



City of Powell, Ohio

**COUNCIL MINUTES
DECEMBER 19, 2006**

A regular meeting of the Powell City Council was called to order at 7:33 p.m. by Mayor Don Grubbs. City Council members present included Richard Cline, Tom Counts, Elmer Meider, Bill Morton, and Dan Wiencek. Art Schultz was absent. Also present were Steve Lutz, City Manager; David Betz, Director of Development; Rob Rice, City Engineer; Chris Huber, Assistant City Engineer; Ken Molnar, Law Director; Susie Ross, City Clerk; interested parties and members of the press.

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION

There was none.

APPROVAL OF MINUTES

The approval of the minutes was deferred to the January 2nd meeting as the printing of the minutes was incomplete.

CONSENT AGENDA

| Item | Action Requested |
|--|--------------------------|
| Monthly Community Affairs/Events Report | <i>Receipt of Report</i> |
| Monthly Financial Report | <i>Receipt of Report</i> |
| Monthly Historic Downtown Powell, Inc. (HDPI) Report | <i>Receipt of Report</i> |
| Monthly Planning and Zoning Report | <i>Receipt of Report</i> |
| Monthly Police Report | <i>Receipt of Report</i> |

Mayor Grubbs asked to remove for discussion the Monthly Historic Downtown Powell, Inc. Report from the Consent Agenda.

MOTION: Councilman Cline moved to approve the Consent Agenda with the exception of the Monthly Historic Downtown Powell, Inc. Report. Councilman Counts seconded the motion. By unanimous consent, the Consent Agenda was approved with the exception noted.

Anna Steck, Downtown Coordinator, presented a brief update regarding the creation of Historic Downtown Powell, Inc., the City’s Mainstream USA-based downtown revitalization organization. She noted the new informational brochure which was provided in Council Packets.

Ms. Steck said they hope to renew vitality and enhance economic performance within the downtown area as well as preserving and strengthening the existing tax base in the City. She said they are hoping to attract volunteers and potential Board nominees with the brochure. She said she has also recently created a separate 2007 Board Nomination Packet. She said volunteers have already been busy working on several immediate tasks such as filing required legal paperwork, completing by-laws, recruiting the initial Board of Directors and 2007 Committee Chairpersons, establishing rosters and determining the Committee’s programs.

Ms. Steck said the most important task will be to identify their program’s supporters. She said they have plans to aggressively recruit and educate supporters from all areas within the community. She thanked the efforts of the Downtown Committee volunteers who have worked to start the HDPI.

LIQUOR LICENSE REQUEST

Sharamax Foods Inc. dba Saturday’s Sports Club/Don Antonio’s transfer to Saturday’s Sports Club LLC dba Four Corners Pub

Mr. Lutz stated this request is regarding the transfer of a liquor license. He said a representative of the

establishment is present to discuss the issue.

Steve Simms, 216 Woodedge Circle West, Powell, said he and his wife purchased Saturday's Sports Club four months ago and have spent a lot of time renovating the building. He said they have opened up under the Sharamax name working with Russ Hally of Don Antonio's Pizza. He said they are in the process of transferring the license to Saturday's Sports Club LLC and once the paperwork is filed they can "hang" their name of Four Corners Pub and start an advertising campaign.

Councilman Cline asked if the license will eventually be in the name of Four Corners Pub. Mr. Simms said it will be under Saturday's Sports Club LLC as the liquor license will always remain with the building. He said they have a management agreement which is a legal entity which says they may serve under the Sharamax license.

It was the consensus of City Council to decline their right to request a hearing on the liquor license request.

RESOLUTION 2006-44: A RESOLUTION TO ESTABLISH THE HEALTH REIMBURSEMENT ACCOUNT FUND AS A SUB-ACCOUNT OF THE GENERAL FUND.

Mr. Lutz recommended this resolution be withdrawn as it and the ordinance in item 10 will not be necessary. Mayor Grubbs asked that both Resolution 2006-44 and Ordinance 2006-74 be withdrawn.

(Tabled from 12/05/06): SECOND READING: ORDINANCE 2006-65: AN ORDINANCE RATIFYING THE MAINTENANCE AGREEMENT BETWEEN THE CITY OF POWELL AND LIBERTY TOWNSHIP REGARDING THE RUTHERFORD ROAD PEDESTRIAN TUNNEL.

