



City of Powell, Ohio
City Council

MEETING MINUTES
APRIL 15, 2014

A regular meeting of the Powell City Council was called to order by Mayor Jim Hrivnak on Tuesday, April 15, 2014 at 7:30 p.m. City Council members present included Jon Bennehoof, Richard Cline, Tom Counts, Mike Crites and Brian Lorenz. Frank Bertone was absent. Also present were Steve Lutz, City Manager; Rob Rice, City Engineer; Gene Hollins, Law Director; Susie Ross, City Clerk; and interested parties.

PLEDGE OF ALLEGIANCE

Mayor Hrivnak asked for a motion to accept the revised agenda before Council. He said the second reading of Ordinance 2014-15 was added as item 7.

MOTION: Councilman Cline moved to amend the agenda to add item 7, the second reading of Ordinance 2014-15. Councilman Crites seconded the motion. By unanimous consent, the motion was approved and the agenda was amended.

CITIZEN PARTICIPATION

Mayor Hrivnak opened the meeting to Citizen Participation for items not on the agenda. Hearing none, he closed the Citizen Participation session.

APPROVAL OF MINUTES

MOTION: Councilman Cline moved to approve the minutes of April 1, 2014. Councilman Crites seconded the motion.

VOTE: Y 6 N 0

CONSENT AGENDA

Item

Departmental Reports – March 2014

Action Requested

Receipt of Electronic Report

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

RESOLUTION 2014-06: A RESOLUTION DETERMINING THE PRIMARY INSPECTION AREA TO REPAIR OR REPLACE SIDEWALKS IN THE CITY OF POWELL.

Steve Lutz, City Manager, said this resolution is the first step in the City's annual Sidewalk Repair Program and the 2014 program will focus in areas in Deer Run and Grandshire. He said the program follows a year behind the Street Maintenance Program. He said this year's Sidewalk Program is much smaller than normal but it is due to last year's Street Program being done in areas without sidewalks.

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

Rob Rice, City Engineer, said this is the primary inspection area and in addition they inspect the entire City every year using the 2" rule. He said the entire cycle is completed within a five to seven year period. He explained the criteria for how they choose the primary inspection area each year. Councilman Bennehoof asked if there is a process for residents to report issues with sidewalks within the City. Mr. Rice said Staff receives calls for these situations and the property owner can address them at any time during the year without the City's involvement as long as they meet the repair/replacement criteria. He said they must submit for a permit and the City will waive the fee so the work can be completed. Councilman Bennehoof asked if they have considered expanding the program area this year. Mr. Rice said they do not have the budget for that but he anticipates the Street Program this year will include a wealth of sidewalks so next year's Sidewalk Program will be significantly larger than this year.

MOTION: Councilman Cline moved adopt Resolution 2014-06. Councilman Crites seconded the motion. By unanimous consent, Resolution 2014-06 was adopted.

SECOND READING: ORDINANCE 2014-15: AN ORDINANCE TO DESIGNATE THE NORTH LEG OF THE DEPOT STREET/POWELL ROAD INTERSECTION AS A RIGHT-IN/RIGHT-OUT ONLY INTERSECTION, AND DECLARING AN EMERGENCY.

Mr. Lutz said this ordinance would authorize the installation of a temporary "pork chop" at the intersection of Olentangy and Depot Streets. He said this would allow only right-in/right-out turns so they can determine the impact on the railroad crossing and other locations in the downtown.

Councilman Cline asked if the City received any feedback from the property owners on Depot Street. Mr. Lutz said no additional feedback was received; when the Development Committee discussed this in the past the proposal for right-in/right-out turns alleviated many of the concerns of the business owners because it did not cut off their access.

Councilman Lorenz said the Development Committee has reviewed this and brought it forward to Council. He said this is an attempt to mitigate some of the issues with the left hand turns and back up of traffic on the tracks. He said the residents seem to be more in favor of some measure that does not totally eliminate access. He said this is a temporary measure to try to get feedback and information.

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

Councilman Bennehoof asked about the timeline for the work. Mr. Lutz said they ordered most of the materials so it may be done in the next few weeks.

MOTION: Councilman Bennehoof moved adopt Ordinance 2014-15. Councilman Cline seconded the motion.
VOTE: Y 6 N 0

SECOND READING: ORDINANCE 2014-16: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2014.

Mr. Lutz said this and the next three items are second readings because at the last Council meeting they did not have five members present so they could suspend the rules and waive the second readings. He said this item was discussed by the Operations Committee; the servers are currently housed in the same room as the generators and one generates heat and the other is sensitive to heat. He said the solution is to relocate the transformers to the room immediately to the north to separate the units so they can function properly and help the City avoid spending more money on utilities.

