



**City of Powell, Ohio**  
City Council

**MEETING MINUTES**  
**JUNE 25, 2013**

A regular meeting of the Powell City Council was called to order by Mayor Richard Cline on Tuesday, June 25, 2013 at 7:30 p.m. City Council members present included Sara Marie Brenner, Mike Crites, Jim Hrivnak and Brian Lorenz. Jon Bennehoof and Tom Counts were absent. Also present were Steve Lutz, City Manager; David Betz, Development Director; Rob Rice, City 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**

Councilman Hrivnak noted two corrections to the minutes.

MOTION: Councilman Hrivnak moved to approve the minutes of June 4, 2013 as amended. Councilman Crites seconded the motion.

VOTE: Y 4 N 0 (Abstain: Brenner)

**CONSENT AGENDA**

Item

- Request for Transfer of Liquor Permits (D5, D6) from Petra's Table LLC to Four Seasons of Columbus, LLC 3499 Market Street and Patio
- Monthly Building Report
- Monthly Development Report
- Monthly Financial Report
- Monthly HDPI Report
- Monthly Police Report

Action Requested

Waive request for hearing

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

MOTION: Councilman Hrivnak moved to approve the Consent Agenda as submitted. Councilman Crites seconded the motion.

VOTE: Y 5 N 0

**PRESENTATION: Delaware County Board of Elections**

Bronwen Evener, Delaware County Board of Elections, introduced Director Karla Herron, Deputy Director Josh Pedaline, and Ross McDonald. She said she and Ross serve as the Election Services Managers and they are responsible for the election division. Ms. Evener said for each election, the Delaware County Board of Elections supplies 143 precincts with close to 1,000 workers. She said in the City of Powell alone they have six locations, ten precincts and around 50 workers. She said this is a growing community and this has posed a challenge for those at the Board of Elections; in the past few years they have had to go outside of the City to staff the polls in this community. She said the November election is a local election so they seek to team up with the City to encourage City residents to work at local polling locations. She explained the benefits of serving as a poll worker.

Mr. McDonald reviewed a presentation (Exhibit 1) to inform the City of the many ways they can team with the Board of Elections to recruit election officials. He made several suggestions for ways to collaborate to reach out to the residents so all poll workers for City precincts come from within the City: Facebook and Twitter, City e-newsletter, direct advertising in City facilities, City website pages, and fundraising opportunities where workers to donate their poll worker income to local charities and

foundations. Mr. McDonald said the November election is local election which does not generate much interest for workers so they will need the help of City Council this summer and fall to recruit workers for the City polling places.

Ms. Herron thanked City Council for allowing them to make this presentation. She said they want to include the City within their vision so they can change the way they recruit. Ms. Herron said democracy is fragile and important and they want people to see that working at the polls is an honor and respected position. She asked that the City Council consider a proposed resolution of support at a later date.

Mayor Cline said Ms. Canavan can assist with this to leverage the City's social media efforts. He said he does not see a problem with any of the proposed suggestions and Ms. Canavan may have other ideas of how to get out the message. He said it is very important to have good poll workers. Mayor Cline thanked the Board of Elections for the work they do and said he would be happy to accept the draft resolution so it may be placed on the July 16<sup>th</sup> meeting agenda. Councilwoman Brenner asked if there will be confusion in the public regarding "election officials" versus "elected officials." She said they may want to think about the verbiage so there is no confusion. Ms. Herron said they can use the term "precinct election officials" to provide clarification. She reminded the members of Council that the filing deadline is August 7<sup>th</sup>. She said they have resources available to help candidates become successful.

**PRESENTATION: SCRAM! Wildlife Control/Ohio Wildlife Center**

Adam Turpen, Wildlife Field Agent, Director of SCRAM! Wildlife Control, said they are the resource for Central Ohio and are the only provider in the state that provides a non-lethal approach to nuisance control. He said their whole mission is to give these animals a second chance while helping reclaim the client's property. He said as the Director of SCRAM! Wildlife Control, he provides services for concerned citizens about wildlife in their attics and underneath porches/decks. He said he also assists with sick or injured animals in the community.