Mr. Lutz said the Law Director has crafted this ordinance so it will take effect on the earliest possible date permitted by law and upon execution of the maintenance agreement by Liberty Township, whichever occurs later. He said this piece of legislation will also be placed before the Liberty Township Trustees.

Mr. Lutz said this is the proposed maintenance agreement for the Rutherford Road Pedestrian Tunnel which is being constructed by M/I Homes as part of one of their developments. He said under the maintenance agreement the City agrees to maintain the tunnel culvert, side slopes, asphalt pedestrian pathways associated with the tunnel, and the pathways leading to and from the tunnel on the north and south sides of Rutherford Road. Mr. Lutz said the Township will be responsible for maintaining the roadway base surface and shoulders of the roadway, guard rail, pavement marking, signs, and all of the storm sewers and side ditch drainage associated with the roadway. He said this agreement will remain in effect so long as the Rutherford Road Pedestrian Tunnel exists or until the City and Township, by mutual agreement, terminate the agreement. Mr. Lutz said there is an arbitration clause for any disputes which arise and can't be worked out.

Councilman Cline asked if there is an Exhibit "A" on the record copy. Mayor Grubbs said there was an exhibit when the Ordinance was first introduced. He asked if that information had changed. Ken Molnar, Law Director, said it had not.

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

MOTION: Councilman Cline moved to adopt Ordinance 2006-65. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2006-73: AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR BOB CUMMINS FOR A 12,000 SQ. FT. RETAIL CENTER AT THE SOUTHWEST CORNER OF MURPHY PARKWAY AND WEST OLENTANGY STREET. *Public Hearing*

David Betz, Director of Development, briefly summarized the development. He indicated ingress and egress to the site. He said the landscape plan was placed before Council this evening as they were inadvertently omitted from packet. He said there is an existing pin oak tree which will be preserved in an island in the parking lot.

Mr. Betz described the building materials proposed on the elevations. He noted placement of the signage. He said there was very little, if any, public input. He said the Planning and Zoning Commission unanimously recommended approval of the development plan before Council. Mr. Betz said there is a

slight variance to the number of parking spaces as well as a 40' setback to the building which was originally approved as part of the overall development plan for Murphy Park.

Mayor Grubbs asked about the color of the cement-fiber siding. Mr. Lutz said it is proposed to be Pacer White. Councilman Wiencek said the line drawings do not do justice to the way the color renderings depict the building. He said there was some contention about the previous application for this site and this plan had no negative comments from the neighboring residents. He said the applicant worked very well with the Commission and provided all of the changes which were requested. He said it is a great example of true four-sided architecture.

Mayor Grubbs asked about conditions 2 & 3. Mr. Betz noted the area where the arbor in condition 2 will be located. He said it may also be a location for a patio if a restaurant locates there. Councilman Wiencek said plans for the arbor were never presented to the Commission but they felt comfortable having Staff and the Architectural Advisor approve it. Mr. Betz noted the location of the tree mentioned in condition 3. He said it is located near the right-in, right-out and only has half of a crown within it because of trimming for the wires. He said the Commission recommended the tree be removed but that it will not count toward caliper replacement.

Councilman Counts asked about the architecture of this building where the back of the building faces the street. He asked if some of the windows were false windows. Mr. Betz said all of the windows are regular windows. He said there is a need for some delivery or emergency egress. He said the main entrance will be from the back parking area. Mr. Betz said some of the retail shop owners may want access from both sides. Councilman Counts asked if the inside of the L will be the primary entrance. Mr. Betz indicated the entrance areas on the site plan. Councilman Counts asked if any other uses had been identified other than a potential restaurant. Mr. Betz said no restrictions were placed other than those placed when the developer planned it, i.e. highway businesses.

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

Councilman Cline asked if Council would like to carry this item to a second reading to allow the applicant to be present. Mr. Lutz said the applicant requested this Ordinance be passed on the first reading.

MOTION: Councilman Cline moved to suspend the rules in regards to Ordinance 2006-73. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2006-73. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

COMMITTEE REPORTS

Development Committee: No Report. Next Meeting: January 2nd, 6:30 p.m.

