



City of Powell, Ohio
City Council

MEETING MINUTES
JANUARY 15, 2008

A regular meeting of the Powell City Council was called to order at 7:38 p.m. by Mayor Tom Counts. City Council members present included Richard Cline, Don Grubbs, Elmer Meider, Bill Morton, and Art Schultz. Dan Wiencek arrived at 7:48 p.m. Also present were Steve Lutz, City Manager; Gene Hollins, Law Director; Debra Miller, Finance Director; David Betz, Director of Development; Jeff Snyder, Parks, Recreation and Public Service Director; Doug Wenzel, Chief Building Official; Shea Allmont, Community Affairs/Special Events Coordinator; Susie Ross, City Clerk; interested parties and members of the Press.

PLEDGE OF ALLEGIANCE

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 January 2, 2008 were approved as submitted.

CONSENT AGENDA

Item	Action Requested
Monthly Community Affairs/Special Events Report	Receipt of Report
Monthly Financial Report	Receipt of Report
Monthly Historic Downtown Powell, Inc. (HDPI) Report	Receipt of Report
Monthly Planning and Zoning Report	Receipt of Report
Monthly Police Report	Receipt of Report

MOTION: Councilman Cline moved to adopt the Consent Agenda. Councilman Grubbs seconded the motion. By unanimous consent, the Consent Agenda was adopted and the Monthly Reports were received.

Councilman Wiencek arrived at 7:48 p.m.

RESOLUTION 2008-05: A RESOLUTION RECOGNIZING DON GRUBBS' TENURE AS MAYOR OF THE CITY OF POWELL 2006-2007.

Mayor Counts read from the resolution honoring former Mayor Grubbs.

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

Councilman Cline said Mr. Grubbs has done a fantastic job as Mayor and has set the bar high for the future. He said he truly showed the commitment necessary for the position and is well deserving of this recognition.

MOTION: Councilman Cline moved to adopt Resolution 2008-05. Councilman Morton seconded the motion. By unanimous consent, Resolution 2008-05 was adopted.

Mayor Counts presented a Service Award to Councilman Grubbs in appreciation for two years of exceptional leadership, loyalty and dedicated service.

SECOND 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, CAMPER, BOATS, RECREATIONAL VEHICLES, AND TRAILERS.

Steve Lutz, City Manager, said this is an amended second reading of this ordinance. He said at the last Council meeting the legislation contained a component dealing with signage for the Downtown area.

David Betz, Director of Development, said they amended the ordinance to remove any reference to the section regarding signage. He said the Planning & Zoning Commission has met and heard the comments of Council. He said they will be working diligently to review a new draft which will simplify the language. He said they will soon bring a proposal back to City Council.

Mr. Betz said the amended ordinance proposes revising a section of the code regarding parking of vehicles, motor homes, campers and recreational vehicles. He said they propose adding a section for Portable Storage Units as well as new regulations regarding parking and storage of commercial vehicles in residential areas. He said this will not affect vehicles for deliveries and services during days or evenings and it allows vehicles associated with legally established home occupations. He said emergency type vehicles would be allowed as exceptions.

Mr. Betz said there were some questions about what this entails from a day-to-day standpoint. He presented photos of examples of vehicles which would be prohibited in driveways and in the public right-of-way. He noted the sticker which indicates weight rating on commercial trucks. Councilman Schultz asked for clarification. Mr. Betz described the weight rating and said the code amendment is trying to prevent commercial vehicles from parking in a neighborhood day after day. He provided a photo of a truck which weighs approximately 20k lbs. and consistently parks in Olentangy Ridge. Councilman Cline asked for details regarding the weight rating for a 18-20' box truck. Gene Hollins, Law Director, stated a truck over 26k lbs. requires a CDL license so typically the trucks are just under that weight. Councilman Schultz said he has not seen an example which is offensively large and has the 10k lb. rating. He asked if the 10k lb. rating is the right number to use as a cut-off as most of the vehicles shown are that rating and they are vehicles which they would not necessarily be opposed to seeing in driveways. Mr. Betz said the examples are a little more discreet than most. He said trucks with big signage or the addition of layers of ladders are more typical. Mr. Betz said the idea is to regulate bigger trucks but they feel a 10k lb. restriction is reasonable.

