



City of Powell, Ohio
City Council

MEETING MINUTES
JANUARY 2, 2008

A regular meeting of the Powell City Council was called to order at 7:38 p.m. by Mayor Don Grubbs. City Council members present included Richard Cline, Tom Counts, Bill Morton, Art Schultz and Dan Wiencek. Elmer Meider was absent. Also present were Steve Lutz, City Manager; Debra Miller, Finance Director; Eric Fischer, Development Planner; 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 Brownie Troop 755, January Powell Mayor's Kid Citizens of the Month.

OATHS OF OFFICE (Richard Cline, Don Grubbs, Art Schultz)

Ms. Jane Van Fossen, former Mayor of the Village of Powell, administered the oath of office to re-elected Councilmen Cline, Grubbs and Schultz. She said they have proven to be knowledgeable, effective and honorable public servants and Powell is fortunate to have them return to office. She detailed the experience of each of the Councilmen. Ms. Van Fossen said it is difficult as a Council member to make decisions for the benefit of all of the citizens in the community. She said these gentlemen have demonstrated they can do this and she is grateful to them for being willing to serve another term.

JANUARY POWELL MAYOR'S KID CITIZENS OF THE MONTH - BROWNIE TROOP 755

Mayor Grubbs presented the January Kid Citizen award to the members of Brownie Troop 755: Natalie Battaglia, Taylor Britt, Danielle Campbell, Carline Cruise, Grace Eckert, Heather Littlejohn, Marissa McEhail, Emily Metzger, Katie Metzger, Leah Mobley, Samantha Savage and Ashley Turner. He said the girls were nominated by their Troop Leader for working with the Delaware Soil and Water Conservation Office to place "No Dumping" signs on many of the drains in the Bartholomew Run subdivision. He said they also passed out information regarding storm drains to the residences in that area, making them aware that anything dumped into the storm drains goes directly to the Olentangy River.

ELECTION OF OFFICERS/APPOINTMENT OF CLERK OF COUNCIL

Mayor Grubbs said it has been an honor and a privilege to serve as Mayor for the past two years. He said he is grateful to the Members of Council for their cooperation and professionalism and particularly for their personal support extended last spring. He said even they have disagreed from time to time they have worked together collectively in the best interest of the City. He said it has been a privilege to serve with the City Manager and Staff and he thanked them for their support during his term and for their continued support of the City. Mayor Grubbs said it has also been a privilege to serve the great residents of the City. He opened the floor for the election of the next Mayor of the City of Powell.

RESOLUTION 2008-01: A RESOLUTION RATIFYING THE ELECTION OF _____ AS MAYOR OF THE MUNICIPALITY OF POWELL FOR A TERM ENDING DECEMBER 31, 2009.

Councilman Cline thanked Mayor Grubbs for his service and said it has been a pleasure to work with him as Mayor. He said Councilman Counts has the skills, qualification and experience necessary to carry on the good work which Mayor Grubbs started and he asked that his fellow Council members elect him as the Mayor.

MOTION: Councilman Cline moved to nominate Tom Counts for the position of Mayor of the City of Powell. Councilman Schultz seconded the motion.

By unanimous consent, the motion was passed.

There were no other nominations from the floor.

Ms. Van Fossen administered the oath of office to Mayor Tom Counts. Mayor Counts said he asked Ms. Van Fossen to officiate because the role of Mayor is a very important one. He said the City has been

blessed to have Ms. Van Fossen, Mr. Cline, Mr. Grubbs, Mr. Schultz, and Mr. Wienczek serve as mayors and the consistency in government has made the City what it is today. He thanked Mayor Grubbs for his two years of service where he has been tireless in his efforts for the City.

RESOLUTION 2008-02: A RESOLUTION RATIFYING THE ELECTION OF ___ AS VICE-PRESIDENT OF COUNCIL OF THE MUNICIPALITY OF POWELL FOR A TERM ENDING DECEMBER 31, 2009.

MOTION: Councilman Cline moved to nominate Art Schultz for the position of Vice-President of the City Council. Councilman Wienczek seconded the motion.

