



City of Powell, Ohio
City Council

MEETING MINUTES
JULY 15, 2014

A regular meeting of the Powell City Council was called to order by Mayor Jim Hrivnak on Tuesday, July 15, 2014 at 7:30 p.m. City Council members present included Frank Bertone, Jon Bennehoof, Richard Cline, Tom Counts and Brian Lorenz. Mike Crites was absent. Also present were Steve Lutz, City Manager; Megan Canavan, Communications Director; 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. Hearing none, he closed the Citizen Participation session.

Mayor Hrivnak asked for a motion to accept the revised agenda before City Council.

MOTION: Councilman Counts moved to accept the revised agenda. Councilman Cline seconded the motion. By unanimous approval, the motion was adopted; the agenda was revised.

APPROVAL OF MINUTES

MOTION: Councilman Cline moved to adopt the minutes of June 1, 2014. Councilman Counts seconded the motion. Councilman Lorenz and Councilman Bennehoof abstained from the vote. By unanimous consent of the remaining members, the minutes were approved.

CONSENT AGENDA

Item

- *Departmental Reports - June*

Action Requested

Accept monthly reports

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

DELAWARE GENERAL HEALTH DISTRICT PRESENTATION – Shelia Hiddleson

Shelia Hiddleson, Health Commissioner, provided a quarterly update on the activities of the Health District. She said they completed the Community Health Assessment in the fall of 2013 and are currently working with the Partnership for a Healthier Delaware County on a Community Health Improvement Plan. This plan takes the top five priorities out of the assessment and develops a work plan to help the community be healthier. It should be done by August 15th. They started the 2014 Mosquito Surveillance Program; they provide larvaecide for public entities and they provide helpful tips for private citizens. Since her last visit they have become one of four nationally accredited Health Districts in the State and one of the original 31 across the country. They are required by law to adhere to ten essential public health services and this means they provide all of those services with quality and fiscal responsibility. They partnered with the Olentangy Local School District to provide two Safe Routes to School grants but they did not receive the infrastructure grant for roads and sidewalks. They will work with school partners and the police once school is back in session to implement the services within the educational grant.

2014 COMMUNITY ATTITUDES SURVEY PRESENTATION – Marty Saperstein

Marty Saperstein, Saperstein and Associates, reviewed a presentation (Exhibit 1) about the 2014 survey (Exhibit 2). He said these surveys are important because they give City residents an opportunity to speak in a way that is anonymous and random. They had to phone over 4k people to complete the 400 interviews and over 600 people refused to participate. This is the fourth study in the series they began in 2008 and they have moved from a point to a line to a legitimate trend. He described the method by which they collected the information.

He noted that a majority of residents continue to consider Powell an outstanding community and praise City-managed amenities, City services, and Powell's public officials but two items were prevalent: traffic and development involving high-density housing. He reviewed the specific questions and the results and compared

them to the results from the surveys in prior years. He said it will be important to monitor the shifts in opinions in the future.

Steve Lutz, City Manager, said Staff will work with the Operations Committee as they have in past years. They will dive into this information and look at some of the issues that did not receive the satisfaction level they are looking for. It will allow them to consider what they need to do differently as an organization and as a community.

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

Mr. Lutz said this ordinance requests an additional \$15k for the Parks & Recreation Department. Due to a large increase in class participation and \$23,000 increase in revenues, the department needs additional funds to cover the expenses from the additional program registrations.

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

MOTION: Councilman Cline moved to adopt Ordinance 2014-34. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

SECOND 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 came to the City's attention when a resident was refinancing or selling their property and found that their home is slightly over a drainage easement. Staff recommends they table this ordinance until August 5th. The County Engineer's office has indicated that a "meets and bounds" legal description will be necessary for the partial easement vacation to be recorded. Staff notified the homeowner and they are pursuing that description.

Councilman Bennehoof said he does not understand the necessity to vacate this easement. Councilman Cline said when the title insurance company issues title insurance, they must ensure the physical structure does not encroach upon the easement. This structure does encroach on the easement so the seller cannot sell or the mortgage company will not proceed until the easement is vacated. Councilman Counts said it happens a lot more often than not and normally the title company will insure over it; in this case the mortgage company asked that the easement be vacated.

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

MOTION: Councilman Bennehoof moved to table Ordinance 2014-35 until the next regularly scheduled meeting of City Council on August 5, 2014. Councilman Cline seconded the motion.

VOTE: Y 6 N 0

SECOND 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 they received three bids for the annual Sidewalk Repair Program and Staff recommends awarding the bid to the low bidder, G. Marchi & Son, LLC. They have performed sidewalk work in the past for the City and the work was satisfactory.

