



City of Powell, Ohio
City Council

MEETING MINUTES
JULY 1, 2014

A regular meeting of the Powell City Council was called to order by Mayor Jim Hrivnak on Tuesday, July 1, 2014 at 7:30 p.m. City Council members present included Frank Bertone, Richard Cline, and Mike Crites. Jon Bennehoof, Tom Counts, and Brian Lorenz were 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

CITIZEN PARTICIPATION

Mayor Hrivnak opened the meeting to Citizen Participation for items not on the agenda.

Chip Thompson, Vice-President, Delaware County Fair Board, read a brief statement regarding the Delaware County Fair and provided a presentation regarding a proposed 3% increase in the Delaware County bed tax to help finance the updating of facilities in the future. The infrastructure on the fairgrounds was built before WWII and is in need of repair and/or replacement. The Fair Board feels this increase is a reasonable way to raise the resources it needs. On behalf of the Fair Board, Mr. Thompson asked that the Powell City Council support this endeavor by providing a resolution of support for the tax increase. He provided further details on the history of the fair, funding sources and House Bill 490. Mr. Thompson said he is visiting the governmental agencies in the County and so far no one has refused to support this proposal.

Hearing no further comments, Mayor Hrivnak closed the Citizen Participation session.

APPROVAL OF MINUTES

One correction was noted on page 15.

MOTION: Councilman Cline moved to adopt the minutes of June 17, 2014 as amended. Councilman Crites seconded the motion. By unanimous consent, the minutes were approved as amended.

CONSENT AGENDA

Item

- *Liquor Permit Request*
KH5 LLC. dba Easy Street Café, 5 S. Liberty Street

Action Requested

Waive request for hearing

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

FIRST READING: ORDINANCE 2014-34: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2014.

Steve Lutz, City Manager, said with only four Council members in attendance tonight, all of the ordinances before them will have to go to second reading. This ordinance will appropriate \$15,000.00 to the Parks & Rec Department; their revenues are coming in much higher than anticipated so the contracted services have increased. The department continues to be self-sufficient and are anticipating another \$23k in revenue.

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

Ordinance 2014-34 was taken to a second reading.

FIRST READING: ORDINANCE 2014-35: AN ORDINANCE TO VACATE A PORTION OF A STORM SEWER DRAINAGE EASEMENT, LOCATED ON REAL PROPERTY OF RECORD IN PLAT BOOK 2, PAGE 648, IN THE RECORDER'S OFFICE, DELAWARE COUNTY, BEING LOT 2571 MURPHY'S PARK SECTION 3, AND DECLARING AN EMERGENCY.

Mr. Lutz said this was brought to Staff's attention because a home is for sale and during the title search and mortgage survey it was determined that the house encroaches 1' into the storm sewer drainage easement. Staff has no problems vacating that portion of the easement so the sale can go through.

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

Ordinance 2014-35 was taken to a second reading.

FIRST READING: ORDINANCE 2014-36: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO AWARD A BID TO G. MARCHI & SON, LLC IN THE AMOUNT OF \$18,814.00 FOR THE 2014 SIDEWALK REPAIR AND REPLACEMENT PROGRAM, AND DECLARING AN EMERGENCY.

Mr. Lutz said the bid opening for the 2014 Sidewalk Program took place yesterday and three bids were received. G. Marchi & Son, LLC was the low bidder at \$18,814.00 and the next lowest bidder was at \$19,384.00. The bid amount is either at or below the estimated amounts provided to the residents in the project.

Rob Rice, City Engineer, was present to answer questions. Councilman Bertone asked if postponing this to second reading will suspend the work until that approval. Mr. Rice said he cannot sign the contract until Council adopts the ordinance.

Gene Hollins, Law Director, said they will amend the ordinance and fill in the bidder name and amount prior to the second reading.

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

Ordinance 2014-36 was taken to a second reading.

FIRST READING: ORDINANCE 2014-37: AN ORDINANCE PROVIDING CONSENT TO THE OHIO RAIL DEVELOPMENT COMMISSION TO AUTHORIZE AND COMPLETE THE INSTALLATION OF A QUEUE CUTTER AT THE CSX TRANSPORTATION GRADE CROSSING ON STATE ROUTE 750, DOT# 228 650P, AND DECLARING AN EMERGENCY.

Mr. Lutz said this is an item that has been discussed quite a bit in the last six months and the City will proceed with installing a queue cutter. The project is an \$80k - \$90 expense and the City has received grant funding from the Ohio Rail Development Commission to cover the cost. The City will be responsible for the "pork-chop." This work is scheduled to take place in 2015.

Councilman Cline asked why the City of Powell is denoted as "LPA." Mr. Rice said it stands for "Local Public Agency." Mr. Hollins said most of the wording was provided by ODOT and then put into our format. Councilman Bertone asked about the timeline. Mr. Lutz said they will have a better feel for that over the winter months. Mayor Hrivnak asked if it is correct that a queue cutter only works when there is an approaching train. Mr. Rice said his understanding is that it works even if a train is not coming; the sensors are strictly on the roadway and not on the tracks. Mr. Lutz said Staff will clarify the matter before the second reading. Mayor Hrivnak asked if the City is asking for any additional features as noted in the ordinance. Mr. Lutz said it was discussed that if they do the left turn lane at Hall Street and/or the "pork-chop" as well as any other ancillary improvements they would be the City's responsibility. Mr. Rice said the City is only undertaking the "pork-chop" and it has been completed already. Mr. Hollins said that is standard language so ODOT is not held responsible for any other upgrades.

