



City of Powell, Ohio
City Council

MEETING MINUTES
DECEMBER 18, 2007

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, and Art Schultz. Bill Morton and Dan Wiencek were 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 Adam Heffelfinger, the Powell Mayor's Kid Citizen of the Month for December 2007.

CITIZEN PARTICIPATION

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

APPROVAL OF MINUTES

The minutes of December 4, 2007 were approved as submitted.

DECEMBER POWELL MAYOR'S KID CITIZEN OF THE MONTH - ADAM HEFFELFINGER

Mayor Grubbs presented the December 2007 Powell Mayor's Kid Citizen of the Month award to Adam Heffelfinger. Mayor Grubbs said Adam is a student at Village Academy who was nominated by his school Administrator for this award. He said Adam assisted in restoring and painting business mailboxes to help with the Powell Revitalization Campaign. He noted Adam's participation as a volunteer at Cozy Cat Cottage as well as his accomplishments in Boy Scouts.

CONSENT AGENDA

Item	Action Requested
RESOLUTION 2007-26	<i>Adoption</i>
A RESOLUTION TO CONDITIONALLY ACCEPT AND BEGIN THE REQUIRED, MINIMUM TWO-YEAR MAINTENANCE PERIOD FOR THE PUBLIC IMPROVEMENTS IN THE WOODS OF POWELL NORTH, PHASE 2, PART 1 SUBDIVISION AS THE SAME IS NUMBERED AND DELINEATED UPON THE PLAT THEREOF RECORDED IN CABINET 4, SLIDES 3-3A, DELAWARE COUNTY, OHIO RECORDS.	
Monthly Community Affairs/Special 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>

MOTION: Councilman Cline moved to adopt the Consent Agenda. Councilman Counts seconded the motion. By unanimous consent, the Consent Agenda was approved. Resolution 2007-26 was adopted and the Monthly Reports were received.

FIRST READING: ORDINANCE 2007-63: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2007.

Debra Miller, Finance Director, presented information regarding the appropriation ordinance. She said one transfer will cover unanticipated legal fees and another will transfer funds to purchase a computer which is not on the replacement schedule.

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 2007-63. Councilman Counts seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2007-63. Councilman Counts seconded the motion.

VOTE: Y 5 N 0

FIRST READING: ORDINANCE 2007-64: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A PARKING AGREEMENT FOR THE PREMISES KNOWN AS 44 NORTH LIBERTY STREET, POWELL, OHIO WITH 8 N. LIBERTY STREET, LLC.

Mr. Lutz said this item was discussed by the Planning and Zoning Commission last week and was unanimously recommended for approval. He said it involves the City providing 12 off-street parking spaces for the new development to be constructed on the northeast corner of Olentangy and Liberty.

David Betz, Director of Development, said a condition of approval of the development plan was for the applicant to find a parking area. He said the applicant met with Staff and one option was the City owned property at 44 N. Liberty Street. Mr. Betz said the parking lot currently has 26 spaces and 12 of those would be reserved for the 8 N. Liberty building. He said in the agreement there is a provision that the applicant put together a valet parking plan prior to any full service sit down restaurant on the site. He said a valet parking plan would not be required for any other use on the site. Mr. Betz reviewed the revised site plan. He said in exchange for the parking a patio will be built and it will be open to limited public use. He said if a full service restaurant is a tenant, they would be able to use the patio during meal times. He said described the patio design as stone retaining wall with aluminum railing. Mr. Betz provided a color rendering. He said because of the design of the site it was difficult to design the building without a change in elevation. He said the applicant wishes to allow accessibility on one level and that may only be accomplished by this plan. He said there will be at least 8' of accessibility between the patio and the curb. He described plantings in the patio area. Mr. Betz said the Planning and Zoning Commission unanimously approved this after making two changes to Section 3 regarding the valet parking plan and approval before use as a full service restaurant.