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

Councilman Bennehoof said there was a disparity in the bids; he asked if they track the success rate of the lowest bidder. Mr. Lutz said they take the lowest responsible/responsive bidder and then check references if they are not familiar with their work. They also look at past work and performance.

Gene Hollins, Law Director, said Staff's ensures they meet the expectation of high quality work when they perform construction inspections. If they have a hard time meeting their bid, the bidder will not come back the next year.

MOTION: Councilman Cline moved to adopt Ordinance 2014-36. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

SECOND 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.

Mr. Lutz said this legislation provides the authority to pursue the queue cutter on Olentangy Street. The Ohio Rail Development Commission (ORDC) will pay for the queue cutter which is an \$80k-\$90k improvement. The City will be responsible for non-required items outside of that such as the "pork-chop" and any other improvements the City deems necessary. The project is scheduled for 2015 construction.

Councilman Bennehoof asked if the street sensors are a part of the queue cutter but maintained and are then by the City in the future.

Chris Huber, Assistant City Engineer, said the sensors are covered by the ORDC but they lay outside of the right-of-way so he will need to see who provides maintenance.

Councilman Bennehoof said one of the improvements that needs to be made is the "pork-chop." If the final configuration does not do enough to dissuade the people who have already been cited for turning left and those who have gotten away with turning left, the existence of the queue cutter may be less effective. Mr. Lutz said they have talked about that in the past and the "pork-chop" was deemed more desirable than constructing a physical median in the road.

Mayor Hrivnak opened this item to public comment.

Tom Happensack, 127 Kelly's Court, asked if they can explain the function of a queue cutter. Mr. Huber said a signal will be installed on the west side of the tracks for vehicles traveling eastbound. A loop detector will be present and when it senses the vehicles backing up into the area the light will change, causing the traffic to stop. Mr. Lutz said there is an actual queue cutter on SR 161 in the Linworth area. Mayor Hrivnak said the "pork-chop" they are discussing at Depot Street was installed because traffic can stop prior to the traffic sensing loop to turn left, defeating the purpose of the signal.

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

MOTION: Councilman Bennehoof moved to adopt Ordinance 2014-37. Councilman Cline seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2014-38: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2014.

Mr. Lutz said this proposed appropriation is for \$2,000.00 needed for the change in the status of an engineering employee. The medical costs will change as a result of dependents being added to the plan. When they budget for insurance they budget specifically based on the current status of each employee.

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 2014-38. Councilman Cline seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2014-38. Councilman Bennehoof seconded the motion.

VOTE: Y 6 N 0

Mr. Lutz suggested they discuss Ordinance 2014-40 prior to discussing Ordinance 2014-39. There was no objection from Council.

FIRST READING: ORDINANCE 2014-40: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO AWARD A BID TO COLUMBUS ASPHALT PAVING, INC. IN THE AMOUNT OF \$ _____ FOR THE 2014 STREET MAINTENANCE AND REPAIR PROGRAM, AND DECLARING AN EMERGENCY.

Mr. Lutz said last week they opened bids for the 2014 Street Maintenance and Repair Program and received three bids. Staff recommends awarding to the low bidder who is Columbus Asphalt Paving, Inc., in the amount of \$639,805.05 for the base bid. They also had six other alternates go to bid; this matter was discussed by the Finance Committee last week to consider funding some additional alternatives. During that discussion they

indicated a desire to consider the alternates and place the highest priority on street repair alternatives on the streets that receive the most traffic as opposed to courts or cul-de-sacs. The Committee also recommends that in addition to the base bid, they fund Alternates 2 and 4 that will repair with slurry seal Laurel Valley Drive, Landhigh Lakes Drive, Robin Hill Court and Clearview Lake Court and repair with mill and overlay Whetstone Drive. If Council decides to fund those alternates they will need to find additional funds and there are funds available in the Development Fund that are sufficient to fund the two alternates. The appropriation of those funds is requested within Ordinance 2014-39.

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

Councilman Cline said the Finance Committee looked at this and thought the most pressing need would be for those that are connector roads. They suggested the four streets mentioned because they are connector roads and the other two roads are physically located in the area where it makes it appropriate to complete the repairs at this time. Mr. Lutz said the new total, including base bid and Alternates 2 & 4 will be \$717,032.70.

MOTION: Councilman Bennehoof moved to amend Ordinance 2014-40 in the following manner: to insert the number \$717,032.70 in place of the blank in the header and to insert "2 and 4" in place of the blank in Section 1. Councilman Cline seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved to suspend the rules in regard to Ordinance 2014-40. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Bennehoof moved to adopt Ordinance 2014-40. Councilman Cline seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2014-39: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2014.