Mayor Counts said Staff made reference to parking in a garage in several situations. He said the ordinance suggests vehicles over the 10k lb. limit cannot be there even if they fit in the garage. Mr. Betz said that is correct. He said anything under a 10k lb. rating is allowed in a garage. He said if a vehicle was placed in a garage it would probably not generate complaints. He said Staff has been working with residents on this issue and enforcement is complaint-driven. Councilman Cline asked if it is correct that if any one of the subsections in G3 is satisfied, the ordinance does not restrict the vehicle. Councilman Cline asked if he could have a 15k lb. truck if he has a legal home occupation. Mr. Betz said under the rules and regulations of home occupation, approval would not be granted because of the restrictions regarding vehicles within the code.

Councilman Cline asked how they would determine whether a van in a driveway was personal or commercial. Mr. Betz said they would have to inspect the plate. Councilman Cline said his concern is that he is not sure that the criteria selected addresses the issue they want to address. He said he agrees that they should not be parking moving vans in residential neighborhoods on a continuous basis and the example shown should be regulated out of Powell. He said a van as shown would not be offensive to him. Councilman Wiencek asked if it would be offensive if it was a bright color with large lettering. He said the Commission debated this same issue quite a bit and they decided 10k lbs. was a logical place to draw the line. He said he believes the Commission will not be upset if Council amends the weight limit to 12k lbs. Mr. Betz said the City of Westerville has not had trouble enforcing the 10k lb. limit. Councilman Cline asked if it is a purely private vehicle, would the weight limit not apply. Mr. Betz said this restriction is for commercial vehicles only. Councilman Cline said if there are two similar vehicles in his neighborhood and one is commercial and one is private, he would have trouble telling one they may park in their driveway and the other must park in the street. Mr. Betz said the restriction would not apply to non-commercial vehicles. He said the owners may need to have their vehicles re-rated. Councilman Wiencek said his Suburban weighs 5700 lbs. and it is about as large as private vehicles get.

Mayor Counts opened this item to public comment.

Scot Lindsay, 244 Woodedge Circle East, said he is present as a resident and on behalf of the Olentangy Ridge Civic Association, in support of passage of the proposed legislation. He said the Association feels it is important to eliminate these vehicles from their neighborhood. He said Council has put their finger

on a couple of tough issues regarding what looks bad and how to define that in a sensible way. Mr. Lindsay said he does not hear any dissention from Council regarding the large truck which has been parking in their neighborhood. He said their Board has endorsed the language as it has been presented with the 10k lb. exception for commercial trucks. He said they have discussed it more on the lines of commercial vehicles in residential neighborhoods and they feel it is important to maintain the residential feel of their neighborhood. He urged passage of the ordinance.

Danielle Sweeney, 91 Ridge Side Drive, said she has been working with Mr. Fischer and he has handled this issue in a very professional manner. She said he has been diligent in addressing this problem. Ms. Sweeney asked for Council's support and passage of this ordinance. She said it would help improve her neighborhood and Powell as a whole.

Hearing no further comments, Mayor Counts closed the public comment session.

Councilman Cline said he is going to vote against this ordinance as they have not selected the correct criteria for solving this problem identified. He said he does not mean to diminish the seriousness of the problem. Mayor Counts asked if there is a criterion which he feels might work better. Councilman Cline said he is not informed enough to say a GWW change would satisfy his concern and there may be other criteria. Councilman Cline said he is concerned that the problem they have identified, vehicles with a size which is inappropriate for a residential neighborhood, will not be addressed by GWW. He said they have heard evidence that GWW in many instances is not accurate and it does not measure the physical dimensions of a vehicle. He said it is not the hauling capacity that makes a vehicle inappropriate, but the physical dimensions. Councilman Cline said he does not know enough about trucks to make a reasonable amendment.

