



City of Powell, Ohio

COUNCIL MINUTES

APRIL 4, 2006

A regular meeting of the City of Powell Council was held April 4, 2006 and called to order at 7:34 p.m. by Mayor Don Grubbs. Council Members present included Richard Cline, Tom Counts, Elmer Meider, and Art Schultz. Dan Wiencek arrived at 7:36 p.m. Bill Morton was absent. Also present were Steve Lutz, City Manager; Debra Miller, Finance Director; David Betz, Director of Development; Robert Rice, City Engineer; Shea Allmont, Community Affairs/Special Events Coordinator; 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 21, 2006 were approved as submitted.

PRESENTATION: APRIL 2006 MAYOR'S KID CITIZEN OF THE MONTH – JULIE MYKLEBUST

Mayor Grubbs presented the first Mayor's Kid Citizen of the Month Award to Julie Myklebust, a first grader at Scioto Ridge Elementary.

FIRST READING: ORDINANCE 2006-22: AN ORDINANCE DESIGNATING A FOUR WAY STOP AT THE INTERSECTION OF BAKIRCAY LANE AND LAUREL VALLEY DRIVE AND REQUIRING THE CITY ENGINEER TO PLACE TRAFFIC CONTROL DEVICES AT THE INTERSECTION AND DECLARING AN EMERGENCY.

Steve Lutz, City Manager, stated this item has been reviewed by the Development Committee. He said the concern was initially brought forward by a concerned citizen and the Committee has investigated the request. He said they recommend a four-way stop as the most appropriate way to calm traffic. Mr. Lutz said the City's policy requires a petition as the first step and then a traffic study is conducted. Mr. Lutz said a traffic study has not been performed because it is already known the intersection would not meet state standards for a stop sign. He said this intersection is a school bus stop.

Chris Butkovich, 8808 Clearview Lake Court, said they hope to persuade traffic to take a different route. Councilman Schultz said there was a lot of discussion at the Committee meeting and this change should discourage traffic. Councilman Meider asked about why this should be a four-way stop as opposed to a two-way. Mr. Lutz said it is currently a two-way intersection east and west.

Mayor Grubbs opened this item for public comment.

Ronda Denman, 4208 Laurel Valley Drive, said part of the reason in wanting a four-way stop is that there is a bus stop and some of the children have to cross in front of the bus.

Mayor Grubbs closed the public comment session.

Councilman Cline asked if there was anyone at the Development Committee Meeting who was opposed to this. Mr. Butkovich said the petition has signatures from everyone on Bakircay and no one was opposed to signing it. Mayor Grubbs asked if this is consistent with the placement of signs within the City. Mr. Lutz said this follows the policy except that the traffic study was not performed because it was known that the road does not generate the traffic needed for a state warranted sign.

MOTION: Councilman Cline moved to suspend the rules in regards to Ordinance 2006-22.

Councilman Counts seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2006-22. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2006-23: AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR CESCO AT 35 GRACE DRIVE, A 5,680 SQ. FT. BUILDING FOR USE AS AN OFFICE/WAREHOUSE FOR COMMUNICATION TOWER CONSTRUCTION.

David Betz, Director of Development, reviewed the proposed site plan and surrounding areas. He described the building use and exterior materials proposed. Mr. Betz said this proposal was reviewed by the Planning and Zoning Commission and they recommend Council's approval. He reviewed the conditions included within the ordinance. He said there is one variance associated with the property which is for a small amount of outdoor storage.

Councilman Wiencek asked if this applicant is the current user in this building. Mr. Betz said it is and they will be utilizing both buildings. He said they lease a small portion of the existing building for a body shop but they will be moving out of the back of the Goodwill site into this new building.

Councilman Cline asked if the screening in place around the outdoor storage will stay. Mr. Betz said there is currently a solid fence to the east and south as well as evergreen trees to the south which were planted many years ago. He said there is sufficient screening at this time and the applicant will not have materials any higher than the existing screening. Councilman Wiencek asked about Condition Item 5 in the ordinance. Mr. Betz said Item 5 requires the applicant to discuss storage items with Staff. Mayor Grubbs asked how they were able to have so much outdoor storage. Mr. Betz said they have been here many years, even prior to the 1987 Zoning Code, so it fell under the legal non-conforming situation. He said when they did the addition in 1992-1993, the applicant was approved to keep the storage but it must be kept below the fence. Mayor Grubbs asked if the variance is an improvement over the current storage. Mr. Betz said it is.

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

The ordinance was taken to a second reading.

FIRST READING: ORDINANCE 2006-24: AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR MATTHEW HWANG, FOR TWO THREE-UNIT CONDOMINIUM BUILDINGS ON THE SOUTHEAST CORNER OF ZION DRIVE AND SAWMILL ROAD.

