



**City of Powell, Ohio**  
City Council

**MEETING MINUTES**  
**MARCH 17, 2015**

A regular meeting of the Powell City Council was called to order by Mayor Jim Hrivnak on Tuesday, March 17, 2015 at 7:30 p.m. City Council members present included Frank Bertone, Richard Cline, Tom Counts and Brian Lorenz. Jon Bennehoof and Mike Crites were absent. Also present were Steve Lutz, City Manager; Debra Miller, Finance Director; Susie Ross, City Clerk; and interested parties.

**CALL TO ORDER/ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**CITIZEN PARTICIPATION**

Mayor Hrivnak opened the citizen participation session for items not on the agenda.

Brian Ebersole, 215 Squires Court, said in the current Court case with Powell Crossing they have said numerous times that they are singled out as the only development that is not being allowed to build in the Downtown Business District. He would like to address whether or not they are in compliance with the recently passed Charter Amendment and Standstill Order by the Ohio Southern District and ask if they have halted the Liberty Green project. In their case, Ebersole vs City of Powell, the Ohio Supreme Court specifically said that "the Charter Amendment applies immediately upon enactment to stop high density housing in the Downtown Powell Business District." Specifically from the case, the proposed Charter Amendment mandates that the Downtown Business District shall not be developed with high density housing. Furthermore, the Standstill Order clarifies that this applies to the entirety of the Charter Amendment, maintains the status quo and applies to Powell Crossing and any other development plans in the Downtown Business District. Mr. Ebersole said the general high density housing ban immediately prohibits Powell Crossing and all other multi-family dwelling projects in Downtown Powell, including the Liberty Green project. He asked to hear from City Council to verify they have halted that project.

Hearing no further public comment, Mayor Hrivnak closed the citizen participation session.

**PROCLAMATION – Toni Dodge, March for Meals**

Mayor Hrivnak read a proclamation in support of the March for Meals Campaign. He presented it to Toni Dodge, Council for Older Adults Nutrition Program Manager and volunteers Fara Waugh and Kim Clewell. Ms. Dodge invited everyone to deliver meals, serve in their dining sites/kitchen or volunteer for other opportunities with Meals on Wheels. Over 193k meals went out of their kitchen in 2014 and they served over 1k individuals in Delaware County. The Council for Older Adults has been operating for over 20 years, serving individuals within Delaware County age 60 and over as well as those under 60 who qualify for their programs. If there is a service the Council can provide, they have it in place or will find resources to help individuals in the County. Ms. Dodge thanked Mayor Hrivnak for joining them to deliver Meals on Wheels on March 18<sup>th</sup>.

**PRESENTATION – CHRISTOPHER MITCHELL, EAGLE SCOUT PROJECT**

Christopher Mitchell was present to provide details about his Eagle Scout project. He belongs to Boy Scout Troop 17 out of Dublin and has served as the overall leader as well as in several other positions. Serving the community and different countries is a large part of his life; he will be going to Guatemala this summer with his school to help teach children. The past few months he has been working on his Eagle Scout, which is the pinnacle of a scouting career and this project is the last requirement to reach that rank. He has been organizing and planning an event that will show leadership and give back to the community. Christopher said he created the "Who Let the Dogs Out 5k" to bring awareness to the Delaware County Humane Society where he and his mother volunteer. The event will be held in Liberty Park on March 29<sup>th</sup> at 10 a.m. He is asking runners to either bring a donation of \$10 or an item off of the wish list for the Humane Society. Metals and plaques will be awarded to the top three runners of each gender. This will be a fun run and he is inviting participants to bring their pets. 120 runners are signed up at this time and 40 have indicated they are bringing their pets. This will help

make this a very family-friendly event. He asked City Council if they could provide a canine unit or promotion for the event.

Mayor Hrivnak thanked Christopher for his presentation and pledged the support of City Council for this race. He said unfortunately the canine and his handler will be on vacation at the time of the event. Mayor Hrivnak presented Christopher with a challenge coin from Police Chief Gary Vest; these coins are presented to those who have embarked and overcome a challenge in their life, just as Christopher has worked to complete his Eagle Scout. He thanked him for his dedication to this project and service to the community.

**APPROVAL OF MINUTES**

MOTION: Councilman Cline moved to approve the minutes of March 3, 2015. Councilman Bertone seconded the motion. By unanimous consent, the minutes were approved.

**CONSENT AGENDA**

**Item**

**Action Requested**

Monthly Reports – February 2015

*Receipt of Electronic Report*

MOTION: Councilman Cline moved to adopt the Consent Agenda. Councilman Counts seconded the motion. By unanimous consent, the Consent Agenda was adopted.