Councilman Schultz said he is in support of the amendments. He said the Commission has discussed this quite a bit and they believe this would be appropriate in the vast majority of cases. He said the residents are trying to keep commercial vehicles out of residential areas. He said he can err on the "down" side that someone with a commercial 10k lb. vehicle can no longer park in a residential area. Councilman Schultz said if this is passed he will be listening to hear if people have a problem with the regulation. He said other communities have used this successfully so the City should at least try it.

Councilman Grubbs said he agrees and the Commission did a good job in proposing the amendments. He said if people come in to challenge the regulations then it can be amended. He said he is in favor of keeping commercial vehicles out of residential areas. Councilman Wiencek said a slightly higher ratio could be used if there is no commercial adornment on the vehicle. He said Staff could be asked to propose an amendment. Councilman Morton said his concern is that the language within this ordinance would identify a lot of infractions but enforcement would be complaint-driven. He said residents may not be aware of this policy until there is an infraction and it may be difficult to communicate. He said he agrees that large commercial vehicles should not be in residential areas. He said it is difficult to find a measure and the 10k lb. ratio proposed by the Planning & Zoning Commission is reasonable. He said he is in favor of supporting the ordinance the way it is but they may be making changes in the future.

Mayor Counts asked if there are any comments regarding the Portable Storage Unit section of the ordinance. There were none.

MOTION: Councilman Grubbs moved to adopt Ordinance 2008-01. Councilman Meider seconded the motion.

VOTE: Y 6 N 1 (Cline)

There was a 5 minute recess for the taking of Council photographs.

CITY COUNCIL GOAL SETTING SESSION

Mayor Counts introduced the session with excerpts from "The Geography of Bliss" by Eric Weiner. He suggested City Council has a great role in the "pursuit of happiness." Mayor Counts said Powell has to have livable conditions and when looking at goals, Council should look for ways to make their residents happier or at least able to pursue their own happiness.

Goals for 2008 - 2009 (listed by Committee):

Development Committee:

- Bike Paths
 - path connections
 - priority construction
 - in "dangerous" traffic areas
 - South Liberty Railroad Crossing
- Identify and promote parcels for businesses - *work with Staff*
- Create Economic Development Plan - *work with Staff*

Downtown Committee:

- Downtown Revitalization
 - initiate key first steps
 - northeast quadrant development
 - continue implementation
 - make priority to continually improve downtown
- Specific downtown development plan (streetscape, etc.)
 - assemble land, community investment corporation, parking
- Streetscape improvements
- Four-Corners Decisions
 - turn lane cost estimates
 - structure impacts
 - funding timelines of TIF
- Outside funding assistances
 - eminent domain impact
 - turn restrictions

Operations Committee:

- Develop community beautification plan
 - coordinate planting plan with HOA
- Create Communications Plan
 - Community Survey
 - City "tell the story"
- Enhance communications with community
 - Find more suitable ways of getting community input (Homeowner's Associations, Service Groups, Businesses, etc.)
 - Reverse 9-1-1?

Finance Committee:

- Study existing and develop new revenue sources
- Develop additional funding approaches
 - develop comprehensive plan for revenue requirements
 - determine best way to obtain funds
 - cohesive communications
- Update Capital Improvements Plan
- Analysis and Action on Budget Shortfall Projections

Other Goals:

- Joint Planning Outside Municipal Boundaries
 - with Township
 - 315 and Powell Road Intersection
 - Bikepath Connections outside City
- Develop and Coordinate Long Range Parks and Recreation
 - with Township, OYAA, Schools, and other commercial suppliers
 - YMCA
 - Golf Village Park, Ball Diamonds, Pool

