



City of Powell, Ohio

COUNCIL MINUTES JULY 10, 2007

A regular meeting of the Powell City Council was called to order at 7:36 p.m. by Mayor Don Grubbs. City Council members present included Richard Cline, Tom Counts, Bill Morton, Art Schultz and Dan Wienczek. Elmer Meider was absent. Also present were Steve Lutz, City Manager; Debra Miller, Finance Director; David Betz, Director of Development; Shea Allmont, Community Affairs/Special Events 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 Powell Mayor's Kid Citizens of the Month: Daisy Troop 2302.

CITIZEN PARTICIPATION

Mayor Grubbs opened the Citizen Participation session for items not listed on the agenda. Hearing none, he closed the Citizen Participation session.

APPROVAL OF MINUTES

The minutes of June 19, 2007 were amended and approved.

JULY 2007 POWELL MAYOR'S KID CITIZENS OF THE MONTH

Daisy Troop 2302: Sonya Clark, Ryan Evans, Tricia Lennon, Kiera McCloskey, Emily Metzger, Mark Neal, Michaela Neal, and Emily Nollenberger

Mayor Grubbs presented the Kid Citizen award to each of the members of Daisy Troop 2302. He recognized the children for donating and planting eight American Sycamore trees at the Highbanks Metro Park. He said they were nominated by Michael Neal, Powell Arbor Advisory Board member. Mr. Neal nominated the children because they are helping make the world a better place by providing food and shelter for animals, shade for people, oxygen to breathe and a place to sequester excess carbon dioxide.

PRESENTATION BY BOY SCOUT TROOP 428: STORM DRAIN LABELING IN POWELL

Dona Leonhard Ray, Delaware Soil and Water Office Representative, said she has been working with Boy Scout Troop 428 and Brownie Troop 755 doing storm drain labeling. Ms. Ray said she met with the Boy Scout Troop at Highbanks Park and they assessed the quality of the water in the Olentangy River. She said they learned about water quality and the Olentangy Watershed which affects the City of Powell. She indicated the path of waterways and the importance of Storm Drain Labeling. She also described the process the Scouts undertook in order to label the drains in Bartholomew Run and Deer Run. She said the residents in those areas were also provided with information regarding stormwater runoff.

Heath Hall, Troop Leader, said Boy Scout Troop 428 is sponsored by the Liberty Presbyterian Church and it is their charter organization.

RESOLUTION 2007-10: A RESOLUTION TO ESTABLISH RETAINAGE PROVISIONS FOR MUNICIPAL CONTRACTS OF THE CITY OF POWELL.

Steve Lutz, City Manager, said the Ohio Revised Code has established new provisions for public contracts which require certain retainage provisions for municipalities. He said they have received notice from the State Auditor's office that, under Home Rule Authority, the City may choose not to follow this procedure and continue with current practice. He said Staff recommends passage of this resolution.

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

MOTION: Councilman Cline moved to adopt Resolution 2007-10. Councilman Counts seconded the motion. By unanimous consent, Resolution 2007-10 was adopted.

Tabled from June 5, 2007: 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.

Mr. Lutz said within the last months Cingular has expressed a desire to construct a cell tower to provide service to their customers near South Liberty Street. He said after discussion at the Council meeting, the recommendation was that Cingular go through the Planning and Zoning process to see if they receive approval for the cell tower before Council approves a proposed contract agreement. Mr. Lutz said Staff has expressed that to Cingular and Cingular has expressed the desire of receiving a lease agreement with the City before going before Planning and Zoning. He said he recommends Council either vote this ordinance down or, following Roberts Rules of Order, vote to postpone the item indefinitely. He said that would remove it from consideration.

Councilman Wiencek asked if the applicant objects to going to Planning & Zoning first.

Pat Mills, Burgess and Nipel, representative for Cingular, said the applicant would prefer to have an agreement approved with the City prior to taking this application to Planning & Zoning. He said they have been working on this for more than a year.

Mayor Grubbs opened this item to public comment.

Larry Inks, 140 Briarbend Court, said he wants to express his appreciation of the City Council asking the applicant to go through the Planning & Zoning process first. He said the willingness to do so is indicative of their desire to work with the neighborhood and take design considerations into account. He urged Council to continue to keep with that approach.

Hearing no further comment, Mayor Grubbs closed the public comment session.