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

MOTION: Councilman Cline moved adopt Ordinance 2014-16. Councilman Crites seconded the motion.
VOTE: Y 6 N 0

SECOND READING: ORDINANCE 2014-17: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2014.

Mr. Lutz said the first appropriation is for an additional \$6000.00 incurred in election-related expenses in 2013, primarily due to the number of Charter issues on the ballot. He said the second appropriation is for Auditor fees of \$5,700.00 to collection delinquent taxes on Commercial TIF funds.

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

Councilman Lorenz asked for clarification about the delinquent taxes and fees incurred. Councilman Cline said the Auditor has been successful in collecting delinquent taxes and has collected more money for the City; this means his percentage is higher than they anticipated.

MOTION: Councilman Cline moved adopt Ordinance 2014-17. Councilman Crites seconded the motion.
VOTE: Y 6 N 0

SECOND READING: ORDINANCE 2014-18: AN ORDINANCE APPROVING THE SUBDIVISION PLAT FOR THE RESERVE AT SCIOTO GLENN, PHASE 1, BY METRO DEVELOPMENT, LLC FOR THE PROPERTY SOUTH OF HOME ROAD AND WEST OF STEITZ ROAD.

Mr. Lutz said this is the newest residential subdivision in the City and this plat establishes where the public improvements, streets, sewers and easements are located. He said this is Phase 1 where they will develop the subdivision from the north off Home Road. He said it is likely it will be completed in four or five phases, depending upon sales.

Councilman Bennehoof said the Planning & Zoning minutes indicated the green space was made a little smaller due to the sanitary sewer provision to the house to the east, making a wider easement. He said in the future it would be helpful if Staff quantifies the reduction so they know the differences between the plans.

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

MOTION: Councilman Cline moved to adopt Ordinance 2014-18. Councilman Crites seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2014-19: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2014.

Mr. Lutz said this is an appropriation of \$8,700.00 for an unemployment claim from a prior employee that left to work somewhere else and has left that employment.

Gene Hollins, Law Director, said there is a two year look-back period to former employers. He said they do a pro-rata breakdown of how many months in the two year period the employee worked for the City and how long they worked for any other employer. He said even though the employee left here willingly and on good terms, if he or she gets laid off at the next employer, the City ends up with the bulk of the responsibility. Councilman Cline asked if the City is self-insured or pays into an insurance fund for this. Mr. Hollins said the City is self-insured.

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 2014-19. Councilman Crites seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Bennehoof moved adopt Ordinance 2014-19. Councilman Cline seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2014-20: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO GRANT A STORM SEWER EASEMENT TO CARL GIOFFRE INVESTMENTS LLC OVER A PORTION OF VILLAGE GREEN WITHIN THE CITY OF POWELL AND DECLARING AN EMERGENCY.

Mr. Lutz said the business immediately west of Easy Street is being transformed into a restaurant/pub and they are building a patio in the back. He said the best way to address their stormwater issues will be to have the stormwater outfall into a manhole through the City's park easement. He said this has been done in other areas of the City.

Mr. Rice said he worked with the property owner for this 25' area and the route will be at his direction but is yet to be determined. He said there is a manhole at the northeast corner of Village Green and they will snake a 6-8" drain through an appropriate path to an underground connection.

Mr. Hollins said this one of the few situations where one of the City's storm lines would not be in an existing easement because it is on their property. He said it is a public storm sewer and they just need to put some sort of easement in place so someone else can use it and feel safe that if they transfer the property to someone else they will continue to have the right to use the public storm sewer. He said it runs with the land so it will satisfy any issues that may come up.

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 2014-20. Councilman Crites seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved adopt Ordinance 2014-20. Councilman Crites seconded the motion.

VOTE: Y 6 N 0

COMMITTEE REPORTS

Development Committee: No report. *Next Meeting: Wednesday, May 7th, 6:30 p.m.*

Finance Committee: No report. *Next Meeting: Tuesday, May 13th, 7:00 p.m.*

Operations Committee: Councilman Counts said they met earlier this evening. Most of the meeting was the airing of viewpoints about noise from music in the Downtown. The Committee did not make any decisions but they urged the business owner and residents to work together because a noise ordinance is difficult to enforce. They gave feedback on the Community Attitude Survey that will be held later this spring. They also heard about a Sign Reflectivity and General Maintenance Program. That program should have been provided in all packets and it will be part of a resolution that will come to Council in a month or so. Comments on the policy should be forwarded to Steve Lutz or Jeff Snyder. *Next Meeting: Tuesday, May 13th, 6:30 p.m.*

ONE Community: Councilman Bennehoof said they met last night. Leads have been assigned to each of the projects/initiatives. Several projects were discussed in some detail: Beautification of Sawmill Parkway, First Responders Appreciation Event and the Bikepath Endowment Initiative. He asked that they solicit input from the business community regarding the unification of sign appearance standards. *Next Meeting: Monday, May 12th, 7:00 p.m.*

