



City of Powell, Ohio

COUNCIL MINUTES

APRIL 17, 2007

A regular meeting of the Powell City Council was called to order at 7:35 p.m. by Mayor Don Grubbs. City Council members present included Tom Counts, Elmer Meider and Dan Wiencek. Richard Cline and Bill Morton were absent. Art Schultz arrived at 8 p.m. Also present were Steve Lutz, City Manager; David Betz, Director of Development; Rob Rice, City Engineer; Chris Huber, Assistant City Engineer; Debra Miller, Finance Director; Powell Police Chief Gary Vest; Gene Hollins, Law Director; Susie Ross, City Clerk; interested parties and members of the Press.

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION

Mayor Grubbs opened the session for discussion of items not listed on the agenda.

Cindy Dougherty, 7326 SR 19 #5513, Mt. Gilead, was present to represent Parents Protecting Children, a group of concerned citizens against a proposed Morrow County landfill. She presented an information packet about a proposed landfill within Washington Township in Morrow County which would receive construction and demolition debris from the East Coast states. She said the contamination will affect waterways and drinking water within the City of Powell. Ms. Dougherty said it could contain heavy metals and toxic contaminants. She detailed the concerns and possible detrimental affects of such a landfill on the Olentangy Watershed and surrounding areas. She said their group is asking the EPA for a moratorium on all new CBDD landfills within Ohio until new regulations are formed. Ms. Dougherty asked for the assistance of City Council regarding this issue.

Mayor Grubbs asked about the timetable for the issuance of this permit. Ms. Dougherty said the initial permit was issued in 2003 but another permit before the EPA at this time and the developer may be able to start construction as early as May 12, 2007. Mayor Grubbs said Council will seek the guidance of Staff regarding this issue.

Mayor Grubbs closed the Citizen Participation session.

APPROVAL OF MINUTES

The minutes of April 3, 2007 were adopted as submitted.

CONSENT AGENDA

Item

ORDINANCE 2007-22:

AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENT OF GOLF VILLAGE, SECTION 7, PHASE C SUBDIVISION AS THE SAME IS NUMBERED AND DELINEATED UPON THE AMENDED PLAT THEREOF RECORDED IN CABINET 3, SLIDES 213 AND 213A, DELAWARE COUNTY, OHIO RECORDS.

Monthly Community Affairs/Events Report

Monthly Financial Report

Monthly Historic Downtown Powell, Inc. (HDPI) Report

Monthly Planning and Zoning Report

Monthly Police Report

Action Requested

Adoption

Receipt of Report

Receipt of Report

Receipt of Report

Receipt of Report

Receipt of Report

MOTION: Councilman Counts moved to adopt the Consent Agenda. Councilman Wiencek seconded the motion. By unanimous consent, the Consent Agenda was adopted; Ordinance 2007-22 was adopted and the Monthly Reports were received.

Mr. Schultz arrived at 8 p.m.

FIRST READING: ORDINANCE 2007-21: AN ORDINANCE APPROVING A COMMUNICATIONS FACILITY SITE LEASE AGREEMENT FOR THE PREMISES KNOWN AS 463 SOUTH LIBERTY STREET, POWELL, OHIO WITH NEW CINGULAR WIRELESS PCS, LLC.

Steve Lutz, City Manager, said this ordinance is for a proposed Cingular monopole to be located on the City (Lechler) property on South Liberty Street. He said notification was sent to residents in the area adjacent to this property.

David Betz, Director of Development, reviewed the location of the site and the location of surrounding properties. He said the proposed site is among the trees in the property the City purchased for the extension of Murphy Parkway. He said the proposed lease agreement before Council is for a proposed Cingular tower. Mr. Betz indicated access on the site plan and said the tower would be within a 100' x 100' area on the site. He indicated the pole will be 170' from the southernmost property line in the Grandshire subdivision and approximately 400' from the railroad crossing. He indicated the annual rental fees will be \$21k for the Cingular lease and an additional rental fee for each additional co-lease. Mr. Betz said at this time Cingular and T-Mobile are potential users. He said this ordinance approves the lease agreement only and the applicant will need to receive approval of the Planning and Zoning Commission in order to gain final approval.

