



**City of Powell, Ohio**  
City Council

**MEETING MINUTES**  
**MAY 21, 2013**

A regular meeting of the Powell City Council was called to order by Mayor Richard Cline on Tuesday, May 21, 2013 at 7:30 p.m. City Council members present included Tom Counts, Mike Crites, Jim Hrivnak and Brian Lorenz. Jon Bennehoof and Sara Marie Brenner were absent. Also present were Steve Lutz, City Manager; Rob Rice, City Engineer; Mason Janczak, Staff Engineer; Megan Canavan, Public Information Officer; Gene Hollins, Law Director; Susie Ross, City Clerk; and a member of the Press.

**PLEDGE OF ALLEGIANCE**

**CITIZEN PARTICIPATION**

Mayor Cline 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 Counts moved to approve the minutes of April 16, 2013 as submitted. Councilman Crites seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Counts moved to approve the minutes of May 7, 2013 as submitted. Councilman Hrivnak seconded the motion.

VOTE: Y 5 N 0

**CONSENT AGENDA**

Item

- Monthly Building Report (April)
- Monthly Development Report (April)
- Monthly Financial Report (April)
- Monthly HDPI Report (April)
- Monthly Police Report (April)

Action Requested

*Receipt of Electronic Report*  
*Receipt of Electronic Report*  
*Receipt of Electronic Report*  
*Receipt of Electronic Report*  
*Receipt of Electronic Report*

MOTION: Councilman Counts moved to approve the Consent Agenda. Councilman Hrivnak seconded the motion.

VOTE: Y 5 N 0

**RESOLUTION 2013-08: A RESOLUTION DETERMINING THE NECESSITY TO REPAIR OR REPLACE SIDEWALKS IN THE CITY OF POWELL.**

Steve Lutz, City Manager, said this resolution was discussed at the last Council meeting. He said this year's Sidewalk Repair Program will include 174 blocks to be replaced and 22 blocks to be leveled.

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

MOTION: Councilman Counts moved to adopt Resolution 2013-08. Councilman Hrivnak seconded the motion.

VOTE: Y 5 N 0

**RESOLUTION 2013-09: A RESOLUTION AMENDING AND RESTATING RESOLUTION 2008-25 REGARDING AUTHORIZATION FOR THE CITY OF POWELL TO PICK UP THE STATUTORILY REQUIRED CONTRIBUTION TO THE POLICE AND FIREMAN'S DISABILITY AND PENSION FUND FOR THE PARTICIPATING EMPLOYEES OF THE CITY PURSUANT TO IRC SECTION 414 (H) (2).**

Mr. Lutz said as part of the Police and Fireman pension reform, employees are required to pick up a greater percentage of their pension contribution. He said it is currently at 10%, in July it will go up to 10.75%, in July 2014 it will go up to 11.50% and in July 2015 it will go up to 12.25%. Mr. Lutz said this legislation is required by the Pension Board and as noted in the background memo, the wording is different because it is based on pre-tax

dollars. He said the City does not provide any portion of the employee contributions and the City does not have pension pickup as worded in the resolution.

Councilman Lorenz clarified that the employees are required by State mandate to bump up what they are contributing. Mr. Lutz said that is correct. Councilman Crites asked if the opt-out provision that was eliminated in Section 8 was done so it complies with the mandates of the IRS code. Mr. Lutz said that is correct. Councilman Hrivnak said it says very plainly that the City is picking it up.

Gene Hollins, Law Director, said this is driven by the Internal Revenue Code and it has to be included in the employee's total compensation for code purposes. He said the employee's pre-tax contribution will be used to pay for their contribution. He said it sounds like they are picking it up but they specifically ran this by the Pension Board and they confirmed this is properly worded. Mr. Hollins said the contribution is "picked up" but not really paid by the City. Mr. Lutz said they have had to do similar legislation when they've made changes in previous years. He said it is not the way they would write it but it is required by the Pension Board and the IRS.

Councilman Counts asked for clarification about the use of "Deduction" and "reduction" within the legislation. Mayor Cline said in Section 1 the resolution talks about a payroll "deduction" and Sections 2 & 3 it talks about a payroll "reduction." He asked if that is intentional. Mr. Hollins said it should read payroll "reduction" in all three places. Councilman Hrivnak noted that it also says payroll "deduction" in the third "Whereas" clause.

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

MOTION: Councilman Counts moved to amend Resolution 2013-09 to strike the word "deduction" wherever it appears and in its place insert the word "reduction." Councilman Crites seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Hrivnak moved to adopt Resolution 2013-09, as amended. Councilman Crites seconded the motion.

VOTE: Y 5 N 0

**FIRST READING: ORDINANCE 2013-22: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2013.**

Mr. Lutz said in the City budget they allocated \$1,950.00 for the services of an on-call forester. He said Staff believes it will be advantageous to change it in 2013 from a seasonal employee to a contracted service. He said this ordinance reallocates the money from one account to two accounts under contracted services.

