



City of Powell, Ohio

COUNCIL MINUTES JANUARY 2, 2007

A regular meeting of the Powell City Council was called to order at 7:32 p.m. by Mayor Don Grubbs. City Council members present included Richard Cline, Tom Counts, Elmer Meider, Bill Morton, Art Schultz and Dan Wiencek. Also present were Steve Lutz, City Manager; Rob Rice, City Engineer; Chris Huber, Assistant City Engineer; Shea Allmont, Community Affairs/Special Event Coordinator; Gene Hollins, Law Director; Susie Ross, City Clerk; interested parties and members of the press.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Emma Hall, January Powell Mayor's Kid Citizen of the Month.

CITIZEN PARTICIPATION

There was none.

APPROVAL OF MINUTES

The minutes of December 5, 2006 were approved as submitted.
The minutes of December 19, 2006 were approved as submitted.

MAYOR'S KID JANUARY CITIZEN OF THE MONTH - Emma Hall

Mayor Grubbs presented Emma Hall with the Powell Mayor's Kid Citizen of the Month Award for January 2007. He noted Emma's love of animals and commended her good citizenship for her hard work in fundraising for the Cozy Cat Cottage.

RESOLUTION 2007-01: A RESOLUTION DECLARING THE NECESSITY TO APPROPRIATE A PORTION OF THE REAL PROPERTY COMMONLY KNOWN AS 8 NORTH LIBERTY STREET, POWELL, OHIO FOR ROADWAY PURPOSES.

Steve Lutz, City Manager, said this resolution is the first step in allowing the City to negotiate with the property owner at 8 North Liberty Street, a commercial building at the northeast corner of SR 750 and Liberty Street. He said this would allow the City to acquire 10 feet of the property on the east side of North Liberty Street to provide future room to expand VillageScape or add turn lanes if that decision is ever made. He said the owner/developer of the property is looking forward to improving the site and it will be beneficial to acquire the property prior to any redevelopment. Mr. Lutz introduced Gene Hollins, Law Director, and said he has recommended an amendment to the resolution. Mr. Lutz said there is also a revised attachment circulated to Council tonight.

Mayor Grubbs asked about the proposed amendment and the change to the attachment. Mr. Lutz distributed the amendment to Councilman Cline. He stated the attachment has been updated.

Gene Hollins, Law Director, said this is a fairly standard resolution but usually explicit direction is given to the City Manager or his designee to cause notice to be served on the land owner. He said this is the first step in a two step process and although it does not authorize taking the land, it puts the land owner on notice that the taking is being considered. He said the change to the resolution would serve a copy of the resolution on the land owner.

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

MOTION: Councilman Cline moved to amend Resolution 2007-01 to add a new Section 4 to read as follows: "That the City Manager is directed to cause written notice of the passage of this Resolution to be served (given) in accordance with Section 719.05 Ohio Revised Code. The City Manager may designate a person or persons to conduct such service and/or serve written notice of the passage of this Resolution, on his behalf and on behalf of the City.", and to renumber existing

Sections 4 & 5 as 5 & 6 respectively. Councilman Counts seconded the motion. By unanimous consent, the amendment to Resolution 2007-01 was adopted.

MOTION: Councilman Cline moved to adopt Resolution 2007-01 as amended. Councilman Counts seconded the motion. By unanimous consent, Resolution 2007-01 was adopted.

FIRST READING: ORDINANCE 2007-01: AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF POWELL REVISING SECTION 1111.052(c), REGARDING DRAINAGE EASEMENTS AND SECTION 1111.054(f) REGARDING POST-CONSTRUCTION BEST MANAGEMENT PRACTICES.

Public Hearing

FIRST READING: ORDINANCE 2007-02: AN ORDINANCE ESTABLISHING AND ENACTING CHAPTER 906 OF THE CODIFIED ORDINANCES OF THE CITY OF POWELL, OHIO, ENTITLED "DRAINING EASEMENT MAINTENANCE AND ABATEMENT PROCEDURE".

Public Hearing

Mr. Lutz said Ordinances 2007-01 and 2007-02 relate to the NPDES Requirements. He said NPDES is the Federal Stormwater Mandate which Powell is required to meet. He said it is a several year process and this is the next step in the City meeting the requirements. Mr. Lutz said both ordinances have been reviewed and have been before the Planning & Zoning Commission prior to coming before Council.

Chris Huber, Assistant Engineer, briefly summarized the changes to Section 1111.052 and 1111.054 and the additions within Chapter 906. He said earlier in 2006 they had Stakeholder meetings which helped Staff develop the ordinance language.