Mr. Turpen described their facilities, their locations and uses. He said they are a fee-driven service provider for a non-profit entity. He reviewed a presentation (Exhibit 2) about their services and described their services which include: Hot Line calls, wild animal eviction and exclusion, remediation and prevention, reuniting wild families, collection and transportation of sick or injured animals to OWC's wildlife hospital, and educational opportunities for good mitigation services.

Mayor Cline thanked Mr. Turpen for his presentation. He said most people in this community are interested in how to get rid of deer in backyards. Mr. Turpen said they are mandated through the rules and regulations of the Ohio Department of Resources and they are no longer able to rehabilitate white tail deer in the State of Ohio. He said they can offer tips regarding foliage that is less attractive to deer as well as aversion tactics such as motion sensor lights and sprinklers. Mr. Turpen said these animals are very smart so often they perform site inspections to help each homeowner in their unique situation.

**RESOLUTION 2013-11: A RESOLUTION TO ESTABLISH THE ESTIMATED REVENUES FOR THE CITY OF POWELL FOR THE FISCAL YEAR ENDING DECEMBER 31, 2014.**

Steve Lutz, City Manager, said the Delaware County Budget Commission has waived the requirement for filing a tax budget and has provided an alternative method.

Debra Miller, Finance Director, said this method is to give the Commission estimated revenues for the next year. She said they use the projected revenues from the 2013 budget and do not make changes. She said this starts the millage process for the City property tax revenue; by telling the Delaware County Auditor's office that the City needs the General Fund property tax. Ms. Miller said in the fall City Council will see this again with the actual millage provided by the Auditor's office. She said Staff will ask Council for approval of the millage at that time.

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

MOTION: Councilman Hrivnak moved to adopt Resolution 2013-11. Councilman Lorenz seconded the motion.

VOTE: Y 5 N 0

**SECOND READING: ORDINANCE 2013-21: AN ORDINANCE ACCEPTING THE ANNEXATION OF A 2.75-ACRE TRACT, MORE OR LESS, TO THE CITY OF POWELL.**

Mr. Lutz said this second reading is for the annexation of property on the east side of Sawmill Road south of Grey Oaks. He said Epcon Communities plans to develop a condominium community on this site and the Final Development Plan approval is also on tonight's agenda. He said the total land development is 5.58 acres and this tract is 2.75 acres. Mr. Lutz said this annexation will permit the entire community to be developed within the City corporate boundaries instead of being partially in the City and partially in the Township.

Councilwoman Brenner asked for a review of the number of units on the site and any variances necessary.

David Betz, Development Director, reviewed the annexation site. He said the maximum density for a single family development is 1.7 units per acre. He said the southern part being annexed has an approved development plan within Liberty Township which proposes 13 units on the 2.75-acre annexation property. Mr. Betz said the prior approved plan will go away and the current proposal for 23 single family condo units as shown will go in its place. He said the annexed parcel has 11 units instead of 13 and the other 12 units are distributed on the other parcel in a similar fashion around a circle. Mr. Betz said the Planning & Zoning Commission approved this and recommends it to Council for approval with a variance for the density due to it being a transitional piece for an infill project like this.

Mayor Cline asked if it matters in which order they consider these two ordinances. Gene Hollins, Law Director, said it is up to the discretion of City Council.

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

MOTION: Councilman Crites moved to adopt Ordinance 2013-21. Councilman Hrivnak seconded the motion.

VOTE: Y 5 N 0

**SECOND READING: ORDINANCE 2013-24: AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR EPCON COMMUNITIES FOR 23 SINGLE FAMILY CONDOMINIUM HOMES ON 5.58 ACRES LOCATED AT 9901 AND 9963 SAWMILL ROAD, AND AMENDING THE ZONING MAP TO PR, PLANNED RESIDENCE DISTRICT PENDING ANNEXATION OF 9963 SAWMILL ROAD TO THE CITY OF POWELL. (Public Hearing)**

Mr. Lutz said this is the final development plan for the property discussed in the previous ordinance.