Councilman Cline asked for clarification regarding the reserved parking at the North Liberty Road site. Mr. Betz described the parking and stated that according to the agreement, the applicant has the ability to expand the existing parking lot at their own expense. Councilman Cline asked how many parking spaces would be required if the proposed building was fully utilized. Mr. Betz said a fully utilized building for an office use would require 8-10 spaces. Councilman Cline said since an office use is projected, it looks as though the 12 reserved spaces would be overflow. Councilman Counts asked if the parking lot is considered public parking or a lot for the use of that building. Mr. Betz said it is currently considered public parking.

Gene Hollins, Law Director, said if the City decides to reserve parking spaces as a part of this agreement and in the future a lessee was to come along that would be a good use for the N. Liberty building, the remainder of the parking spaces could be designated for that use. He said until that time, the parking will remain public parking. Councilman Counts asked about the exhibit for the patio. Mr. Betz said the site plan drawing will be the exhibit. Councilman Cline asked if P & Z gave consideration to a broader approach than one individual user. He said he senses an impediment to development in the downtown is that it is difficult to meet the parking standards on the lot sizes involved. He said he likes the standards used within the downtown Worthington area. Mr. Betz said the Historic Downtown Powell area has parking requirements which are reduced by half. He said there is also an area behind the East Olentangy property which would be a potential area for additional parking for downtown and the entire northeast quadrant. He said they have seen draft plans which may come forward in 2008.

Councilman Cline said he questions the wisdom of proposing this as public use when in all actuality it will not be available because it will be restricted to the private owners' use. Mr. Betz said this agreement makes it helpful in marketing this site. Mr. Hollins said they do not know the type of user or the hours to be used, but once they do they can consult with that user to set forth an agreement for use of the patio. Councilman Cline said he does not want to create an expectation they cannot fulfill. He asked if there are liability issues when there is shared use rather than exclusive control.

Mayor Grubbs said he considers public use of the patio as the ability to stand and watch parades or as

use as a path to access the other businesses on this site. Councilman Cline said they can and should facilitate business invitee use and the owner should do that as part of their lease agreements.

Mr. Betz said Mr. Fusch on the Planning & Zoning Commission said more spaces like this should be in and around the downtown. He said shared spaces bring people to the street and vibrancy to the area. He said the Commission did not see a problem with individuals saying when it may be private or public. Councilman Cline said they just need to be more precise in how they word this section. Mr. Hollins said they struggled with this same issue and chose to use vaguer wording until there is an actual user at this site. Councilman Counts asked how the City of Columbus deals with these types of businesses. Discussion continued. Councilman Meider suggested they look at Grandview's regulations as they have lots of restaurants with outside seating in the public right-of-way. Mayor Grubbs asked if this could be solved if Council allows the Zoning Administrator to make the determination.

Kevin McCauly, Stavroff Interests, said they have recently reviewed situations in other communities such as the Creekside development in Gahanna and the corner in downtown Dublin. He said in both of those cases they are partnership agreements where patio space is all private and it is built with some share of public funds. He said they are finding ways to make this patio an exclusive private use unless it is outside the typical restaurant serving hours. He said he is not aware of how they have addressed this situation in the City of Columbus. Mr. McCauly said they believe this is a public "feature" but may not be open for public "use". Councilman Cline said they hope the downtown is so vibrant that people will someday be fighting for a space such as this. Councilman Schultz said if this building becomes an office space it is perfectly reasonable that the patio would become a public space. Mr. McCauly said they need to use the "lure" of the use of the patio space when marketing to restaurants.

Councilman Schultz said this will work out either way. He said if a restaurant locates in this space, the user can reserve the parking spaces and the City gets a desirable patio area. He said if it is not a restaurant user, the user still gets the parking spaces and the patio becomes a public space. He said he is not sure that portion of the agreement is necessary as people will be uncomfortable sitting in the patio if it is used by a restaurant. The other members of Council were in agreement.

This ordinance was taken to a second reading.