There were no other nominations from the floor.

By unanimous consent, the motion was passed.

Ms. Van Fossen administered the oath of office to Vice-President Art Schultz.

RESOLUTION 2008-03: A RESOLUTION RATIFYING THE APPOINTMENT OF SUSIE ROSS AS THE FULL-TIME CLERK OF COUNCIL OF THE MUNICIPALITY OF POWELL.

Steve Lutz, City Manager, said under the Charter, the Council is required to identify the Clerk at the first meeting of the year.

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

Councilman Cline said they have been blessed during his 12 years on Council to have Clerks that are hard working and diligent, and take seriously their responsibilities. He said Ms. Ross has embodied all of these characteristics and more as she attends continuing education so she keeps current of the law, and keeps Council straight on the Sunshine Law. He said the members of Council appreciate her work and efforts.

MOTION: Councilman Cline moved to adopt Resolution 2008-03. Councilman Grubbs seconded the motion. By unanimous consent, Resolution 2008-03 was adopted.

Mayor Counts thanked Ms. Ross for her continued service.

CITIZEN PARTICIPATION

Mayor Counts 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 December 18, 2007 were adopted as submitted.

RESOLUTION 2008-04: A RESOLUTION TO ESTABLISH THE LAW ENFORCEMENT ASSISTANCE FUND.

Mr. Lutz said the Police Department has received a grant from the State of Ohio which provides funding for professional training of police officers. He said the fund is required so the grant may be received and the funds spent.

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

MOTION: Councilman Cline moved to adopt Resolution 2008-04. Councilman Grubbs seconded the motion. By unanimous consent, Resolution 2008-04 was adopted.

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

Mr. Lutz said this was discussed at the last Council meeting and is before them as a second reading. He said a development is occurring at 8 N. Liberty Street and the City has been working with the developer in order to provide 12 additional parking spaces for their use. He said the additional spaces are located on the City property at 44 N. Liberty Street. He said at the last meeting there were a couple of questions regarding a proposed parking agreement and based on that discussion an amended parking agreement has been distributed this evening. Mr. Lutz described the amendments to the agreement.

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

Councilman Wiencek said the Planning & Zoning Commission reviewed this and only looked at this agreement from the view of how it helps the applicant meet the parking requirements as in the zoning code. He said the Commission was happy with the agreement with the amendment that it include a clause that the applicant be required to provide valet parking should a restaurant be a tenant. He said it was left specifically vague with the recognition that the applicant could not have valet parking without an agreement/arrangement for additional parking. He said he is not concerned with this particular agreement but he is concerned that each new business will want to "reserve" public parking spaces. Councilman Wiencek suggested they discuss this in Operations Committee and set a policy so public parking remains "public."

Councilman Grubbs said this parking agreement is a great step forward as the City will provide parking in exchange for improvements which will be made at the full cost of the developer. He said there will be a very attractive building on this site and because the developer is willing to make the trade it is a good example of public and private interests working together.

Councilman Schultz said he agrees that the Operations Committee should look at a "global" plan. He said he heard from a local business owner who is concerned his parking lots could be completely filled by patrons of this restaurant. Councilman Schultz said he assured him that should not be the case. He said they will have to remain open and creative as they urge businesses to come into the downtown in the future.

Councilman Cline said he is in agreement with the other comments. He said they should take a longer term look and it is very important to have a long term comprehensive plan as the parking in the downtown will be an issue sooner than later. He said at its inception, the municipal parking lot in downtown Worthington was a free-for-all and over the years it has evolved as a parking system that is very much like this agreement.

Councilman Morton asked to see the elevation drawings of the patio.

Eric Fischer, Development Planner, indicated the patio area on the elevation drawings and site plan. He reviewed the areas where railing will be installed. Councilman Morton said this is a win-win situation and it makes sense to build cooperation and provide additional parking.