Planning & Zoning Commission: Mr. Lutz said a meeting was not held last week. *Next Meeting: Wednesday, April 23rd, 7:00 p.m.*

CITY MANAGER'S REPORT

Mr. Lutz said the residents began funding future Capital Improvement projects this year as the result of a levy they continued. The Scanner lists a couple of projects: installation of traffic signals at the intersections of Sawmill Parkway/Galloway and Sawmill Parkway/Village Club, with pedheads added at Rutherford Road. The bid packets will go out this month and will be opened in May so Council may award bids in May. With traffic signals, the company awarded the bid will have to manufacture the poles and that can take up to 6-8 months; it is not an immediate installation.

Mr. Lutz said Staff is working on a master plan for Seldom Seen Park for review by Council and the community. There are approximately 1.2 acres of wetlands on the property and they are going through the process to hopefully mitigate those spots into the existing pond on the northwest corner.

Mr. Lutz requested that Council convene in Executive Session tonight to discuss Personnel Matters; Wage and Compensation. There will be no action taken after the session.

OTHER COUNCIL MATTERS

Councilman Cline said he found out that RITA maintains a website that allows residents of Powell and other municipalities to file their taxes electronically. Unfortunately they did not have the bandwidth to address the demand so they asked their cities to extend the deadline; the City of Powell has extended the deadline to Monday, April 21 at midnight. He apologized to City residents who were discomforted by that inconvenience. Councilman Bennehoof said he spent hours on the phone with RITA for his quarterly requirement and they were very cooperative. He also noted that Ms. Miller was featured on TV 10 regarding the deadline extension.

Mayor Hrivnak asked to discuss Councilman Bennehoof's request for individual Council email addresses and business cards. Mr. Hollins reminded Council that anything, regardless of the format, that documents the workings of the City would be considered a public record. He said if the City receives a public record request that would ask for communications to and/or from elected officials, Staff would have to request that the Council members assist in responding to the request. He said some public bodies set up different email accounts for their elected officials in order to communicate with staff and the community and there has been some success and some difficulties. He said often an email is sent to the Councilmember's email but the response comes from a personal email address. He said they should keep that in mind and perhaps establish a separate email account that segregates public records from the rest of their email correspondence. Mr. Hollins said most municipalities have not stayed with this process as it is not a workable solution.

Councilman Cline asked about the City's retention policy on electronic communications like emails. Mr. Hollins said emails and other electronic communication should be considered transitory. He said if it is something that needs to be retained, it should be kept in some form other than email and committed to the document system.

He said the record schedule says "Keep until no longer of administrative value. Delete at will." Discussion continued about how other municipalities and the Powell Council members maintain emails currently and how the addition of one more could affect their process. It was noted that everyone uses email differently and this is a personal decision; it is most important that the residents have the ability to communicate with the Council in the most efficient means possible.

Councilman Crites asked for Ms. Ross' comments. Susie Ross, City Clerk, said the only thing she would like to add to the conversation is that most of the emails she receives at the Council email address never make it the Council members because they are Staff items. Residents may write to Council to report pot holes or other concerns; she currently forwards those directly to the Department Head for action. She said they can maintain the council@cityofpowell.us email to capture those types of concerns. Councilman Cline said that point is well-taken; many items sent to individual Council member are completed by Staff. He said if it will come directly to him in the future it may take him longer to respond, creating lower resident satisfaction. Councilman Lorenz said if the Ms. Ross is automatically copied on their individual emails she will take action and copy to the Council member.

Mayor Hrivnak suggested that they initiate separate email addresses for Council members so the residents will be able to reach them easily. He asked for and received a thumbs-up from the members. Mr. Lutz was directed to start the process and make sure that all correspondence to the addresses is automatically forwarded to the City Clerk, and to order business cards for the members of Council. Mr. Lutz said he will contact each member to finalize the details if they want the cards ordered.

EXECUTIVE SESSION IN ACCORDANCE WITH O.R.C. SECTION 121.22 (G) (3), PENDING LITIGATION.

MOTION: Councilman Cline moved at 8:51 p.m. to adjourn into Executive Session in accordance with O.R.C. Section 121.22 (G) (3), Pending Litigation. Councilman Crites seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved at 9:45 p.m. to adjourn from Executive Session. Councilman Crites seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Lorenz moved at 9:45 p.m. to reconvene in Regular Open Session. Councilman Bennehoof seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Crites moved at 9:45 p.m. to adjourn from Regular Open Session. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

MINUTES APPROVED:

 5-13-14
Date
Jim Hrivnak
Mayor

 5/13/2014
Date
Susie D. Ross
City Clerk