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

Ordinance 2014-37 was taken to a second reading.

SAWMILL PARKWAY AGREEMENT DISCUSSION

Mr. Lutz said he was asked to include this discussion on the agenda. The agreement between the City of Delaware and Delaware County was included in Council packets. He said it primarily discusses the funding of the parkway. The County will front the entire \$56 million needed for this project and the City of Delaware will be obligated to pay 37.5% of the project from its municipal boundary up to US 42. The City of Delaware will also be required to pay 100% of the costs of the roadway extension from US 42 to its eventual terminus which is about 1,600 feet north of that point. The City of Delaware's share of the project is estimated to cost \$8.5 million, which the City of Delaware will reimburse to Delaware County through a TIF which is being established. The Sawmill Parkway extension will open up about 1,600 acres of development in the City of Delaware's industrial park. Another section added to this agreement was that the Sawmill Parkway extension is intended to facilitate travel north and south and have limited access points with frontage roads likely accessed off of Clark Shaw, Bunty Station and Bean Oller roads. The agreement states that if the City of Delaware does annex portions of the land that it will remain limited access. Delaware County will also be forwarding something to the City of Powell to consider adopting so if we annex any portions of the new parkway we will keep the limited access features.

Mayor Hrivnak said Councilman Bennehoof has asked in the past if this in any way gives the City of Delaware an advantage for annexation over anyone else. Mr. Hollins said he does not believe that once this is constructed all the way to the City of Delaware it provides an advantage to either the City or Delaware. The land to be annexed has to be contiguous to the city to be considered for annexation so the City of Powell would have a natural growth corridor going north. The City of Delaware may have a natural growth corridor going south to open up some development land where otherwise the developer would have to build the extension. There is not much incentive one way or another to annex to either city.

Mayor Hrivnak asked if they should pursue this further or direct Staff to take action. Councilman Cline said when the City Manager receives the opportunity to adopt a similar resolution it can come to Council for consideration. Until then they cannot proceed. Mr. Hollins said they expect an agreement that is very simple and similar to Page 38, Subsection F.

COMMITTEE REPORTS

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

Finance Committee: Mr. Lutz said Liberty Township will present a funding request to the City for contributing toward their grant for Sawmill Parkway/SR 750 project. They will have a follow-up discussion from the last Finance meeting regarding typically used incentives and development agreements. Councilman Cline encouraged all who are able to attend the meeting. *Next Meeting: Tuesday, July 8th, 7:00 p.m.*

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

ONE Community: No report. *Next Meeting: Monday, July 14th, 7:00 p.m.*

Planning & Zoning Commission: No report. *Next Meeting: Wednesday, July 23rd, 7:00 p.m.*

Comprehensive Plan Steering Committee: Councilman Crites said the first meeting of the Steering Committee was held last Tuesday and all 13 members were present. Introductions were made and the process was discussed. Copies of the Comprehensive Plan were distributed. They received good questions and feedback and 20-25 citizens attended. A date for the next meeting of the Steering Committee will be determined at the next Executive Committee meeting scheduled for *Wednesday, July 9th, 8:00 a.m.*

Powell CIC: No report. *Next Meeting: Wednesday, July 16th, 7:00 p.m.*

CITY MANAGER'S REPORT

- There are several Board and Commission vacancies and they need to schedule interviews for the candidates. They are considering an Executive Session at 7:30 prior to the next Council meeting where they can spend 15-20 minutes with each of the candidates.
- Marty Saperstein of Saperstein & Associates has notified Staff that he has concluded the Community Survey and is available to attend the next Council meeting to present the findings.
- The comments and information from the Seldom Seen Park Open House are being assembled. A time for discussion will be scheduled at an August Council meeting so they can begin the master planning process.

OTHER COUNCIL MATTERS

Councilman Crites requested that they add an agenda item to one of the next two Council meetings to discuss Ohio's Opiate Crisis. The newspapers have articles every day about this national crisis and the Governor has created an Opiate Action Team. It would be helpful to have a discussion to gain a better understanding of the problem. It is a community problem and he would like to hear how serious it may be within the City of Powell. Mr. Lutz said they will plan on having that discussion at the first meeting in August.

ADJOURNMENT

MOTION: Councilman Cline moved at 8:18 p.m. to adjourn the meeting. Councilman Crites seconded the motion. By unanimous consent, the meeting was adjourned.

MINUTES APPROVED: July 15, 2014



Jim Hrivnak
Mayor

7-23-14
Date



Sue D. Ross
City Clerk

7/24/2014
Date



City Council

Jim Hrivnak, Mayor

Jon Bennehoof

Frank Bertone

Tom Counts

Mike Crites

Richard Cline

Brian Lorenz