Mr. Betz indicated the only area of tree clearing would be the area within the fencing. Mayor Grubbs asked the dimension. Mr. Betz said it would be 32' x 65' in area. He said the tower will be seen but their presence has become a fact of life. Mayor Grubbs asked if each company will need their own equipment shed.

Tim Sturn, Burgess and Nipel, representing Cingular, said they will each need their own equipment space but they will be located within the fenced area. Mr. Betz said they will work with Staff through the zoning process to identify those items. Councilman Wiencek asked if the proposed monopole is approved, does Council have the right to refuse or approve co-locators or are they are only approved by Cingular. Mr. Lutz said he will check and report back to Council at a later date. Councilman Wiencek asked why this location was chosen over another and what other locations were considered. Mr. Betz said when Cingular first approached Staff they were looking for land from the present site to the south. He said they have tried to stay away from residential areas but that is difficult to do. He said this property was considered because it is owned by the City and because it is a wooded site. He said other sites included Tyler Run Elementary School and Library Park. Councilman Wiencek said it would be better hidden at the proposed site. He asked Mr. Sturn how much latitude they have in where they may locate. Mr. Sturn said radio frequency engineers try to place these locations where signals are needed in a half-mile radius. He said wireless cell phone users in this area have complained about service. Councilman Counts said at some point Murphy Parkway may come through this site and he asked if the City would have the right to modify the access easement. Mr. Betz indicated the area of the easement in relation to the proposed connection of the parkway. He said the access would then come from Murphy Parkway and the rest of the easement could be left as is. Councilman Counts asked about the relationship between the 35' height of a typical home and the height of the proposed tower. Mr. Betz said the tower would be a total of 150' from ground elevation.

Mr. Betz said the nearest south property line in Grandshire would be 170' from the monopole. He indicated its proximity to property lines within the Lakes of Powell. He said it is approximately 400' from the intersection of Liberty and the Railroad Crossing. Mayor Grubbs asked if the tower would hit anything in the event of a catastrophe. Mr. Betz said if it were to fall it would miss any homes in the area. Mayor Grubbs asked if the surrounding wooded area is all owned by the City. Mr. Betz indicated the City-owned areas.

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

Mr. Betz said there are still a few questions regarding the terms of the agreement and Staff would like this ordinance to go to a second reading. He said they would like to discuss the reimbursement of legal fees. He clarified that this ordinance deals only with the terms of the lease and it is subject to the zoning process. He said if the Planning and Zoning Commission disapproves the cellular tower, the proposed lease would become null and void.

Ordinance 2007-21 was taken to a second reading.

VILLAGE GREEN PARKING LOT CONSTRUCTION

Mr. Lutz said based on the comments received from Council at a previous meeting, Mr. Rice has revised plans for the proposed Village Green Parking Lot. He said the plan is to begin construction immediately following the Powell Festival so this project may be completed before winter. He said Staff plans on going out to bid on this project in the next 3-4 weeks.

Mr. Rice provided preliminary rough cost estimates for this project which are not based on final plans. He said deduct items are noted and some items may be bid as alternates.

Mr. Rice reviewed the comments made at the previous meeting and how Staff addressed them:

1. Police vehicle parking would require 31-32 spaces and Chief Vest said the lot could be available for other municipal employees as well. Staff recommends keeping the additional spaces in that area.
2. Brick walk extension along east side of Hall Street: Mr. Rice said they would have to meet ADA requirements so the slope for the private garage would be 16% which is twice the limit allowed within the City. He said they try to abide by the same regulations they require of private individuals. Mr. Rice said it would be a 2' rise in 12.5'. Councilman Schultz asked if the sidewalk could not drop that amount because of ADA requirements. Mr. Rice said that is correct. Councilman Schultz said the only alternative is for pedestrians to cross to the west side of Hall Street. Mr. Rice said alternatives could be proposed for construction material of the walkway.
3. Future carports: A small island was placed in the midst of the six places so center supports could be added for future carports.
4. Alternate construction materials: Added the use of brick pavers (5 x cost) as an option rather than the concrete walk.
5. Island entry at Depot Street: Deduct shown for eliminating island entry feature.
6. Walkways around utility poles: Narrower walk to go around existing utility pole was expanded to a full walkway.
7. Fence along railroad: Incorporated near entrance at Depot Street and extended past south lot. Will have landscaping added as well. The fencing would be a dark color three-rail fence with wire mesh behind it at the cost of approximately \$20 per foot. The wire mesh would prevent children climbing through.
8. Police parking lot possible blockage: Chief Vest indicated the trees are set back from the building on the south side and it would be possible to drive through the grass to reach the bike path. A larger radius was incorporated in that area for ease of movement and to accommodate Liberty Township Fire Trucks.
9. Right in, right out at Depot Street: Police cruisers must have full access and maneuverability at all entrances, so Staff recommends this entrance not change to right in, right out.
10. Landscape Plan: Staff will work with EMH&T to detail the plan to meet City Code. Mr. Betz said the zoning code requires a landscape island every 8 spaces but over time they have granted variances for larger landscape pods on the end of parking stalls. He said they may add landscaping to help buffer the railroad. He said the plan will be for foundation planting around the entire building as well and that cost is reflected within the cost estimates. Mr. Lutz said irrigation for plantings along the building was not included in the cost estimates.
11. Concern about space behind private parking areas along the alley: Mr. Biersdorf was concerned that he would not be able to back out easily if the angled parking is placed behind his spaces. Mr. Rice provided details regarding changes to the plan which would resolve the issue and require the loss of 4 parking spaces in the City lot.
12. Alley Lighting: Mr. Rice indicated the placement of lighting in the alley area. He said the alley will be suitably but not overly lit.
13. Connection from walkway at Depot Street: Ms. Reiner asked that the plan incorporate a connection between her building's stoop and the walkway area. Mr. Rice said that walkway was added to the plan.

Mr. Rice reviewed the preliminary cost estimate sheet. He said construction costs and inspections for the "Cadillac" version would total approximately \$1.1 million. He reviewed specific areas within the plan which could be eliminated in order to provide cost savings.

Mr. Lutz provided a handout which indicates all Capital Improvement funds which the City could utilize for such a project. He said based on experience, construction costs are always going up and most do not come in under the Engineer's cost estimates (exhibit).

Mr. Lutz reviewed the available construction revenues which total \$1,023,780. Councilman Wiencek asked how much money is in the Operating Budget Contingency Fund. Debra Miller, Finance Director, said the contingency fund has \$100k. Councilman Schultz asked about the Special Projects Fund. Mr. Lutz said they frequently draw from that account to fund projects. Discussion continued regarding the history of the Special Projects Fund.

Councilman Counts said there are three types of parking in this plan and asked if that is atypical for a parking lot design. Mr. Rice said if they had free use of space they would probably not do that but they have certain site constraints. He said the green space islands would no longer exist and drive aisles would be reduced if they went to a 90 degree configuration throughout the site. He said it made more sense to make the alleyway one way and add green space within the lot. He said it is somewhat atypical but is recommended by Staff and the Consultant for the space they have. Mr. Rice said they are trying to maximize the number of spaces and the three lateral spaces could be used by business owners. He said they would curb it and make that area green space if they eliminated those spaces and it would be an insignificant cost savings. Councilman Wiencek said a fence is advisable but the grade separation creates its own barrier. He said the fence would be better to deduct than some of the other items.

Councilman Counts asked if the sidewalk along Hall or Depot Streets would qualify as TIF projects. Mr. Lutz said the entire project would qualify as a TIF project. Councilman Schultz asked what has been added to the plan since the original cost estimate from years past. Mr. Lutz said the original number was generated 4-5 years ago by Edsall & Associates and they were just planning to resurface the existing parking lot. Councilman Meider asked if there will be cost estimates for the enhancements. Mr. Rice said these estimates are preliminary, based on the sketch. He said once the final plan is done they will refine the construction cost estimate they may use to go out to bid. He said Staff is looking for a clear direction from Council while keeping alternates to a minimum.