Mr. Betz said this is proposed for 23 single family courtyard homes. He said each home is separated by 10' and there is a courtyard patio area in-between each unit. He said the access is off of Sawmill Road south of Grey Oaks and the development is off of a loop street with an open-air type of pavilion in the center. He said stormwater retention is provided by two ponds on the west side of the site along the road and there is a lot of landscaping done along the perimeter of the site. Mr. Betz said they have reviewed the tree preservation and replacement plan which meet code requirements. He presented elevations of the buildings; he said there are three models with three elevations each, providing nine different styles of homes. Mr. Betz said they spent a lot of time working on a landscaping plan for the entry area along Sawmill Road. He said the developer will work to not repeat any elevations side-by-side to each other. He said these types of units are currently being developed on Seldom Seen Road just west of Sawmill Parkway and have also been approved to finish the Village of Powell area on North Liberty Road.

Councilwoman Brenner asked about the price point of the homes.

Joel Rhoades, Epcon, 500 Stonehenge Parkway, Dublin, said the pricing has not yet been finalized but they will start at \$225k and go up to \$360k, depending on the options and floor plans selected. Councilman Lorenz asked how the elevations are chosen. Mr. Rhoades said they are selected by the buyer. Councilman Lorenz asked if there will be a fence between the ponds and Sawmill Road. Mr. Betz said they propose white rail fencing in that area and they are extending the pathway system from Grey Oaks Drive south to their property line.

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

Mayor Cline asked about a change to Section 2, subparagraph 1. Mr. Hollins said they should insert the word "identical" to meet the intent to disallow two identical units side-by-side. Councilman Hrivnak asked how they will accomplish that. Mr. Rhoades said their primary goal is to be compliant with the approved plan but they also want to satisfy their customers. He said they have nine different elevations and if they have two buyers

that want exactly the same thing they start by working on the details, separate them or come up with other alternatives.

MOTION: Councilman Hrivnak moved to amend Ordinance 2013-24 in Section 2, subparagraph 1 to insert the word "identical" so it reads "so that no two identical elevations are constructed next to each other." Councilman Crites seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Hrivnak moved to adopt Ordinance 2013-24 as amended. Councilman Crites seconded the motion.

VOTE: Y 5 N 0

**FIRST READING: ORDINANCE 2013-27: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2013.**

Mr. Lutz said at the last meeting they discussed the 2013 Street Maintenance Program and the ability to fund all three alternatives. He said that requires them to add money to that budget so they took this to the Finance Committee. He said they identified unrestricted funds which are currently available in the Capital Improvements Funds. Mr. Lutz said they recommend that \$184,154.70 be allocated out of the Capital Projects Fund and \$22,345.30 out of the Village Development Fund. He said this, in addition to the money which has already been appropriated for the Street Maintenance budget will provide the necessary funding. Mr. Lutz said the Committee recommends this funding.

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

MOTION: Councilman Crites moved to suspend the rules in regard to Ordinance 2013-27. Councilman Lorenz seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Crites moved to adopt Ordinance 2013-27. Councilman Hrivnak seconded the motion.

VOTE: Y 5 N 0

**SECOND READING: ORDINANCE 2013-25: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO AWARD A BID TO COLUMBUS ASPHALT PAVING, INC. IN THE AMOUNT OF \$631,505.90 FOR THE 2013 STREET MAINTENANCE AND REPAIR PROGRAM, AND DECLARING AN EMERGENCY.**

Mr. Lutz said this year they received three bids for the Street Maintenance Program and Staff recommends they award the contract to the low bidder, Columbus Asphalt. He said they have worked for the City in the past and Staff was satisfied with the quality of the work.

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

MOTION: Councilman Hrivnak moved to adopt Ordinance 2013-25. Councilman Lorenz seconded the motion.

VOTE: Y 5 N 0

**FIRST READING: ORDINANCE 2013-26: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2013.**

Mr. Lutz said the City's Development and Finance Committees recently met to discuss the Capital Improvement bond issue approved by voters last November. He said they recommend that Council provide advance funding for these projects so they can begin to do some master planning for the park on Seldom Seen Road and begin engineering for traffic signals and similar projects. He said the appropriations total \$150k.