Mr. Betz described the surrounding uses and site plan for the proposal. He said the proposal is for two three-unit condominium buildings. He described the layout and access to the development. He said there will be a variance requested for density to allow this to blend in with the surrounding condominiums. He said these six units will occupy the same amount of space as six units at the Commons of Powell. He reviewed the elevations and the recommendation of the Planning & Zoning Commission to move the window toward the middle of the side elevation. He said the applicant has made a significant effort to work with the residents of the Commons of Powell. He said there is also a second variance requested to reduce the setback from 30' to 25' along Zion Drive. He said this will save a significant stand of trees along the south end.

Councilman Cline asked about gross density without the variance. Mr. Betz said the limit would be 1.7 du/acre and the Commons of Powell was approximately 3.2 du/acre. He said the density was increased as the development goes to the west. Councilman Cline asked if this would be similar to the existing use directly to the south. Mr. Betz said the buildings will appear a little taller but are within the same amount of land area as the existing condos. Councilman Schultz asked if the bikepath runs along that area. Mr. Betz said the existing bikepath was done when the Commons of Powell was developed. He said the applicant did dedicate an easement for the bikepath and it was built by Newbury Homes.

Councilman Wiencek asked about the concerns brought before the Zoning Commission about headlights shining into the units. Mr. Betz said the landscaping plan addresses that issue. Mayor Grubbs asked if they are seeking a variance regarding tree replacement. Mr. Betz said they are planting enough trees to match the replacement requirement. Mayor Grubbs asked about the underground stormwater retention. Mr. Betz said they are storing groundwater underground instead of building a pond above ground, saving space on the site.

Mayor Grubbs about the existing fencing on Zion Drive. Mr. Betz said there is no fencing along Sawmill Road as a part of this proposal.

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

The ordinance was taken to a second reading.

FIRST READING: ORDINANCE 2006-25: AN ORDINANCE AUTHORIZING THE PURCHASE OF A 0.030 ACRE TRACT, MORE OR LESS FOR THE PURPOSE OF ROAD RIGHT OF WAY AND DECLARING AN EMERGENCY.

Mr. Betz indicated the location of the proposed right-of-way and surrounding uses. He said when the Traditions of Powell was reviewed for approval, it was decided that they would upgrade Case and Lincoln Streets along the frontage. He said the engineering for the roadway indicated more right-of-way would be needed along Case Street. He said they have obtained a 10' strip from Olentangy Local Schools, Mr. Baker has dedicated a right-of-way for Case and Ms. Saylor owns the proposed 10' right-of-way. He said it was determined the City is obligated to purchase this right-of-way which is 10' wide and 130' in length. He said this will allow the Case Avenue and Lincoln Street improvements to occur.

Councilman Cline asked if the City will be reimbursed for this. Mr. Betz said they will not and the City will be paying for it. Councilman Schultz asked about the cost. Mr. Betz said an appraisal would cost over \$5k to do and it seems reasonable to pay \$5k for 1300 sq. ft. of land.

Mayor Grubbs opened this item for public comment.

Elmer Prouty, representative for Ms. Saylor, said he does not understand why 10' will come off of just one side of the street. He said the original letter to acquire this land asked for the land to be donated and they had to get a lawyer to help them get the \$5k. He said the City of Powell should have to reimburse them for the lawyer fees. He also stated that the landscaping plan shows the street heading straight into Ms. Saylor's home. He asked if landscaping will be placed in the right of way to keep headlights from shining onto the property.

Mayor Grubbs closed the public comment session.

Councilman Schultz said this was discussed by the Development Committee. He said they were concerned that when it was identified the developers would need more right-of-way, the City said they would use their authority to get it for them. He said there was some honest misunderstanding as to whether the City would purchase it or whatever. He said the Committee determined this is a reasonable thing for the City to pick up. Councilman Schultz said it makes sense for the City to ask first for the land to be donated. He said several property owners did that. He asked Mr. Prouty how much the lawyer cost. Mr. Prouty said it was about \$1k.

Mr. Lutz said as with any negotiations, there was a price negotiated and it includes costs associated with drawing up the contract.

Mr. Prouty said there should have been more preplanning to this situation than there was. He said they regret they did not attend the Planning and Zoning meeting or Council meetings about this. He said they assumed they would not need any more street than what exists. Mr. Prouty said the word "Eminent Domain" was thrown around quite a bit in the first letter. He said they had to bring a little pressure with a lawyer to get a response to cover this property. He said the engineering drawings show it all veers to the north instead of the south. Mr. Prouty said it is a little late to move the buildings but the reimbursement should be the current value.