Mayor Grubbs said this area is the "jewel" of the City and he said with the park and public parking it is necessary to maximize the number of parking spaces available. He said it is helpful to know they have available revenues which will cover most of the cost and that TIF funds will also be available. He said he proposed they delete the fence, go to bid with the rest of the proposal with two alternates: 1) brick pavers versus concrete at Hall Street and Depot Street, and 2) removal of 12 spaces from the private lot.

Councilman Meider asked if Mr. Rice is confident the walkway at Hall Street will not cause elevation problems. Mr. Rice said it may present a problem and they would have to receive permission from the property owner. Councilman Wiencek said he agrees this area is the jewel of the downtown and they should hold themselves to the same standard required of any developer. He said the package as it exists is what they would require of a developer. He said he supports removal of the fence but the rest of the plan should go forward as it is and they should find a way to pay for it. Councilman Counts said he would rather eliminate the Hall Street walkway than put in concrete. Councilman Schultz said he can see using concrete at Depot Street but the walkway at Hall Street should be pavers. He said he can also see eliminating the boulevard at Depot Street. He said it is already confusing and it will always be a secondary entrance to the site. Chief Vest indicated how vehicles park in the City lot when events are held. Mayor Grubbs asked if it would be appropriate to stripe parallel parking in the area along the railroad. Mr. Betz said it would reduce the entrance width so there would not be enough room for parking spaces, nor would it save significant cost. He said the parking should be started back further because of the dumpster pad and it could provide an additional 6-8 spaces. It was the consensus of Council to eliminate the island to achieve cost savings but the parking spaces should not be added in that area. Mayor Grubbs asked about the extension of streetscape in the area of Depot Street. Staff recommended it be the same sort of cross-section as Hall Street, with 24' width and curbing.

It was determined to go to bid for the base proposal with the following changes:

1. Delete fence along railroad
2. Bid 12 spaces as an alternate
3. Bid addition of Hall Street sidewalk on east side as alternate with brick pavers only
4. Depot Street entry changed to remove the island, add additional landscaping on the west side, with a width of 24' and install brick pavers on the east side.

An estimated cost savings would equal approximately \$50k.

COMMITTEE REPORTS

Development Committee: No report. Councilman Wiencek said there was an issue at the Planning and Zoning Commission meeting regarding the easement acquisition at Liberty Street. He suggested that the Development Committee would be the correct body to broach those issues in the future. Next Meeting: May 1st, 6:30 p.m.

Finance Committee: Councilman Counts said they cancelled the meeting for this evening. Next Meeting: TBD

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

CITY MANAGER'S REPORT

No report.

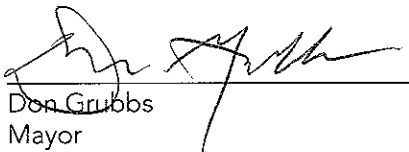
OTHER COUNCIL MATTERS

Mayor Grubbs suggested each Council member prioritize the Capital Improvement list included in packets. He advised that Council members are invited to the Maca Café open house. Mr. Betz said there is also a new business called Capital City Gallery in the building at 47 Olentangy Street. Councilman Wiencek complimented the addition of landscaping at 21 Olentangy Street.

ADJOURNMENT

The meeting was adjourned at 9:35 p.m.

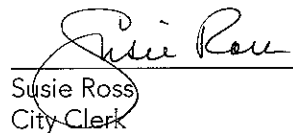
DATE MINUTES APPROVED: May 1, 2007



Don Grubbs
Mayor

5-14-07

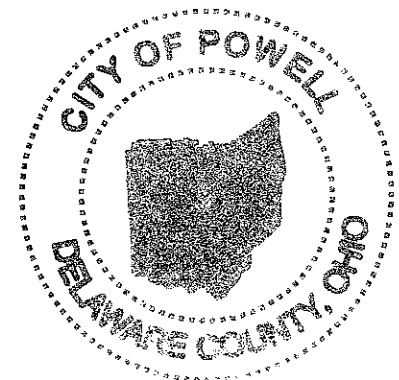
Date



Susie Ross
City Clerk

5/14/07

Date



City Council

Don Grubbs, Mayor

Richard Cline

Tom Counts

Elmer Meider

Bill Morton

Art Schultz

Dan Wiencek