



City of Powell, Ohio
City Council

MEETING MINUTES
JULY 1, 2008

A regular meeting of the Powell City Council was called to order at 7:34 p.m. by Mayor Tom Counts. City Council members present included Don Grubbs, Jim Hrivnak and Dan Wiencek. Richard Cline was absent. Elmer Meider and Art Schultz arrived at 7:36 p.m. Also present were Steve Lutz, City Manager; David Betz, Director of Development; Robert Rice, City Engineer; Gene Hollins, Law Director; 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

MOTION: Councilman Grubbs moved to adopt the minutes of June 17, 2008. Councilman Wiencek seconded the motion. By unanimous consent, the minutes were adopted.

CONSENT AGENDA

Item

Action Requested

RESOLUTION 2008-10

Adoption

A RESOLUTION TO CONDITIONALLY ACCEPT AND BEGIN THE REQUIRED, MINIMUM TWO-YEAR MAINTENANCE PERIOD FOR THE RUTHERFORD ROAD PEDESTRIAN TUNNEL, INCLUDING THE TUNNEL, THE SIDE SLOPES, AND THE ASPHALT PATHWAYS LEADING TO AND FROM THE TUNNEL, AS SHOWN ON PLANS APPROVED ON JANUARY 9, 2007, ASSOCIATED WITH THE DEVELOPMENT OF THE WOODS OF POWELL NORTH SUBDIVISION, CONSTRUCTED BY M/I HOMES OF CENTRAL OHIO, LLC.

RESOLUTION 2008-11

Adoption

A RESOLUTION TO CONDITIONALLY ACCEPT AND BEGIN THE REQUIRED, MINIMUM TWO-YEAR MAINTENANCE PERIOD FOR THE PEDESTRIAN PATHWAY IMPROVEMENTS AND RELATED APPURTENANCES, A PART OF THE LIBERTY ROAD WIDENING STREET AND STORM IMPROVEMENT PLANS AS APPROVED ON JUNE 15, 2007, ASSOCIATED WITH THE WOODS OF POWELL NORTH SUBDIVISION, CONSTRUCTED BY M/I HOMES OF CENTRAL OHIO, LLC.

MOTION: Councilman Grubbs moved to adopt the Consent Agenda. Councilman Hrivnak seconded the motion. By unanimous consent, the Consent Agenda was adopted; Resolution 2008-10 and 2008-11 were adopted.

Councilman Schultz and Councilman Meider arrived at 7:36 p.m.

RESOLUTION 2008-12: A RESOLUTION TO GRANT CONSENT TO MACA CAFÉ FOR USE OF ROAD RIGHT-OF-WAY FOR AN OUTDOOR PATIO.

Steve Lutz, City Manager, said this was discussed at the last Development Committee and this resolution permits Maca Café to use a portion of the right-of-way for tables and chairs for their restaurant.

David Betz, Director of Development, identified the location of the restaurant, main entrance and handicap accessibility. He said the proposal is for a sidewalk café which extends 6' from the edge of the handicap ramp and utilizing a resin-type fence. He said it will provide a maximum of three tables with four seats at each table. He said this still allows a 6' sidewalk adjacent to the parking space. Mr. Betz said conditions for right-of-way use, exhibit regarding fencing specifications, and correspondence from the restaurant owner are attached to the resolution. He said that type of fence has been reviewed by the Architectural Advisor for the HDAC. He said the Committee will meet July 17 to review the final design for

this proposal.
Mayor Counts opened this item to public comment.

Norman Carmichael, 333 Briarbend, co-owner Maca Café, said they have always wanted to have outdoor seating for their restaurant. He said they wanted to put the seating to the side but that cannot happen because of a non-conforming variance. He said they have worked with the Development Department who suggested the idea of adding tables to the sidewalk as long as it conforms with the regulations of the Alcohol Control Board. He said they have spoken with that agency and as long as it is within the parameters a lock or shut-type gate is not required. Mr. Carmichael said they are proposing a black resin fence which looks like metal and a burgundy umbrella will be over each table. He said they will add drop-planters off of the fence. Mr. Carmichael hopes this will add interest when the cars pass by and will help with a seasonal increase to the size of their seating for the restaurant.

Mayor Counts asked how the posts will be handled. Mr. Carmichael said they initially thought about pulling up the bricks and adding holes with sleeves so the post could be pulled up during winter months. He said they have since found a manufacturer which makes a post which is filled with sand or water so it weighs 70 lbs. He said that allows them to empty the posts during winter months and remove them easily to storage. Councilman Meider asked where they will access the seating area from the outside. Mr. Carmichael noted the access area near the existing handicap ramp. Mayor Counts said the conditions limit this to a term which is concurrent with the liquor license. He asked if the applicant requested this. Mr. Carmichael said he was just made aware of that condition but they do not have a problem with that. Councilman Hrivnak asked how this affects the emergency egress from the building. Mr. Betz said the final determination of how the fence is designed will be determined by the City Building Inspector. He said he believes the distance from the door is adequate. He said Mr. Wenzel will verify that. Mr. Carmichael said there is also another emergency exit through 5 Olentangy Street and it has been approved by the Fire Department.