Committee Members 2008-2009:

Development Committee: Art Schultz, Bill Morton, Elmer Meider

Finance Committee: Rich Cline, Tom Counts, Dan Wiencek

Operations Committee: Don Grubbs, Tom Counts

Downtown Committee: Don Grubbs, Elmer Meider, Bill Morton

COMMITTEE REPORTS

Development Committee: Councilman Schultz said they met and discussed Golf Village Bike Paths. He said there is one small section where golf carts and bicycles co-exists in an active area of the golf course and everywhere else it is a bridge or tunnel or short section by a roadway where they do not expect the danger of golf balls hitting riders. Councilman Schultz said the last section has a street nearby which may be utilized. He said they are very close to having complete agreement and Mr. Betz does not anticipate the need for bringing this to Council. He said they will meet again one more time to get resident input. Councilman Morton said they have also agreed on signage and where it will be located. *Next Meeting: February 19, 6:30 p.m.*

Finance Committee: No report. *Next Meeting: February 12, 7:30 p.m.*

Operations Committee: Councilman Grubbs said they met and discussed a Community Survey, Communications Plan and reviewed the new website. Mayor Counts said they saw the site and he feels Council will be very excited. Mr. Lutz said Staff will provide a presentation at the second meeting in February or early March. Mayor Counts said Council needs to send biographical information to Staff for the website. Councilman Morton asked if they have information on the Wi-Fi. Councilman Grubbs said Staff has been trying to get that data from the vendor and they should have it soon. *Next Meeting: February 5, 6:30 p.m.*

CITY MANAGER'S REPORT

No report.

OTHER COUNCIL MATTERS

Mr. Lutz said the City has to submit Ethics Commission information by the end of January and the Council members must submit theirs by April 15, 2008.

MOTION: Councilman Cline moved at 9:55 p.m. to adjourn to Executive Session in accordance with ORC Section 121.22 (G) (3) to discuss pending litigation and Section 121.22 (G) (1) personnel: Board and Commission Appointments. Councilman Grubbs seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to adjourn from Executive Session at 11:25 p.m. Councilman Meider seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to reconvene in Regular Open Session at 11:25 p.m. Councilman Meider seconded the motion.

VOTE: Y 7 N 0

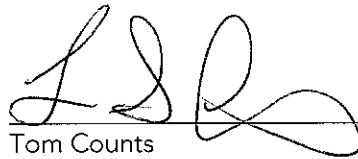
MOTION: Councilman Cline moved to appoint Board and Commission members as follows: Brian Lorenz to the Planning & Zoning Commission for a term ending January 15, 2011; Tom Crnko, M Michaela, and Councilman Don Grubbs to the Tax Incentive Review Council for a term ending December 31, 2009; and Susan Lasley to the Council for Older Adults for a term ending December 31, 2010. Councilman Meider seconded the motion.

VOTE: Y 7 N 0

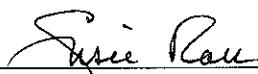
MOTION: Councilman Cline moved to adjourn from Regular Open Session at 11:30 p.m. Councilman Meider seconded the motion.

VOTE: Y 7 N 0

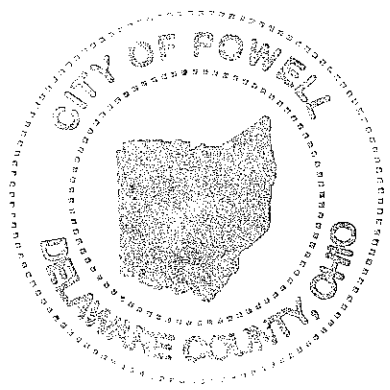
DATE MINUTES APPROVED: February 5, 2008


Tom Counts
Mayor

2/18/08
Date


Susie Ross
City Clerk

2/19/08
Date



City Council
Tom Counts, Mayor

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