bennett Parkway intersection. Councilman Wiencek asked for Police Staff to monitor it and advise if pedestrians need to be directed to the new crossing.

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

Councilman Morton asked if this will be a timed signal. Mr. Rice said it will be an actuated signal.

MOTION: Councilman Cline moved to suspend the rules in regards to Ordinance 2006-19. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2006-19. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2006-20: AN ORDINANCE AUTHORIZING INSTALLATION OF THE RUTHERFORD ROAD AND SAWMILL PARKWAY TRAFFIC SIGNAL AND APPURTENANCES, AND FURTHER AUTHORIZING THE CITY MANAGER TO SOLICIT BIDS, ACCEPT THE LOWEST RESPONSIBLE RESPONSIVE AND BEST BIDS FOR THE ABOVE-REFERENCED PROJECT, AND CONTRACT THE PROJECT IN AN AMOUNT NOT TO EXCEED THE ESTIMATES AND DECLARING AN EMERGENCY.

Mr. Lutz said late last year Council authorized the installation of this signal and at that time it was decided to bid it at the same time as the Bennett Parkway/Cressingham signal for economy of scale.

Councilman Wiencek asked if there will be striping for crosswalks at both of these signals. Mr. Rice said he knows they are at Bennett and Cressingham and will have to check regarding SR 750. He said there is no pedestrian crossing at Rutherford Road. Councilman Schultz asked if they would be precluded from adding it in the future if the bikepath is extended to Rutherford Road. Mr. Rice said it could be added. Councilman Schultz asked if this would be a good location for a roundabout. Mr. Rice said he would have to evaluate the intersection and take it into consideration. He said he has been to a seminar regarding their use and will investigate it further if more information is desired.

Mr. Lutz said he received a call from a Liberty Township Trustee and at their meeting the trustees discussed and determined a traffic signal is most appropriate at this site. Councilman Wiencek said he recently had a discussion with ODOT about roundabouts and when traffic approaches 25k cars per day the efficacy of a roundabout is diminished. Councilman Morton asked if the City is bearing the full cost of this signal. Mr. Lutz said this signal is entirely within the City's jurisdiction so the installation and maintenance costs will be borne entirely by the City. He said the Sawmill Parkway/Seldom Seen signal installation costs were split between the City and the County and the County takes care of its maintenance.

Councilman Morton said he noticed the cost estimates were roughly the same between the two signals although they are on different types of roadways. Mr. Rice said the Rutherford Road and SR 750 sites are very different but the features offset one another. Mayor Grubbs asked if the signals have been budgeted

in 2006. Mr. Lutz said the money has been appropriated in the 2006 budget but depending upon how the bids are received, Staff may have to come back to Council for additional appropriations.

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

MOTION: Councilman Cline moved to suspend the rules in regards to Ordinance 2006-20. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2006-20. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

COMMITTEE REPORTS

Development Committee: Councilman Schultz said the Committee met today and talked about the Telecommunications Study Resolution. He said they also discussed whether the developer on Case Street should cover the cost of obtaining the right-of-way in that area. He said they will make recommendations at the next meeting. Councilman Schultz said they spent a considerable amount of time as a CEDA Review Committee regarding the pending annexation on Sawmill Parkway. He said there was also discussion and a recommendation regarding a stop sign in Golf Village. Next Meeting: TBD.

Finance Committee: Councilman Cline said the Committee met last Tuesday and talked about the Resolution before Council, the Board of Tax Appeals which needs to update rules, and Budget Finance Reports. He said they had a Goal Setting Session for their Committee. Next Meeting: TBD.

Operations Committee: No Report. Next Meeting: TBD

Downtown Committee: No Report. Next Meeting: April 12.

CITY MANAGER'S REPORT

Mr. Lutz reported the City's assessed value between December 31, 2004 and December 31, 2005 increased over 26%. He said that is a healthy increase and helps with Bond Issues where the millage will drop considerably and each resident will pay less.

OTHER COUNCIL MATTERS

Councilman Wiencek congratulated Chief Vest on the success of the Safety Conference. He said he understands it was well attended and a great benefit to the Community. Chief Vest said he worked with a tremendous committee and is very pleased with the result. Mayor Grubbs said he heard from several residents who spoke highly of the Conference.

Councilman Cline said in the March 15 Ohio Municipal League Newsletter there is discussion of the Tax Expenditure Limitation Proposal which will be on the ballot in November. He said he is very concerned and suggested Council take official action as this proposal would unfairly handcuff Municipal Government in their service to residents. Mr. Lutz said the City is a member of the Ohio Municipal League and the Central Ohio Municipal Alliance and both of those groups will put together efforts to advise the public of the impact of this proposal on City services. Councilman Cline said he will bring this to the attention of Council at an appropriate time closer to the election.

Councilman Meider said the Downtown Committee discussed concerns heard from residents regarding not following through on the turn restrictions suggested for the Four-Corner intersection. He said Mr. Lutz provided the Council recommendations from August 2001 which suggested the restrictions be in place seven days per week. Mr. Lutz said the plan is to have the Downtown Committee review this and make a recommendation to Council at the second meeting in April. He said this would be accompanied by a Resolution or Ordinance for Council's consideration. Councilman Wiencek asked that the businesses north and south on Liberty be notified of the Downtown Committee meeting as they are those most affected by turn restrictions.

Mayor Grubbs reminded the members of Council to send their Ohio Elected Official form so it is received by April 15, 2006.

MOTION: Councilman Cline moved at 8:53 p.m. to adjourn to Executive Session to discuss Pending Litigation under ORC Section 121.22(G)(3). Councilman Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to adjourn from Executive Session at 9:26 p.m. Councilman Meider seconded the motion.

VOTE: Y 7 N 0

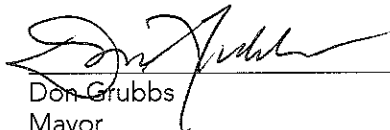
MOTION: Councilman Cline moved to reconvene in Regular Open Session at 9:26 p.m. Councilman Meider seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to adjourn from Regular Open Session at 9:26 p.m. Councilman Meider seconded the motion.

VOTE: Y 7 N 0

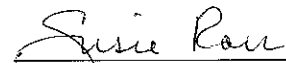
DATE MINUTES APPROVED: APRIL 4, 2006



Don Grubbs
Mayor

4-17-06

Date



Susie Ross
City Clerk

4/18/06

Date

City Council

Don Grubbs, Mayor

Richard Cline

Tom Counts

Elmer Meider

Bill Morton

Art Schultz

Dan Wienczek