Councilman Wiencek asked about the wording in Chapter 906 regarding authorizing the City to inform a landowner that they have inadequate drainage and if necessary take corrective actions. He said listed in the corrective actions are enlarging culverts or drains and water courses. He said that seems like more than regular maintenance. He said the culvert would have been approved by the City at some time so why would it be the landowner's fault it is undersized. He said 30 days would also be too short to correct the problem. Mr. Huber said the culvert may not have been one approved by the City. He said it may be an obstructed culvert which just needs to be cleared. Rob Rice, City Engineer, said this would be private pipe which runs through private property. He said this is not intended to reflect public storm sewers or culverts.

Councilman Counts asked how 1111.052(c) and Chapter 906.02 come together as they seem to deal with the same thing. He said it concerns him that in 1111 they talk about the owner of the property and any property that has benefited by it and in 906 they only talk about the owner of the property. Mr. Huber said 906 does not deal specifically with drainage within a drainage easement so it might only affect one property owner. He said 1111 has to do with drainage easements which are continuous and may affect more than one property. Councilman Counts said he would expect a water course that is obstructed to have the same issues and the same drainage which needs to be maintained. He said he is concerned that 1111 makes all who benefit take part in the cost of the repair, even if one person's actions have caused it. Mr. Huber said Staff has considered that specific issue and it is their intent that the responsible party be the landowner. He said there may be a specific instance where the property has a shared drainage facility which they all have an interest in. Mr. Hollins said they may leave open the terms of the easement which may require that the upstream benefited landowners help perform the maintenance. He said they should take a look at the language before the second reading to determine the intent. He said it is most likely an "and/or" situation. He said they may want to provide notice to them just in case. Mr. Rice said they may be dealing with a case where property owners have a joint agreement that provides detention or some sort of drainage through the easement. He said in that case someone could have some responsibility if there is a binding agreement.

Councilman Cline asked if the upstream residents would only be provided notice if it is a part of their deed restrictions. He said they should look into that. He said if the City sends out a bill to someone for property that is three or four lots removed, the homeowner will believe it is not their problem. He said he is willing to bet those homeowners have no idea they have any responsibility for maintaining a clear drainage.

Councilman Wiencek said he is aware of at least one property in town where they need to be able to inspect the area to see if there is a potential problem. He asked where that is dealt with within these ordinances. Councilman Counts said that is in Chapter 906. Councilman Wiencek asked if they have the

right to inspect property. Mr. Hollins said municipalities in general take the position that they have some right of entry. Mr. Rice said they would be health, safety and welfare issues. Councilman Wiencek said that should be addressed in this legislation. Mayor Grubbs said an opinion on that would be helpful.

Mayor Grubbs opened Ordinances 2007-01 and 2007-02 for public comment. Hearing none, he closed the public comment session.

Mayor Grubbs confirmed the title is correct on Ordinance 2007-02. The ordinance title was confirmed as correct. Councilman Counts asked that Ordinance 2007-02 be changed to reflect consistent use of the terms "City" or "Municipality". Mayor Grubbs confirmed that the items were Public Hearings and notification was made as such. Ms. Ross said they were.

Both items were taken to a second reading.

Mr. Lutz asked that the Committee Reports be heard prior to the City Goal Review. Item 10 was moved forward on the agenda.

COMMITTEE REPORTS

Development Committee: Councilman Schultz said they met earlier this evening and addressed two topics regarding the City policy for road openings. He said the general policy is that when a development is still under construction, a road is opened when 50% or greater of the homes are completed on the street. He said the Code gives the City Engineer full authority on when to open the street. He said the City Engineer will weigh reasons such as school bus traffic, emergency access, or neighbors who want the street open for convenience, before making his decision. Mr. Lutz said Powell Place/Middlebury Estates is a good example. Councilman Schultz said at this time 4-5 homes are built on Winter Hill in Grandshire. Mr. Rice said 3-4 home sites are remaining. Councilman Schultz said residents were present at the meeting because they feel Tree Haven is receiving a lot of traffic, some of which might use Winter Hill. He said the discussion expanded to the other street which is blocked in Murphy. He asked if Council is ok with the City Engineer's general policy regarding the opening of a new street.