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

MOTION: Councilman Counts moved to suspend the rules in regard to 2013-22. Councilman Hrivnak seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2013-22. Councilman Hrivnak seconded the motion.

VOTE: Y 5 N 0

**FIRST READING: ORDINANCE 2013-23: AN ORDINANCE APPROVING THE PLAT FOR THE GOLF VILLAGE, SECTION 7, PHASE D, PART 3. (Public Hearing)**

Mr. Lutz said this plat is for the final phase in Golf Village, Section 7, which is the far northwest portion of that subdivision. He said the plat provides for layout of lot lines and street alignments. He said this section of Golf Village is where last year the developer built a temporary bike path. He said the sidewalk will be completed in front of each home as they are built. Mr. Lutz said they anticipate completing the infrastructure this season and beginning to sell lots by the end of this year.

Councilman Lorenz said Section 1, Condition #2 says there is a Memorandum of Understanding but Note "H" says there is an agreement between Triangle and the Miller's. He said he is not sure how that applies to the plat and he wonders if the property owned by James Dickey is now getting a driveway off of Hickory Rock Drive. Mr. Lutz said he will check with Staff and get an answer before the second reading. Councilman Lorenz said he is not sure if the HOA has a say but they may want to know about it. He asked if the Dickey property is within the City and if not, does he have to annex in because he is accessing a public street inside the City. Mr. Lutz said they will have to check on that as well. He said there are other properties within the area that have the same situation. Councilman Lorenz said it seems a little awkward to have the property access off of the road.

Councilman Hrivnak said he is also confused on this issue. Councilman Crites said the Miller's probably owned this at one time back in 2001 and the Dickey's then acquired it. Councilman Lorenz said lots of people in this area will be excited to see this connection; it has come forward a lot sooner than expected.

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

Ordinance 2013-23 was taken to a second reading.

#### COMMITTEE REPORTS

**Development Committee:** No report. *Next Meeting:* June 4<sup>th</sup>, 6:30 p.m.

**Finance Committee:** Councilman Counts said the Committee met last week with the Development Committee. He said they attempted to prioritize the Capital Improvements Plan as presented by Staff. *Next Meeting:* June 11<sup>th</sup>, 7:00 p.m.

**Operations Committee:** Councilman Lorenz said they were scheduled to meet this evening but canceled the meeting so all of the members can attend. *Next Meeting:* June 18<sup>th</sup>, 7:00 p.m.

**Planning & Zoning Commission:** No report. *Next Meeting:* May 22<sup>nd</sup>, 7:00 p.m.

**Powell CIC:** No report. *Next Meeting:* June 3<sup>rd</sup>, 6:00 p.m.

#### 2012/2013 CITY COUNCIL INITIATIVE UPDATES

There were none.

#### CITY MANAGER'S REPORT

Mr. Lutz said as a result of seven Charter amendments being approved by the voters, Staff will be working on some ordinances and things that need to be done in preparation for those changes. He announced the resignations of two Staff members, Eric Fischer and Mason Janczak. He said Eric will become the Development Director for the City of Pataskala and Mason will join the Delaware County Sewer Department to head up their GIS program. Mr. Lutz said they both have been with the City 8 years or so; they will be missed but he is pleased to see them move up the ranks.

Mr. Lutz said Ms. Canavan updated the format of the City's weekly e-newsletter and last week was the first edition. He reminded the members of Council about the Memorial Day parade on Monday. He said they should be there by 9:45 and flags will be available for them to hand out along the parade route.

#### OTHER COUNCIL MATTERS

There was none.

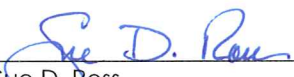
#### ADJOURNMENT

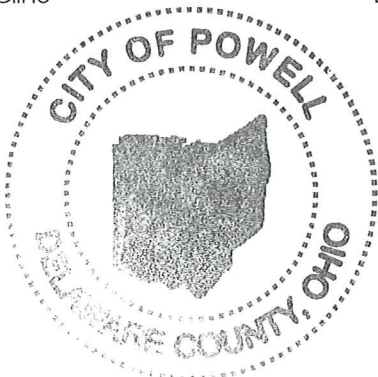
MOTION: Councilman Counts moved at 7:49 p.m. to adjourn the meeting. Councilman Hrivnak seconded the motion.

VOTE: Y 5 N 0

MINUTES APPROVED: June 4, 2013

  
Richard Cline  
Mayor  
6/13/13  
Date

  
Sue D. Ross  
City Clerk  
6/25/2013  
Date



Jon Bennehoof

Sara Marie Brenner

**City Council**  
Richard Cline, Mayor  
Tom Counts Mike Crites

Jim Hrivnak

Brian Lorenz