Councilman Schultz asked if the current centerline of the street stays the same. Robert Rice, City Engineer, said the street is very narrow now and is being widened to 22'. He said the centerline of the pavement will coincide with the centerline of the new right-of-way. He said there will be a higher volume of traffic with the condos back there and the side ditches drop off sharply, so 22' is the minimum. Mr. Rice said the City has plans in the future to extend West Case to Industrial Park Place. He said the sharp curve is being widened in radius to accommodate emergency equipment. Mr. Price asked about the width of the current right-of-way. Mr. Rice said he does not recall if it is the same all along the area. Mr. Betz said it differs but is turning into 40'.

Mayor Grubbs asked if Mr. Lutz negotiated with Mr. Martin for the \$5,000 fee. Mr. Lutz said typically when a contract is negotiated it includes all of the terms and conditions of the contract. He said it would be assumed that the cost incurred would be taken into consideration when the price was negotiated. He said the attorney fees were not discussed and not an issue. Mayor Grubbs said the letter from Mr. Martin indicates that Ms. Saylor reviewed the landscape plan and does not object to the landscape plan for the Traditions of Powell. Mr. Betz said that issue was never brought up in their conversation with Mr. Martin. Councilman Counts asked if any trees are being removed with the acquisition of this land. Mr. Betz said not on the north side.

Councilman Cline stated that for three one-hundredths of an acre, the City is paying the equivalent of \$167k per acre which exceeds fair market value for the land. He said this is for a right-of-way and although he understands their concerns, the price contemplates the ability to pay the lawyer and put in landscaping.

Councilman Schultz said the discussion of the right-of-way is separate from that regarding the screening. He said they are not taking away trees or adding anything as a result of the right-of-way. He suggested Ms. Saylor speak with the developer.

MOTION: Councilman Cline moved to suspend the rules in regards to Ordinance 2006-25. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2006-25. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2006-26: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2006 AND DECLARING AN EMERGENCY.

Mr. Lutz stated this ordinance includes two items. He said at an earlier meeting Council created a new account called the Electronic Fingerprinting Account and this ordinance appropriates the money for this account. He said the ordinance also appropriates the \$5k which Council just authorized for the purchase of the right-of-way.

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 2006-26. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2006-26. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

COMMITTEE REPORTS

Development Committee: Councilman Schultz said they will discuss the function of the Parks and Recreation Advisory Board. He asked that Council members contact members of the Committee with their input. (Next Meeting: April 18, 6:30 p.m.)

Finance Committee: No Report. (Next Meeting: April 18, 6:00 p.m.)

Operations Committee: Councilman Counts said they met yesterday. He said they reviewed and discussed Council Rules and will have something to bring before Council within a month. Councilman Counts said the Committee has set their meeting day for the first Monday of each month at 7:30 a.m. (Next Meeting: April 3, 7:30 a.m.)

Downtown Committee: Mayor Grubbs said the Committee will discuss parking lot improvements, parking lot way-finding, and four-corners traffic signalization. (Next Meeting: April 12, 6:30 p.m.)

CITY MANAGER'S REPORT

Mr. Lutz said the City will have their first Easter Egg Hunt and Bonnet Parade on Saturday, April 15 and there have been strong registrations. He said the Powell Cycling Classic will return to the City on Saturday, August 12. He also noted that ODOT is installing a traffic signal at the intersection of Powell and Sawmill Roads.

OTHER COUNCIL MATTERS

Mayor Grubbs reminded the members of Council to file their Ethics Commission report before next week.

EXECUTIVE SESSION

MOTION: Councilman Cline moved at 8:37 p.m. to adjourn from Regular Open Session to Executive Session in accordance with ORC Section 121.22(G)(1): to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee and Section 121.22(G)(3) pending litigation. Councilman Schultz seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Schultz moved to adjourn from Executive Session at 9:14 p.m. Councilman Cline seconded the motion.

VOTE: Y 6 N 0

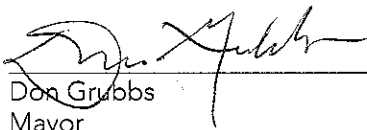
MOTION: Councilman Schultz moved to reconvene in Regular Open Session at 9:14 p.m. Councilman Cline seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Schultz moved to adjourn from Regular Open Session 9:14 p.m. Councilman Cline seconded the motion.

VOTE: Y 6 N 0

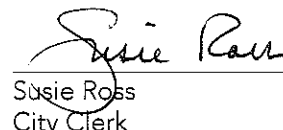
DATE MINUTES APPROVED: April 18, 2006



Don Grubbs
Mayor

5-2-06

Date



Susie Ross
City Clerk

5-2-06

Date

City Council

Don Grubbs, Mayor

Richard Cline

Tom Counts

Elmer Meider

Bill Morton

Art Schultz

Dan Wiencek