Councilman Morton asked if in addition to asking when to open a street, is there a policy regarding why some roads are closed during construction. Mr. Rice said it depends upon the specific phase of the subdivision which is being constructed and they are dealt with on a case-by-case basis. Councilman Schultz said if construction traffic can be kept out of completed areas of a subdivision in a reasonable way he prefers to do that. Mayor Grubbs asked if that is only if Council has legislated otherwise. Councilman Schultz said the City Engineer also takes further direction from City Council. He asked if City Council is generally accepting of the policy as it stands. Councilman Cline said he is generally ok with the policy and it is the type of operational decision they pay Mr. Rice to make. He said it would be ill-advised to have Council try to micro-manage this. Mr. Rice said he could apprise Council if there is a street which is pending the decision for opening. Mayor Grubbs asked if there is code which governs this. Councilman Schultz said code gives complete authority to the City Engineer and he typically uses the criteria listed.

Mayor Grubbs asked if there was any practice or policy for notifying people on the street to be opened. Mr. Rice said he has not done that in the past. Councilman Wiencek said that may be advertising controversy. He said they should have a written policy that it is up to the discretion of the City Engineer, looking at pre-set criteria. Councilman Schultz said he recommends they not get into it other than giving the Engineer discretion. Councilman Morton said this issue with Winter Hill has been visited before and the residents there will probably remember the discussion differently. He said there should be a policy in place so there is back up if the barrier is removed before it is built out. He said the Committee is asking if Council wants to set the criteria for which a decision is made. Councilman Cline said they already have legislation in place that has directed the City Engineer to not open certain roads. He said Winter Hill is one connection the Council has decided not to legislate. He said he agrees that if there is an established neighborhood where a cul-de-sac is being turned into a through route, it may be good to advise the residents. He said that is an atypical circumstance.

Councilman Schultz recommended Mr. Rice send a memorandum detailing how he makes the determination and also another paragraph describing how he intends to alert Council prior to opening any road. He said Council can decide who, if anyone, needs to be notified. Mayor Grubbs said people would appreciate it if they received notification so they can plan accordingly before the road opens.

Councilman Schultz said they also had residents from Tree Haven who presented the exhibit for Council

to advocate consideration for the removal of all barriers in this area. He said the idea is that there would be complete free-flowing traffic and an even distribution of traffic in and out of this neighborhood. He noted the discussion revolved around the barrier on Murphy legislated by Ordinance 2001-19. He said Section 4 notes the street would be barricaded until not only Murphy Parkway is connected to the south but also when Grey Oaks Boulevard is connected to Sawmill Road.

Councilman Schultz said this was a combined negotiation with the gateway entry on Presidential. He said this ordinance has less to do with these barricades and more to do with how they would deal with the connection to the south. He said right now the connection to the south is on hold because there is no funding and there has not been recent conversation about moving forward with it in the near future. Councilman Morton said if Council takes any action to amend or repeal 2001-19 there will be lots of input from the community. He said the Tree Haven issue is a traffic issue where it is absorbing most of the traffic as it is the only way out to the north. He said the Winter Hill barrier was brought up two years ago and the residents on that street wanted the barrier removed. He said they also wanted the barrier at Murphy removed. He said that met with controversy as well. Councilman Morton said they discussed in Committee that if the barriers were removed, it could be revisited in a time frame of 12 months. He said no matter what happens there will be unhappy people. He said the people on Winter Hill know that will be opened at some time as there is no ordinance in place. He said there was an overriding concern that if Winter Hill is opened it will be the new entry into Grandshire. He said the conclusion was that the barrier would stay in place until the area was built out. He said there is traffic that is moving through that area and at some point roads are made to be connected.

Mayor Grubbs asked if they referred to the minutes from 2004 where Council discussed amending Ordinance 2001-19. He said they did not. Mayor Grubbs asked if they had invited residents from Winter Hill or Presidential Parkway. Councilman Schultz said the Committee believes Council should decide the policy and then decide what, if anything, they want to do with Murphy. He said they can follow the Engineer's policy and open Winter Hill when it meets the criteria. He said inviting residents to the Committee meeting will not be productive.

Mayor Grubbs asked if the Committee members are making a recommendation. Councilman Schultz said there was a general agreement among the members of the Development Committee that opening all of the roads is a reasonable thing to do based on hearing from one street that is getting all of the traffic right now. He said they don't need to move on this if Council wants to postpone discussion. Councilman Meider asked how long the Murphy barrier has been there. Mr. Rice said it has been there since 2001. Mayor Grubbs said he would want to see the official minutes from two years ago to hear all of the comments before he makes a recommendation. Mr. Lutz asked if Council would like to see the minutes or should they go to the Development Committee. Councilman Schultz said Council should review them. Councilman Wiencek said when this and previous Councils started meddling with this issue they made it their problem, so Council needs to deal with it now. Councilman Schultz said this ordinance just talks about the south connection. He said it needs to be clear that they are only discussing those two street openings. Commissioner Wiencek said you cannot discuss Winter Hill without discussing Murphy. He said a decision needs to be made based on the entire picture.