**RESOLUTION 2015-03: A RESOLUTION SUPPORTING THE CONTINUED OPERATION OF THE SMOKY ROW EXPRESS #30 BUS ROUTE.**

Steve Lutz, City Manager, said COTA has stated they will most likely discontinue Smoky Row Express Route #30 that serves this community. It originates just south of Powell on Smoky Row and travels downtown. A resident, Ms. Shupe, attended the Development Committee a couple of weeks ago to speak for those who ride the bus from this area, discussing the impact it could have.

Linda Shupe, 356 Olenview Circle, said she has lived here since 1988 and has taken the Smoky Row Express for about five years. She introduced other Powell residents, Leigh Ann Edl and Ruben Lopez who have been active in the efforts to save their bus route. They are concerned about the impact on Powell and the entire northwest quadrant because they will have no bus service to the downtown. Ms. Shupe said Route 30 has a diverse group of riders from Powell and other areas through three Park and Ride stops at St. Andrews Church, St. Peters Church and Bethel & Olentangy River Road. The bus does not enter S.R. 315 until Henderson Road so they are keeping car traffic off of that route. She catches the bus at 6:57 at St. Andrews Church and is in her office downtown at 7:40 allowing a wonderful option that she would hate to lose. Ms. Shupe said their riders include seniors, college students riding to Columbus State, multiple people who do not own a car, 37 people who walk from nearby neighborhoods and two young men who ride their bikes and take them on the bus to downtown. She appreciates the support of the City in adding to their efforts to save COTA Route 30.

Councilman Lorenz said the Development Committee discussed this on March 3<sup>rd</sup> and voted unanimously to support this. Development Director Dave Betz was going to reach out to COTA to see if something could be done to help this situation. Supporting this resolution is a second step the City can take to help preserve this bus route for the community.

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

Mayor Hrivnak said Route 30 is very important to Powell and it seems that this type of transportation should be expanded and not discontinued. It is important that they as a City make that statement in the form of a resolution.

MOTION: Councilman Cline moved to adopt Resolution 2015-03. Councilman Lorenz seconded the motion. By unanimous consent, Resolution 2015-03 was adopted.

**RESOLUTION 2015-04: A RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT COOPERATIVE PURCHASING PROGRAM.**

Mr. Lutz said the City obtains winter road salt from a cooperative purchasing arrangement with over 100 other municipalities throughout Ohio. Last year there was a serious salt shortage and the City was not able to obtain the amount of salt required for a typical winter. The City's first opportunity to obtain salt is through a new option, ODOT's summer salt process. Staff recommends they participate in this process as it allows ODOT to go out to bid for salt; they will make one delivery to the City in late fall. Mr. Lutz said that means they can only have delivered what they are able to store; they have a very limited storage area of 500 tons and currently have 200

tons in storage. They would like to bid through ODOT for 300 tons of salt so they will be full to capacity at the end of November. They will find out if they can obtain more salt this summer when they go out for regular bidding.

Mayor Hrivnak asked if they can participate in the ODOT winter program as well. Mr. Lutz said they cannot participate in multiple programs. He said if they sign up for the summer program they will have to buy the salt; there is no ability to opt-out.

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

Debra Miller, Finance Director, said Council will probably see an appropriation ordinance in the coming months to pay for this.

MOTION: Councilman Cline moved to adopt Resolution 2015-04. Councilman Bertone seconded the motion. By unanimous consent, Resolution 2015-04 was adopted.

**FIRST READING: ORDINANCE 2015-09: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2015.**

Mr. Lutz said this ordinance requests the appropriation of funds to pay for a temporary worker in the Building Department. One of the two staff members in the Building office is out on FMLA leave and this allows Staff to keep up with the work load in this busy department. They contracted with an agency and a temporary worker has been in place for over a week.

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

MOTION: Councilman Cline moved to suspend the rules in regard to Ordinance 2015-09. Councilman Bertone seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2015-09. Councilman Lorenz seconded the motion.

VOTE: Y 5 N 0

**FIRST READING: ORDINANCE 2015-10: AN ORDINANCE TO APPROVE THE 2015 REPLACEMENT PAGES TO THE POWELL CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.**

Mr. Lutz said each year the replacement pages to the Codified Ordinances are brought to Council. The updates incorporates the ordinances adopted by Council in the prior year and adds, deletes, and amends various State statutes.

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

Councilman Cline noted this is an annual process that accomplishes two things: it codifies the ordinances the City adopted last year and it harmonizes the municipal code with the State code so there are no conflicts in the law.

MOTION: Councilman Cline moved to suspend the rules in regard to Ordinance 2015-10. Councilman Lorenz seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2015-10. Councilman Lorenz seconded the motion.