Mayor Counts closed the public comment session.

Councilman Wiencek said he fully supports this request but feels there should be an amendment to the third "Whereas" section which adds the first sentence as "Council has reviewed the specifics of this request." He said that indicates the plan has been reviewed in case there are future requests.

Councilman Grubbs said he is also in support of this resolution and agrees with the proposed amendment. Councilman Hrivnak agreed. Councilman Meider said this will be a welcome addition to the downtown and supports the addition of a stipulation that this has been reviewed by Council. Mayor Counts said as he read the conditions he felt restoration of the area was omitted. He asked if the other members think that is appropriate. Councilman Hrivnak said there is no mention of removing the fencing in the winter and he asked if that can be added as a condition. Councilman Grubbs said they are not making permanent alterations and he does not want to prohibit the café from using the area if there is a seasonably warm time. Councilman Schultz said they can add a condition that it should be removed when vacated for the season.

MOTION: Councilman Wiencek moved to amend Resolution 2008-12 in the following manner: in the third "Whereas" section, insert a sentence at the beginning which reads "Council has reviewed the specifics of this request."; add to the conditions for the right-of-way use the following "7. At the end of the sidewalk café use each year the fence and seating tables shall be removed and stored." and "8. When the sidewalk café is abandoned the right-of-way shall be restored to current condition." Councilman Meider seconded the motion. By unanimous consent, Resolution 2008-12 was amended.

MOTION: Councilman Wiencek moved to adopt Resolution 2008-12. Councilman Grubbs seconded the motion. By unanimous consent, Resolution 2008-12 was adopted.

RESOLUTION 2008-13: A RESOLUTION DIRECTING THE CITY MANAGER TO DESIGNATE AREAS OF VILLAGE CLUB DRIVE AS A NO PARKING ZONE.

Mr. Lutz said this was discussed at Development Committee as residents in the Golf Village area requested that there be no parking in certain areas in front of the Kinsale Country Club. He said at times during certain events there are sight obstructions if the vehicles are parked too close to the intersection of Village Club Drive/Sawmill Parkway and Village Club Drive/High Wind Drive. He said Mr. Betz has

looked at where the obstructions exist and a new exhibit was distributed tonight which identifies the proposed no parking zones. He said the exhibit also identifies the striped crosswalks to be placed at High Wind Drive and Village Club Drive.

Councilman Hrivnak asked if the striped crosswalk has curb ramps on both sides. Mr. Betz said it does. Councilman Wiencek asked if there is currently a stop sign at that intersection. Mr. Betz said there is no stop sign at Village Club Drive. Councilman Wiencek said a crosswalk implies a level of safety and he wonders if a stop sign would be appropriate in this case. He asked about the length of the no parking areas. Mr. Betz said they are approximately 140' from where the curb ends at the corner. Councilman Wiencek asked if they should extend the no parking zone further so there is sufficient clear sight for those persons who are crossing at the bike path. He said he is fully in support of this resolution.

Councilman Grubbs asked why they are not making the entire stretch "no parking." Councilman Schultz said the Development Committee met regarding this and residents brought this to their attention. He said it gets parked so close to the intersection that one cannot see to pull out of the intersection. He said they agreed to try this restriction as a first step and if it does not work the City will extend the no parking zone. He said the Kinsale Manager has agreed to use signage to discourage parking in this area. He said sometimes people park on the street even when the parking lot is not full. Councilman Schultz said they did not discuss sight distance for the bikepath and that may be a concern. He asked Mr. Betz why there is not parking west of the intersection. Mr. Betz said if they look at the distance between the driveway and intersection, under the manual there is no space there for parking. He said they cannot park there legally, even without signage. Councilman Meider said he is a little concerned about whether it should be extended a bit for the bikepath visibility. He said it is difficult to tell from the map. Mr. Betz said there is a long straight shot of 2-3 car lengths so there should be 60' of sight distance. Councilman Wiencek said he is okay with it if there is that much distance. Mr. Lutz said they will need to discuss if they want it to be a four-way stop or keep it as a two-way. Councilman Wiencek said he thinks it would be appropriate to add stop signs for safety reasons.

Mayor Counts opened this item to public comment.