Councilman Schultz asked if the Planning & Zoning Commission anticipated sufficient right-of-way on the north side of Olentangy Street should turn lanes be installed. Councilman Wiencek said the plans for turn lanes anticipate the widening to be to the south side of Olentangy Street so the right-of-way on the north side will remain untouched.

Councilman Cline said this agreement terminates in 2020 and the Law Director has indicated a solution will need to be determined when this agreement is near its termination. He said the following amendments should be made to the Exhibit: Page 3, Section 6, strike the clause "Except as set forth in the last paragraph of this section," because it was a remnant of an earlier draft.

MOTION: Councilman Cline moved to adopt Ordinance 2007-64. Councilman Grubbs seconded the motion. By unanimous consent, Ordinance 2007-64 was adopted.

FIRST READING: ORDINANCE 2008-01: AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF POWELL REVISING SECTION 1145.06, REGARDING PARKING AND STORAGE OF VEHICLES, MOTOR HOMES, CAMPERS, BOATS, RECREATIONAL VEHICLES, AND TRAILERS; AND SECTION 1151.04, REGARDING GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS.

Mr. Lutz said this proposed ordinance has been studied by the Planning and Zoning Commission for many months.

Mr. Fischer said provided a review of the proposed changes to the Zoning Code. He said the section regarding commercial trucks in residential zones was proposed because there is a loophole in the Zoning Code do if a vehicle is parked on the street he is unable to deal with it and if it is on private property, the Police are unable to deal with it. He identified a vehicle which parks frequently in the right-of-way in the

Olentangy Ridge subdivision. He said the changes to the Zoning Code are made in regards to the GVWR, where vehicles 10k lbs and over, other than normal delivery vehicles, may not park in the right-of-way. He said the change will close the loophole. Councilman Cline asked if tradesmen which drive their work vehicle home will be affected by the amendment. Mr. Fischer said commercially licensed vehicles 10k lbs. or over may be parked in the driveway only. He said sometimes large commercial vehicles are plated incorrectly as private vehicles and in that case the Police Department would enforce correct permitting. Councilman Cline asked if a commercial van parked in a private driveway would be a violation. Mr. Fischer said it would be a violation only if it is there for a certain period of time. He said it is not their intent to restrict non-commercial type "duelly" trucks. Gene Hollins, Law Director, said there is some discretion allowed but the intent is to have a 10k pound cut off to restrict box-type trucks in residential neighborhoods. Councilman Cline said he is just trying to determine what would qualify as a violation.

Councilman Grubbs said it really depends on how the vehicle is registered. He also clarified that according to the amendment in 1145.06 (g) (3B) no vehicles with a GVWR over 10k pounds are permitted to park in a residential area in any place. Mr. Fischer said he stands corrected but delivery and emergency vehicles are permitted.

Councilman Morton asked about moving vehicles. Mr. Fischer said it is not their intent to interrupt usual business such as this. Councilman Morton said they could technically be in violation if they left it there overnight. Mr. Hollins said reasonable parking time will be interpreted in a reasonable manner to include those types of uses. Councilman Grubbs asked for clarification regarding "legal home occupation." Mr. Fischer said a when a home occupation permit is reviewed Staff determines whether there will be undue disturbances to the area. Mr. Hollins said that area was selected to address vehicles in relation to home occupation.

Mr. Fischer reviewed the amendments made to the Zoning Code regarding portable storage units. He said they are attempting to "shore up" the code to address these uses. He said Section 1142.22 was deleted as it was redundant.

Mr. Fischer described the reasoning behind changing the portable sign code. He said they redesigned the code to update it and address the multi-user sites. He said they hope to set standards for multi-user sites as there has been a problem with multiple signs on site which create an eyesore. He said they want to create consistency on these sites by creating a set of specifications and the necessity for a site signage plan. He said within the amendments "stick" signs have been prohibited altogether and temporary/portable signage in the downtown now requires a permit.