Councilwoman Brenner asked where they are in the process regarding the Murphy Parkway extension. Councilman Hrivnak said they adopted an ordinance to set the design criteria for engineering. Mr. Lutz said the next step in the process is to begin to identify an engineering firm and begin to engineer the project. He said at that time the comments and criteria discussed in the previous meetings will be incorporated into the plans. He said there will be public meetings to review those plans and discuss how the road will continue. Mr. Lutz said the \$50k appropriation will help get the process started.

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



Ordinance 2013-26 was taken to a second reading.

**FIRST READING: ORDINANCE 2013-28: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO AWARD A BID TO \_\_\_\_\_ IN THE AMOUNT OF \$\_\_\_\_\_ FOR THE 2013 SIDEWALK REPAIR AND REPLACEMENT PROGRAM, AND DECLARING AN EMERGENCY.**

Mr. Lutz said bids were recently opened for the sidewalk repair program and the City received two bids. He said Staff recommends the bid be awarded to MJ General LLC in the amount of \$39,587.60.

Councilman Crites asked if the City has worked with this company in the past and if so, were they satisfied with the work.

Rob Rice, City Engineer, said they worked with them on last year's program and were satisfied with the results.

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

MOTION: Councilman Hrivnak moved to suspend the rules in regard to Ordinance 2013-28. Councilman Lorenz seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Crites moved to amend Ordinance 2013-28, to insert "MJ General LLC" in the first blank of the title, "\$39,587.60" in the second blank of the title, "MJ General LLC" in the blank in the second "WHEREAS" clause, and "MJ General LLC" in the blank in the text of Section 1. Councilman Hrivnak seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Hrivnak moved to adopt Ordinance 2013-28, as amended. Councilman Crites seconded the motion.

VOTE: Y 5 N 0

**COMMITTEE REPORTS**

**Development Committee:** No report. *Next Meeting:* July 16<sup>th</sup>, 6:30 p.m.

**Finance Committee:** No report. *Next Meeting:* July 9<sup>th</sup>, 7:00 p.m.

**Operations Committee:** No report. *Next Meeting:* TBD

**Planning & Zoning Commission:** Mr. Betz said they have a meeting tomorrow night for new signs for LA Fitness, the new owner of Urban Active. He said at the July 24<sup>th</sup> meeting they will review the Final Development Plan for The Reserve subdivision on Home Road, and the Final Development Plan for the redevelopment of the Auto Assets/Germain Body Shop site. *Next Meeting:* July 24<sup>th</sup>, 7:00 p.m.

**CITY MANAGER'S REPORT**

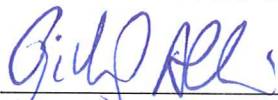
Mr. Lutz reminded Council that this weekend is the Powell Festival.

**OTHER COUNCIL MATTERS**

There were none.

**MOTION:** Councilman Hrivnak moved at 8:21 p.m. to adjourn the meeting. Councilman Crites seconded the motion. By unanimous consent, the motion was approved.

**MINUTES APPROVED: July 16, 2013**

  
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Richard Cline  
Mayor

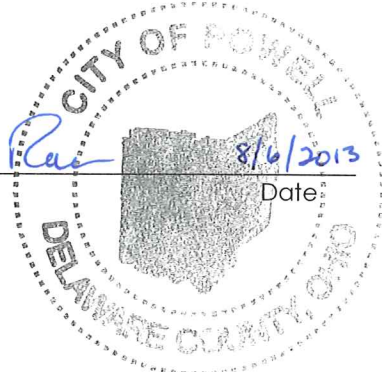
8/6/13

Date

  
\_\_\_\_\_  
Sue D. Ross  
City Clerk

8/6/2013

Date



**City Council**

Richard Cline, Mayor

Jon Bennehoof

Sara Marie Brenner

Tom Counts

Mike Crites

Jim Hrivnak

Brian Lorenz