COMMITTEE REPORTS

Development Committee: No report. Next Meeting: January 15th, 6:30 p.m.

Finance Committee: No report. Next Meeting: January 8th, 7:30 p.m.

Operations Committee: No report. Next Meeting: January 9th, 7:30 a.m.

CITY MANAGER'S REPORT

Mr. Lutz said the Police Department accreditation is taking place at this time. He said the on-site visitors will give their final report Wednesday morning and Staff anticipates their recommendation will be to reaccredit the Powell Police Department. He said everything has gone very well and he credited Chief Vest and his staff for their hard work over the past three years. Councilman Schultz asked if the accreditation involves suggestions so the department continually improves. Chief Vest said the assessors suggest improvements in policy and there are over 400 standards to be met. He said they have implemented improvements as a part of this process.

Mr. Lutz said the Board of Zoning Appeals will meet Thursday, December 20th for the hearing regarding the proposed Target store.

OTHER COUNCIL MATTERS

Councilman Schultz said the City continues to struggle with communications to residents and he asked the local media to look at the headlines from the perspective of someone who is unaware of what is going on. He said both of the local newspapers wrote headlines which left the impression that no residents have any part in the appeal process of the proposed Target. He said that is inaccurate to say and could be purposely misleading if one wanted to be critical. He said he believes the media knows there were two groups which were granted standing by the BZA yet the headlines say otherwise. He said he wonders if they are trying to confuse or aggravate rather than inform the public on these issues. He said his goal for 2008 is to make sure the City is communicating accurately to the residents.

Councilman Cline said he agrees with this concern but he does not believe there is anyone in the media who sets out to create a false impression. He said sometimes the headline and story writers are not the

same person. He said he agrees that if one reads this headline and then reads the lead story they seem to be at total odds. He said sometimes unintended consequences occur.

Mayor Grubbs said this case the article was completely accurate and the headline was not. He said the headline made him read this article and he was glad he did.

MOTION: Councilman Cline moved at 8:24 p.m. to adjourn to Executive Session in accordance with ORC Section 121.22 (G) (1) to discuss personnel matters and ORC Section 121.22 (G) (3) to discuss pending litigation. Councilman Counts seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Cline moved to adjourn from Executive Session at 8:45 p.m. Councilman Counts seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Cline moved to reconvene in Regular Open Session at 8:45 p.m. Councilman Counts seconded the motion.

VOTE: Y 5 N 0

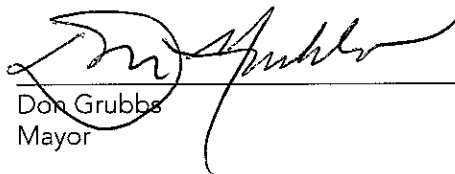
MOTION: Councilman Cline moved to adjourn from Regular Open Session at 8:45 p.m. Councilman Counts seconded the motion.

VOTE: Y 5 N 0

ADJOURNMENT

The meeting was adjourned at 8:45 p.m.

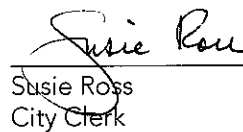
DATE MINUTES APPROVED: January 3, 2008



Don Grubbs
Mayor

1-15-08

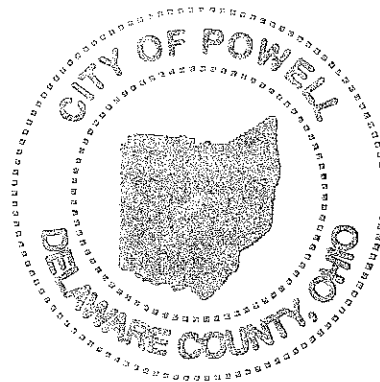
Date



Susie Ross
City Clerk

1-15-08

Date



City Council

Don Grubbs, Mayor

Richard Cline

Tom Counts

Elmer Meider

Bill Morton

Art Schultz

Dan Wiencek