VOTE: Y 5 N 0

**FIRST READING: ORDINANCE 2015-11: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2015.**

Mr. Lutz said this ordinance includes two requests. He said the first appropriates \$15k to engage the services of Traffic Engineer Doyle Clear to do additional studies of the traffic at the Four Corners. This will provide a more global study than they have done in the past to see what factors influence the intersection. This has been reviewed previously by Council and recommended by the Finance Committee.

Ms. Miller said the second appropriation requests \$26k for an IT Audit. The City uses an outside consultant and Staff is very pleased with their services but the IT Committee and Finance Committee recommend this study to ensure they are getting value from their consultant. It also ensures the City is using best practices and it will

provide a roadmap for future IT development. This is a prudent item for the City to do and is recommended by the IT Committee.

Councilman Cline said the Finance Committee reviewed these appropriations. The traffic study Council has requested has a scope of work greater than that originally contracted for the Comprehensive Plan so this will expand it to take a greater look at the intersection and outside influences. The Finance Committee thought there are two important aspects to the IT Audit: the cost effectiveness of current practices and a roadmap for future IT development. The current consultant, who they are very happy with, is working a "no bid" process so it is appropriate to get an outside view to see if the current services are cost-effective. Mayor Hrivnak said this will also test the current system for disaster planning.

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

MOTION: Councilman Cline moved to suspend the rules in regard to Ordinance 2015-11. Councilman Bertone seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2015-11. Councilman Bertone seconded the motion.

VOTE: Y 5 N 0

### COMMITTEE REPORTS

**Development Committee:** No report. *Next Meeting: Tuesday, April 7<sup>th</sup>, 6:30 p.m.*

**Finance Committee:** Councilman Cline said they met last week and discussed the two items on tonight's agenda. They will continue the review of finance policies to make sure they are current and reflect best practices. *Next Meeting: Tuesday, April 14<sup>th</sup>, 7:00 p.m.*

**Operations Committee:** Councilman Counts said they met this evening and discussed the City owned and maintained ponds and whether the aeration that occurs throughout the year impacts the ice upon the pond. There have been incidents where animals have gone out on the pond and fallen through and there was some suggestion that the aeration makes the ice thin and the dogs fall through. Chief Jensen of the Liberty Township Fire Department was present and he described it as more of a pond safety issue than ice issue. They also heard from a resident whose dog fell through and was saved. He said they decided it is worthy of discussion to determine what is best practice and what is prudent for the City. *Next Meeting: Tuesday, March 17<sup>th</sup>, 6:30 p.m.*

**ONE Community:** Mayor Hrivnak said they received an update from the Township about what they are doing; the cooperation between the two is at a high level. *Next Meeting: April 13<sup>th</sup>, 7:00 p.m.*

**Planning & Zoning Commission:** Mr. Lutz said there continues to be a heavy workload on P & Z. *Next Meeting: Wednesday, April 8<sup>th</sup>, 7:00 p.m.*

**Comprehensive Plan Steering Committee:** No report. *Next Meeting: Tuesday, March 24<sup>th</sup>, 6:30 p.m.*

**Powell Community Improvement Corporation:** No report. *Next Meeting: TBA*

### CITY MANAGER'S REPORT

Mr. Lutz said they have the traffic signal at Sawmill Parkway and Galloway which has not been activated yet. They have been waiting on a transformer from AEP since November and it arrived today.

### OTHER COUNCIL MATTERS

Councilman Lorenz said he was a guest in one of the Fourth Grade classes at Liberty Tree Elementary to speak about Council's role. He talked about Urban Planning as well. They were a great group and it was his privilege to speak to them.

### EXECUTIVE SESSION: EXECUTIVE SESSION IN ACCORDANCE WITH O.R.C. SECTION 121.22 (G) (1), PERSONNEL (EMPLOYMENT, COMPENSATION).

MOTION: Councilman Cline moved at 8:15 p.m. to adjourn into Executive Session in accordance with O.R.C. Section 121.22 (G) (1), Personnel (Employment, Compensation). Councilman Counts seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Bertone moved at 9:10 p.m. to adjourn from Executive Session. Councilman Lorenz seconded the motion.

VOTE: Y 5 N 0

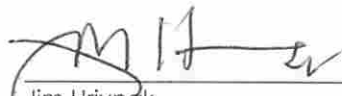
MOTION: Councilman Counts moved at 9:10 p.m. to reconvene in Regular Open Session. Councilman Cline seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Lorenz moved at 9:10 p.m. to adjourn from Regular Open Session. Councilman Cline seconded the motion.

VOTE: Y 5 N 0

**MINUTES APPROVED: April 7, 2015**

  
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Jim Hrivnak  
Mayor

4-21-15  
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Date

  
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Sue D. Ross  
City Clerk

4/24/2015  
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Date