Councilman Cline asked if Grey Oaks is the east-west road at the Winter Hill terminus. Mr. Rice said that is correct. Councilman Cline asked if the barrier on Murphy is the only barrier. Mr. Rice said there is another barrier further south but it is where the street is a dead end. Councilman Cline confirmed that moving the northern barrier on Murphy Parkway would allow traffic on Presidential to go north to Powell Road. Mr. Rice said it could go along Donerail or vehicles could proceed on Salisbury to Presidential to Murphy. Councilman Wiencek said the 11 houses on Presidential have that concern. Councilman Cline asked if there is any evidence of the traffic flow on Presidential and Grandshire Drive at this time. Mr. Rice said they have received feedback from residents along Presidential and stop signs have been recently added at Vinwood. He said from his observation there is nothing extraordinary but that does not mean that is not the case. Councilman Cline asked if it is fair to say that the majority of traffic moving northbound in this area is trying to get to the general area of Murphy and Powell Road or are they moving west of that. Mr. Rice said that question was raised during the Committee meeting. He said their feeling was that the traffic was being generated in Murphy Parkway and Grandshire in order to get to other points. He said it is local traffic but not necessarily cut through from other neighborhoods. Councilman Schultz said it is fair to say it is neighborhood traffic and if they live farther south they would go on to Liberty. Mayor Grubbs said it is now the shortest way to get to the downtown.

Rob Rindos, 297 Tree Haven Avenue, was present for the Development Committee meeting and

addressed Council. He said there are cars from the east side which would normally take Murphy Parkway. He said he didn't see how that would take much more traffic than those who live on it. He said the Murphy Parkway route funnels traffic through Tree Haven to get to 71 and Polaris. He said most of the people from Grandshire go north and east. He said their road is well-situated to take care of the center part of the subdivision. He said Murphy Parkway is well positioned to take care of the western half. Mr. Rindos said if Council looks at it all in an equal scope, they are looking at 25 homes on Tree Haven and Shyanne and even Whitaker North that are absorbing most of that traffic. He said if they look at the neighborhood, the eastern edge along the tracks is primarily for the folks who live out there.

Councilman Schultz said the people who live in Grandshire will probably stay on Tree Haven and are not going to go south to connect through and hit Murphy. He said the people in Lakes of Powell and those areas will probably swing out to Murphy to get downtown. He said they will not see people coming up Liberty to go past the school and through all of this area.

Mr. Rindos said he is saying that there is one area that has no traffic and their area has 100% of the traffic. He said they are looking for parody. Councilman Schultz said they discussed in the Committee meeting that they can always revisit this after it settles out. He said they could then get true traffic counts. Mr. Rindos said it will take Council to decide this because it is natural that everyone is trying to protect their interests. He said they could revisit it after the fact and make sure there is parody and no one is getting overwhelmed. Mayor Grubbs asked that Staff provide the minutes from 2004 before the next Council meeting. He asked Mr. Rice for the plans for opening Winter Hill. Mr. Rice said he would be reluctant to open Winter Hill without some sort of decision for opening Murphy. Councilman Schultz asked Mr. Rice to write a memo to Council and give Council notification.

Finance Committee: Councilman Cline said they did not meet in December. He said he has all of the input and will have the matrix at the next Council meeting. Next Meeting: January 9th, 7:30 p.m.

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

Downtown Committee: No report. The next meeting is to be determined depending on the future role of the Committee as determined by Council.

REVIEW CITY GOALS WHICH WERE ESTABLISHED IN JANUARY, 2006

Mr. Lutz stated in the packet was a listing of goals established at the beginning of 2006. He said it is helpful to review them to make sure they are tracking the goals which were established. He said from a Staff standpoint the goals established were appropriate and they are working toward many of them.