Councilman Morton asked about the new regulations regarding the square footage of signs. Mr. Fischer said it depends upon the area of the City in which the business resides. He said within the Historic District, portable A-frames must not exceed 12 sq. ft. and banners may only be attached to buildings and must not exceed 15 sq. ft. Councilman Grubbs asked if there is a reason the specifications were not codified. Mr. Fischer said it is easier to change if they are not codified. Mr. Hollins said the way the ordinance is set up the specifications would be determined by Planning and Zoning and would be uncodified. Mr. Fischer said the Planning and Zoning has never adopted specifications in the past. Councilman Wiencek said they did not try to come up with specifications for multi-user sign plans so they would have the ability for flexibility and to foresee options. He said they hoped to more readily deal with change as needs arise. Councilman Grubbs asked if the intent is that a banner permit would be governed by 1151.04 D, and the permit would then be reviewed by the administrator. Mr. Fischer said he would submit a permit application, Staff would review to ensure the application meets current sign code, and it would be approved based on that. Councilman Grubbs said he understood that Section D spoke to portable signs and that would be something like a banner. He said he does not see the information regarding signs size in the area discussed. Discussion continued regarding a hypothetical situation. Mr. Hollins said any other applicable sections will be applied when a permit is requested. Councilman Grubbs asked how anyone would be made aware of the new specifications. Mr. Fischer said a brochure will be produced and provided to anyone requesting a permit. Councilman Grubbs said any new restriction or objective measures should be codified in the ordinance to prevent challenges to the code.

Councilman Cline asked that Staff review the language in Section D as it relates to incorporating specifications because initially he did not understand that there are external standards incorporated by reference. He said they may be able to legally say that the standards are part of the ordinance and where they may be found so they may be amended. Councilman Grubbs suggested they change the title to "Specifications" and include that information as well. Mr. Fischer said Staff will review this document with

the Law Director and make the necessary changes.

Councilman Morton asked if the code regarding portable signs refers to private citizens. Mr. Fischer said they can put up private signs within a size restriction of 6 sq. ft. and only one sign per "cause" may be used.

Councilman Grubbs asked if 1151.05 defines a "local civic association." Mr. Fischer said the intent was to control the permitting of these institutional style event/organization signs by moving the wording to this section. He said it was not a new provision but he did not see where that term is defined anywhere. Councilman Grubbs said they may want to include the Powell Kiwanis Club. Councilman Wiencek said the list should be limited and an inclusive sentence added such as "any other similar organizations." Councilman Schultz said he still wants to understand the vehicle parking issue better and he asked that this be clarified at the second reading. He said an informal survey should be taken so they may see how many van-type vehicles would fall into this section.

Mayor Counts opened this item to public comment.

Bill Eddy, Midwest Technology, 140 West Olentangy, said he received this information by mail notification. He said he has had a lot of good luck in his business since July and has received a lot of cooperation from Staff in regards to signage. He said this is the first time he has tried to understand the signage ordinances on his own. He said the typical business person would have difficulty reading this. He requested they come up with a Committee that includes an outside business person to sit down with the Commission and review this ordinance. Mr. Eddy said it should be made clearer to understand. He said some areas seem to conflict with the permit side of the ordinances. He said there is a lot of restrictive language and being restrictive in advertising is not the way to go in the current business climate. He said they should take a closer look at this ordinance and ask what more can they do to not restrict the business person. Mr. Eddy said the sign in front of his business is directly responsible for building his business but he can only keep it out 42 days. He requested they review the ordinance as a whole and that the specifications be codified.

Councilman Wiencek asked Staff to review the notification regarding these changes. Mr. Fischer said the process started in January and Staff mailed out at least three courtesy notifications to every potential business address in the City. He said they wanted to make sure they gave the business community ample opportunity to comment. Councilman Wiencek thanked Mr. Eddy because the readability function is a good comment. He said he did want to make sure Council is aware there was ample notification. Mr. Fischer said the code could probably use a good review but they intended to put together a clean, easy to read packet for applicants.

Chris Freiheit, 22 & 18 North Liberty, asked if it is possible to address the parking agreement topic for the 8 North Liberty site. Mayor Counts said it is not appropriate to do that at this time. Mr. Freiheit asked if he could speak during the latter part of the meeting. Mayor Counts suggested that he state his comments at the next Council meeting during the Citizen Participation session. Councilman Cline said he may also address his questions to the City Manager or one of the Council members after the meeting.