Councilman Schultz clarified that the applicant would still have to go through Planning and Zoning so a lease agreement at this point would be dependant upon the Commission's approval. Mr. Mills said it is his preference that Council table the item indefinitely rather than vote it down.

MOTION: Councilman Cline moved to table Ordinance 2007-21 indefinitely. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

Mayor Grubbs moved item 10 forward on the agenda.

FIRST READING: ORDINANCE 2007-35: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2007.

Debra Miller, Finance Director, reviewed the modifications within the ordinance. She said one request appropriates additional monies from the Powell Festival fund balance to cover expenditures which cost more than originally anticipated. She said the other is a request to transfer monies between departments within the health insurance line.

Councilman Wiencek asked for clarification regarding the Powell Festival. Ms. Miller said this appropriation is taken from the festival's fund balance. Mayor Grubbs asked if an update regarding the Powell Festival will be forthcoming. Shea Alltmont, Community Affairs/Special Events Coordinator, said the report will be in the next Council packet. Mayor Grubbs said he is trying to determine if there was sufficient funding through public donations.

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

MOTION: Councilman Cline moved to suspend the rules in regards to Ordinance 2007-35. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2007-35. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2007-34: AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR STAVROFF INTERESTS LTD., FOR A NEW 5,163 SQ. FT. STRUCTURE IN THE DB, DOWNTOWN BUSINESS DISTRICT, ALSO WITHIN THE HD, HISTORIC DISTRICT OVERLAY DISTRICT, AT 8 N. LIBERTY STREET.

Public Hearing

Mr. Lutz said this evening is the advertised Public Hearing for this proposed development plan. He said the second reading will be held Tuesday, July 17th.

David Betz, Development Director, described the location of the site as well as the surrounding properties and uses. He said this proposal replaces the existing building at the corner. He said the proposed building would also be in a position that fits beyond the right-of-way acquisition for possible turn lanes in the future. Mr. Betz said the owner has proposed 4 on-site parking spaces on the north side of the building and a one-way traffic scheme which leads from Liberty to Olentangy Street. He described the proposed green space on the site. Mr. Betz said the Planning & Zoning Commission reviewed the project and approved demolition of the existing building. He said they recommend approval of the Final Development Plan with the conditions stated within the Ordinance. He provided and described the elevation drawings for Council and the audience. Mr. Betz said the HDAC recommended preservation of the existing building but if it was approved to be demolished, this proposed building fits the design for downtown. He said there was a lot of discussion regarding parking and the variances requested are identified in the Staff Report in packets. He said they discussed a possibility of a cross-access agreement with the neighboring property owner to the north and east but that has not come to fruition so the June 13th site plan which was recommended by the Planning & Zoning Commission is the one under consideration this evening.

Matt Stavroff, Stavroff Interests, Ltd., said they are very thankful to be a part of this community. He said they have been working on this since October 2005 and he is glad to be near a successful approval and completion. He said the architecture is respectful of what has happened in Powell and they are anxious to get started as soon as possible. He gave credit to Mr. Bean for the design, scale, and architectural features of the proposal.

Carter Bean, Ford and Associates Architect, said they have not only tried to be respectful of Powell but are trying to enliven this critical intersection. He said the renderings do not do justice to the richness of the color palate. He provided samples of the proposed material colors and brick color. He said they have broken down the scale by making it look like several buildings which have been constructed over time. He said it reflects a typical look within small towns. He described architectural details which will help hide mechanicals and provide the look of a traditional retail building. He said they have attempted to design the look of an area which has developed over time.

Councilman Wiencek said there are several discrepancies between the text and the architectural design. He said the Commission conditioned their approval on following Historic District guidelines for materials. Mr. Bean said they have not changed the design drawings since the Commission's approval and they have every intention of following the Historic District guidelines for materials. Commissioner Wiencek said he has a concern about excess ceiling lighting which provides a "Drug Mart" effect. Mr. Bean said it will be approximately 8" to the ceiling in that area and it is possible that it may be solved by choice of a certain lighting technique within 6-8' of the store front.

Councilman Counts asked how they will access the second story. Mr. Bean said the vestibule on the northwest corner will likely be the access to the second story. He said the floor will be framed so it may allow the ability to provide access from that point or at the midway point in the north wall. Councilman Wiencek asked if there is currently a functioning elevator which could be incorporated. Mr. Stavroff said it could be restored but not functioning.