Updates were provided on the following –

Downtown Revitalization

- ✓ Initiated key first steps – Downtown Coordinator hired
- ✓ Northeast quadrant development
- Need to discuss broader development plan that Council initiates which includes comprehensive plan for downtown area, northeast development plan with walkway connections, etc.
- Continue implementation, determine priorities
- Make priority to continually improve downtown

Bike Paths

- ✓ Path connectors: going out to bid early 2007 for West Olentangy Street bikepaths
- Looking for alternative ways to finance bikepaths in the future
- Priority construction: W. Olentangy Street was the highest priority, will need to reprioritize balance of list
- In "dangerous" traffic areas: identify unsafe situations and look at ways to improve signage in areas where bikepaths empty onto busy roads, areas where people are crossing railroad at inappropriate, unsafe places (Murphy, Library)

Four-Corners Planning

- ✓ Turn lane cost estimates pending engineering
- ✓ Structure impacts – will be determined once engineering received
- Funding timelines of TIF
- Outside funding assistances (Grants, Impact Fees from Developments)
- Eminent domain impact

Expand Use of Existing CEDA Committee to Coordinate on Current Key Issues

- ✓ Big Box on specific parcels
- ✓ Long range planning (including schools & boundaries), Some progress made on Sawmill Parkway Overlay, Parkway Beautification
- ✓ Work with Township to delineate strengths & differences of each entity: JEDD possibilities, improvements in communication, more opportunities to collaborate

Planning Outside Municipal Boundary

- ✓ With Township
- Address 315 & Powell Road intersection: Need to keep on radar screen to get Orange, Liberty Townships, and ODOT to weigh in. ODOT will not be ready to consider before second half of the year. No preliminary design yet.

Enhance Communications with Community

- ✓ Find more suitable ways of getting community input with HOA's, service groups, businesses, etc. Had first Roundtable Discussion with HOAs, provide electronic Council minutes to HOAs.
- ✓ Had four Recreation Roundtable Discussions with OYAA, YMCA, Liberty Township, Olentangy Schools, and City of Powell Parks & Recreation. In 2007 they will look for opportunities for expansion.

Study Existing & Develop New Revenue Sources

- Develop additional funding approaches
- Develop comprehensive plan for revenue requirements
- Determine best way to obtain funds: all hinges on matrix for determining priority of Capital Improvements. Once determined, Finance Committee will look at alternative revenue streams.

Develop and Coordinate Long Range Parks & Recreation

- ✓ With Township, OYAA, Schools, and other Commercial Suppliers

Other Council Goals:

- **Create Economic Development Plan**
- ✓ **Develop Community Beautification Plan** – In progress
- **Analysis & Action on Budget Shortfall Projections**
- ✓ **Update Capital Improvements Plan** – In progress
- ✓ **Create Communications Plan** – In progress
- ✓ **East Olentangy Street Streetscape Improvements** – In progress
- **Identify & Promote Parcels for Businesses**
- ✓ **Determine What Council Wants from Parks & Recreation Committee** – In progress

CITY MANAGER'S REPORT

No report.

OTHER COUNCIL MATTERS

Mayor Grubbs said a notice was received from the Delaware County Bicentennial Committee regarding a planning committee at the end of January. He asked Mr. Counts to attend this meeting as the City's representative.

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

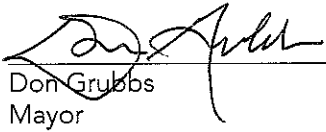
MOTION: Councilman Cline moved to adjourn into Executive Session in accordance with ORC Section 121.22 (G)(2), Land Acquisition, at 9:16 p.m. Councilman Counts seconded the motion. The motion carried.

MOTION: Councilman Cline moved to adjourn from Executive Session at 9:22 p.m. Councilman Counts seconded the motion. The motion carried.

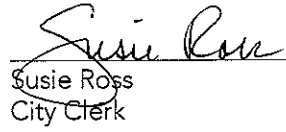
MOTION: Councilman Cline moved to reconvene in Regular Open Session at 9:22 p.m. Councilman Counts seconded the motion. The motion carried.

MOTION: Councilman Cline moved to adjourn from Regular Open Session at 9:23 p.m. Councilman Counts seconded the motion. The motion carried.

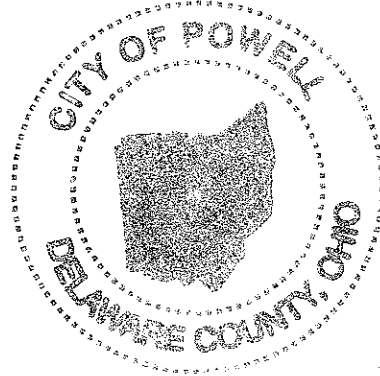
DATE MINUTES APPROVED: January 16, 2007


Don Grubbs
Mayor

2-4-07
Date


Susie Ross
City Clerk

2/4/07
Date



City Council

Don Grubbs, Mayor

Richard Cline

Tom Counts

Elmer Meider

Bill Morton

Art Schultz

Dan Wiencek