Mayor Counts closed the public comment session.

Councilman Wiencek suggested tabling this ordinance. Mr. Fischer suggested they separate the parking issue from the sign issue. Councilman Grubbs said there didn't seem to be any issue with the changes to Section 1145 so they can move forward with those amendments. He volunteered to assist Staff to suggest language which may amend the signage code.

Mayor Counts asked that they look at the entire sign section anew as it is not very readable. He said it may need to be drafted from scratch. Mr. Hollins said that can be done to clean up the inconsistencies. Councilman Schultz said as individual sections have been corrected and updated it has become difficult to understand and the goal should be to make it simpler to read. Mr. Fischer asked if Council is requesting that Staff clean up all of the sign sections. Councilman Grubbs said the entire sign section should be done because it is not readable. He said what the Planning & Zoning accomplished was important because they came up with a specific new concept for the portable signs and multi-user signs. He said the first step is to write a sign ordinance that is understandable and then they can see if they need to tinker with anything else. Councilman Wiencek said their review had a very narrow focus. Mr. Fischer asked if it is the correct procedure to send this back to the Planning and Zoning Commission.

Mayor Counts said that is correct. Mr. Fischer said they will alter the ordinance to proceed with the amendments to the truck parking in residential neighborhoods and Portable Storage Units sections and that may be 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 Council traditionally has a Goal Setting session each January. He said there should be a light agenda on January 15th so the Goal Setting session will take place during that meeting. He said information will be available in Council packets.

OTHER COUNCIL MATTERS

Mr. Hollins suggested Resolutions 2008-01 and 2008-02 be formally amended and adopted.

MOTION: Councilman Cline moved to amend Resolution 2008-01 to insert the name "Tom Counts" in the blanks in the title and Section 1 of the resolution. Councilman Schultz seconded the motion. By unanimous consent, Resolution 2008-01 was amended.

MOTION: Councilman Cline moved to adopt Resolution 2008-01. Councilman Wiencek seconded the motion. By unanimous consent, Resolution 2008-01 was adopted.

MOTION: Councilman Cline moved to amend Resolution 2008-02 to insert the name "Art Schultz" in the blanks in the title and Section 1 of the resolution. Councilman Grubbs seconded the motion. By unanimous consent, Resolution 2008-02 was amended.

MOTION: Councilman Cline moved to adopt Resolution 2008-02. Councilman Grubbs seconded the motion. By unanimous consent, Resolution 2008-02 was adopted.

MOTION: Councilman Cline moved at 9:23 p.m. to adjourn to Executive Session in accordance with ORC Section 121.22 (G) (3) to discuss pending litigation. Councilman Schultz seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved to adjourn from Executive Session at 9:35 p.m. Councilman Grubbs seconded the motion.

VOTE: Y 6 N 0


MOTION: Councilman Cline moved to reconvene in Regular Open Session at 9:35 p.m. Councilman Grubbs seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved to adjourn from Regular Open Session at 9:35 p.m. Councilman Grubbs seconded the motion.

VOTE: Y 6 N 0

DATE MINUTES APPROVED: January 15, 2008



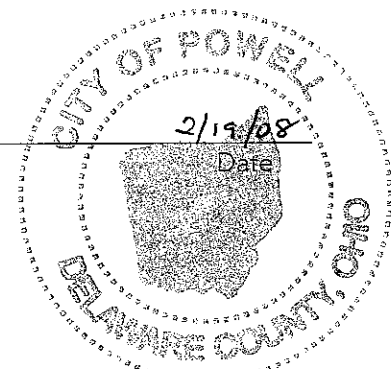
Tom Counts
Mayor

2/3/08

Date



Susie Ross
City Clerk



City Council
Tom Counts, Mayor

Richard Cline Don Grubbs Elmer Meider Bill Morton Art Schultz Dan Wiencek