Councilman Cline said there are significant variances associated with this plan. He asked for clarification regarding the size of the existing building versus the proposed building. Mr. Bean indicated the footprint of the existing building on the site plan of the proposal. He said it is more similar in massing to the building to the southeast. Councilman Cline said his concern is with lot coverage. Mr. Stavroff said the existing building is about 4k sq. ft. with an appendage on the back. He said the proposal is approximately 800 sq. ft. larger. Councilman Cline said the lot is also somewhat smaller because of the land acquisition. Mr. Stavroff said the proposed design will cover the lot but the scale should not be dramatically bigger.

Councilman Cline asked Mr. Betz if this application takes into account guidelines about shared parking and parking issues within the downtown. Mr. Betz said the Commission has required that the applicant come back to them with a parking plan prior to issuance of a zoning certificate should there be a higher use tenant. He said it may require an off-site parking area and/or valet service but a solution is yet to be determined. Mr. Stavroff said they are providing parking on site which does not exist today and they are concerned about two types of tenants: restaurant/bar or office user. He said they will not garner these types of tenants if they cannot solve the parking problem. He said he is looking for a user which would use the parking spaces in the off-peak hours of 5-10 p.m. Councilman Cline said his concern is that with a 5100+ sq. ft. building, there will not be adequate parking if it is not an off-peak use.

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

Councilman Wiencek thanked the applicant for his patience and his willingness to adapt to the City's requirements. He said he believes this proposal will be well-received and he looks forward to it.

This item was taken to a second reading.

COMMITTEE REPORTS

Development Committee: Mayor Grubbs said the Committee met this evening and discussed increased turn lane restrictions at the Four Corners. He said they also discussed the signal cycling changes which will take place within the next few weeks. Next Meeting: August 7th, 6:30 p.m.

Finance Committee: Councilman Cline said the Committee met earlier this evening. He said there was a presentation by DATA and they reviewed the spreadsheet regarding the Capital Improvement Plan. Councilman Wiencek said he met with Staff and they indicated a timeline for proposed improvements. He described the manner in which the priorities were made. He described the assumptions made and how the estimates were calculated. He said it came out fairly balanced with a long term capital needs estimate of \$4 million per year. Next Meeting: July 17th, 7:00 p.m.

Operations Committee: No report. Next Meeting: August 6th, 6:30 p.m.

CITY MANAGER'S REPORT

Mr. Lutz said ODOT has reported they are ready to make the left turn signals operational at State Route 315 and State Route 750.

OTHER COUNCIL MATTERS

Mayor Grubbs commended Staff regarding the report from the Auditors which found no issues with City finance procedures. He also thanked Ms. Allmont for all of her efforts in producing a successful Powell Festival. Mayor Grubbs said they have scheduled a Wildlife Committee meeting on July 30th to address resident concerns about coyotes. He said Council has been notified and invited by the new Liberty Township Administrator to meet for an annual review of the CEDA. He said correspondence will be sent to members of Council to identify a date and coordinate those members interested in attending. Councilman Morton asked if any other items may be added to that agenda. Mayor Grubbs said items appropriate for discussion are: assessing the effects of the agreement, methods of cooperation, and plans for development in the CEDA territory. He asked Staff and Council to identify discussion items and forward them to him. Mr. Lutz said the next Council meeting will be held Tuesday, July 17th.

ADJOURNMENT

The meeting was adjourned at 8:48 p.m.

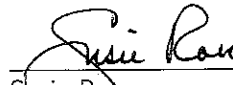
DATE MINUTES APPROVED: July 17, 2007



Don Grubbs
Mayor

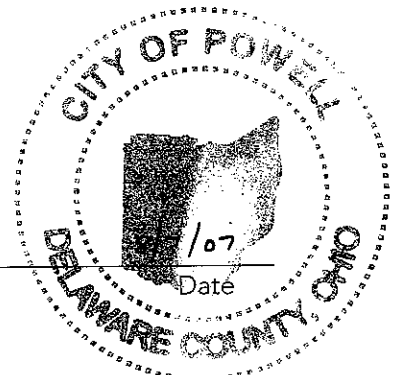
8-4-07

Date



Susie Ross
City Clerk

Date



City Council

Don Grubbs, Mayor

Richard Cline

Tom Counts

Elmer Meider

Bill Morton

Art Schultz

Dan Wiencek