Finance Committee: Councilman Cline stated Ms. Miller is still under the weather. Mr. Lutz said she should begin part time work next week. Next Meeting: January 9th, 7:30 p.m.

Operations Committee: No Report. Next Meeting: February 6th, 7:30 a.m.

Downtown Committee: Mayor Grubbs said because of the appointment of the Downtown Coordinator, Council will want to discuss any future function of the Downtown Committee. Next Meeting: To Be Determined

CITY MANAGER'S REPORT

There was none.

OTHER COUNCIL MATTERS

Councilman Cline said he will contact those members who have not responded regarding Capital Improvements for 2007. He said his report will follow in January.

Mayor Grubbs notified Council of an open house in honor of Delaware County Economic Development Director Tim Boland who has taken a position as the City Administrator in Pataskala. He provided information on a public event at the Columbus Zoo to honor Colo's 50th Birthday.

Mayor Grubbs asked Mr. Lutz to detail an opportunity with Columbus Monthly which will benefit the City. Mr. Lutz said twice a year the Columbus Monthly magazine devotes their issue to a specific community. He said the May issue should promote the City of Powell. Mayor Grubbs said for a small investment of \$4k the City will receive 5k copies of the magazine and all of the other associated promotion. Mr. Lutz said Mr. Betz and Mr. Rice have been working together on the West Olentangy Street Bike Path and should be ready to go out to bid on the project in late January.

Mr. Betz provided a site plan and indicated the proposed placement of the Bike Path. He noted the connections to existing paths, areas, elementary school and park. He said they have been working with CSX Railroad about what type of material to use across the railroad tracks. He said the plan goes to them for final approval the next day. Mayor Grubbs asked if the path will continue to the Parkway. Mr. Betz said it will and it provides another connection to the school.

Councilman Cline asked if the plan is to have the bid specs done and have the bidding in the January-February time frame. Mr. Betz said that is correct.

Mayor Grubbs said this will be their last opportunity to voice concerns before this project goes out to bid. There were no comments from Council.

Mayor Grubbs presented an award to Ken Molnar in recognition of over 20 years of service as the Law Director of the City of Powell. The award noted Mr. Molnar's service, professional commitment and dedication to the City.

EXECUTIVE SESSION IN ACCORDANCE WITH ORC SECTION 121.22 (G)(2), LAND ACQUISITION.

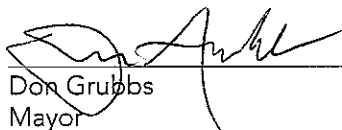
MOTION: Councilman Cline moved to adjourn into Executive Session in accordance with ORC Section 121.22 (G)(2), Land Acquisition, at 8:13 p.m. Councilman Counts seconded the motion. The motion carried.

MOTION: Councilman Cline moved to adjourn from Executive Session at 8:48 p.m. Councilman Counts seconded the motion. The motion carried.

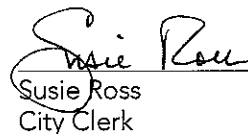
MOTION: Councilman Cline moved to reconvene in Regular Open Session at 8:48 p.m. Councilman Counts seconded the motion. The motion carried.

MOTION: Councilman Cline moved to adjourn from Regular Open Session 8:48 p.m. Councilman Counts seconded the motion. The motion carried.

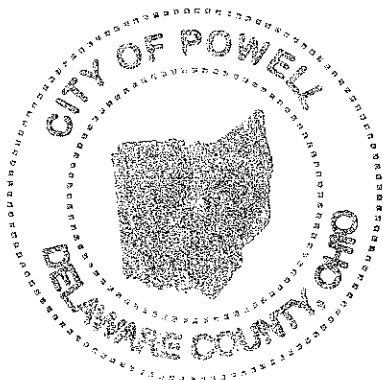
DATE MINUTES APPROVED: January 2, 2007


Don Grubbs
Mayor

1-15-07
Date


Susie Ross
City Clerk

1/18/07
Date



City Council

Don Grubbs, Mayor

Richard Cline

Tom Counts

Elmer Meider

Bill Morton

Art Schultz

Dan Wiencek