Jon Bennehoof, 3974 Village Club Drive, noted the location of a pool addition which will take up a portion of the parking lot. He said he is not for or against this resolution. He said he does not believe it is illegal for there to be parking in front of the home as there is no stop sign they would be parking within distance of. Mr. Betz said parking is prohibited 15' away from the edge of the driveway. Mr. Bennehoof said that would prohibit parking in front of homes all the way up Village Club Drive. He said the pool extension is an important consideration however they are now parking in a large green space and he does not see a problem. He said he has only seen a problem when he wants to turn left and a large SUV is stopped next to him and blocks visibility. He asked who made this request and how this will be executed. He said he would prefer a sign rather than green crossing areas printed on the roadway. Mr. Bennehoof said he believes the clubhouse will be woefully lacking in parking when the pool is opened. He said the green space should be considered for additional parking. He asked if additional parking was required when they proposed the addition of another pool. Mr. Betz said they are adding, in various places, the same number of spaces being removed. He said that met the zoning requirements for the installation of the new pool. He said there is further land to the south which is a better location for additional parking and has been discussed with the club for the future. Mr. Betz said the Club Manager has considered having the employees park under the power lines. He said he expects homes to eventually go there and parking will be expanded to the south. Mayor Counts asked if Councilman Schultz could confirm who requested this change. Councilman Schultz said it was George Black of LCIFA, a resident of Golf Village.

Mayor Counts closed the public comment session.

Councilman Schultz said someone may know that they cannot be a specified distance from the intersection or driveway but they may want to consider placing signs in that area as a reminder. He said the residents have not asked for a stop sign so they may want to wait and see if people really want them. He said that was not discussed in their Development Committee meeting. He said they can come forward with a request and petition if they like. Councilman Meider said he agrees they should wait on the stop signs until there is a specific request. He said he also agrees with the placement of the signage close to the intersections. Councilman Grubbs said the striping of the crosswalk is legally sufficient until they hear from the residents. Councilman Hrivnak asked if they should add a pedestrian crossing sign at the crosswalk. Mr. Betz said that could be added. Councilman Wiencek said that would meet his concern. He

said most people expect to be able to park a car in front of their house and the residence in question may not have received notice regarding this meeting and he would not want to take action without notification. Mr. Lutz said parking is prohibited in front of a driveway but they will need clarification from the Law Director regarding parking in front of a residence.

Mr. Bennehoof said he does not see that it is marked as no parking in front of the house to the west of High Wind. Councilman Schultz said Mr. Betz's comment was that they would not have to install "No Parking" signs because the distance from the driveways would prohibit anybody from legally parking in front of that house anyway. He said they think they may want to install signage because people may not know they cannot legally park there. He said it makes sense to allow this resident to come in prior to passing any legislation. Councilman Meider said he doubts that anyone knows they may not park within 15' of their driveway.

MOTION: Councilman Grubbs moved to table Resolution 2008-13 to the next regularly scheduled Council meeting and to take adjustments to the Exhibit "A" per the discussions this evening. Councilman Wiencek seconded the motion. By unanimous consent, Resolution 2008-13 was tabled to the next meeting.

COMMITTEE REPORTS

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

Finance Committee: No report. Next Meeting: TBA

Operations Committee: Next Meeting: Councilman Grubbs said they met earlier this evening and discussed the sidewalk program. He said they heard from the Engineering Department regarding standards for repair of other cities in the area. He said Staff will collect additional information. Next meeting: TBD

CITY MANAGER'S REPORT

Mr. Lutz said the packets include the proposed street resurfacing program. He said this has been discussed in the Finance Committee, will go out for bids and will bring a recommendation to Council to proceed with the complete program or scale it back.

OTHER COUNCIL MATTERS

Mayor Counts said the Powell Festival went well without a hitch even though it rained. He said Anna Steck did a superb job and is owed many thanks. He said the City had a booth and he was present for "Meet the Mayor" times. He said it was very helpful in Council's efforts to be available to the community to discuss issues that face the City.

Councilman Schultz said he commended the City as this was the best Festival ever in spite of the rain. He said he has heard this from others in the community. He said the whole team of volunteers should be commended. Mr. Lutz said as the community matures there are now groups which are willing to take on these events. He said it is a win-win proposition because the profits go directly into the HDPI and will go back into the community to improve the downtown.

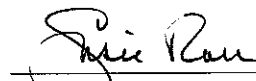
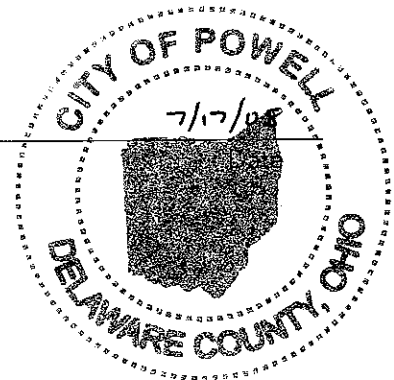
MOTION: Councilman Wiencek moved to adjourn from Regular Open Session at 8:21 p.m. Councilman Grubbs seconded the motion. By unanimous consent, the meeting was adjourned.

DATE MINUTES APPROVED: July 15, 2008



Tom Counts
Mayor

7/17/08
Date


Susie Ross
City Clerk

City Council

Tom Counts, Mayor

Richard Cline

Don Grubbs

Jim Hrivnak

Elmer Meider

Art Schultz

Dan Wiencek