Mr. Lutz said the first appropriation in the amount of \$59,000.00 covers the funding of the alternates authorized in Ordinance 2014-40. The other appropriation for \$61,000.00 is another item that was discussed by the Finance Committee. Since the recession they have had reductions in staff in the Building Department to reflect the reduction in development activity. The City's development activity is back at the 2007 levels and they are in a position to once again bring the part-time Building Department Assistant back to full-time status and also hire a second building inspector as they had prior to 2007.

Councilman Bennehoof asked about the impact the appropriation will have to the Village Development Fund. Mr. Lutz said it will utilize most of that fund. Councilman Lorenz asked for an example of a project they have funded from that fund. Mr. Lutz said the monies from the Village Development Fund are earmarked for any capital project Council deems appropriate. There is a slight impact fee on each building permit that goes into this fund to be utilized for by Council in this way; the funds are not designated to the town center.

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

Councilman Cline said the Finance Committee discussed both appropriations. The one for the changes in the building department flow from an aging workforce, attrition and an increasing work load. When development came to a halt in the mid-2000's they did not need the level of staffing they need now since development has picked up again. They are blessed with highly qualified building inspectors who carry multiple certifications. They recently lost one of those individuals to retirement and the other is nearing retirement age. Replacing the one they lost gives them the opportunity to get a qualified inspector in place and add another who has those certifications. This helps in succession planning in this department.

Councilman Bennehoof asked if the word "personal" in Section 1 should be amended to "personnel." Mr. Lutz said it is identified as "Personal Services" in the budget documents so a change is not necessary.

MOTION: Councilman Cline moved to suspend the rules in regard to Ordinance 2014-39. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2014-39. Councilman Bennehoof seconded the motion.

VOTE: Y 6 N 0

COMMITTEE REPORTS

Development Committee: Councilman Lorenz said the Committee met this evening. They discussed a stop sign installation request for Sawmill Road which will be forwarded to the City Engineer. The request deals with another jurisdiction so they will need to look at the Council policy. They received a presentation from a City resident representing JTRAK who sells a sustainability dashboard/exposure to access how building systems are operating from a water quality/energy standpoint. The Committee felt it may be something they would recommend for purchase. It could be used to demonstrate the energy uses and show transparency to residents about how they are dealing with energy costs. A program such as this may be something that Operations Committee will want to look at; they also can look at other providers to see what is available. The Committee discussed making possible changes to the building code to identify incentives if the developers and contractors use a series of LEED criteria. They could be eligible for a reduction in permit fees. They feel the Chief Building Inspector should take a look at this and provide feedback. At the next meeting they will talk about cross-easement parking agreements and how the City can facilitate a sharing of liability insurance for parking shared between property owners. It could be an option for opening up more parking in the downtown. *Next Meeting: Tuesday, August 5th, 6:30 p.m.*

Finance Committee: Councilman Cline said the budget cycle will be starting soon so that will filter to the Committee in upcoming weeks. *Tuesday, August 12th, 7:00 p.m.*

Operations Committee: Councilman Counts said they will discuss the Community Attitude Survey results at the next meeting. *Next Meeting: Tuesday, August 19th, 6:30 p.m.*

ONE Community: Councilman Bennehoof said they met last night and will soon be installing John Bernans to replace Curt Sybert on the Committee. They discussed the initiatives and refined initiative statements. *Next Meeting: Monday, September 8th, 7:00 p.m.*

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

Comprehensive Plan Committee: Councilman Cline said the Executive Committee met this morning and the full committee meets next week. *Next Meeting: July 22nd, 6:30 p.m.*

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

CITY MANAGER'S REPORT

No report.

OTHER COUNCIL MATTERS: Multi-Family Dwelling Development Moratorium Discussion

Mayor Hrivnak said Councilman Crites requested that this be added to the agenda as a discussion item and he has asked that this be delayed until the next City Council meeting when he is present. Councilman Bennehoof said there may be members of the audience who are present to speak about this item.

Mayor Hrivnak opened this item to public comment.

Mr. Happensack said they would like to know what Council is thinking.

Mr. Lutz said Councilman Crites wanted to start this discussion and had some thoughts in mind. He notified them this morning that he was called out of town and could not attend this evening. This discussion will be re-scheduled for the August 5th City Council meeting and they will place it early on the agenda.

Erwin Grabisna, 278 Glen Village Court, said some of them are here to talk about that and hear the discussion. Had he known this would be tabled he would not have stayed because he has other things to do. He said he and several others in his subdivision are very interested in this subject.

Councilman Lorenz said he and the City Manager met last week with the Township Administrator and Trustee Eichhorn to discuss some of the items surrounding the Building Department review. They discussed a joint effort on developing a customer service satisfaction survey and some policy language. That will be brought forward to a Committee for more discussion. Councilman Bennehoof said in his initial discussions with Trustee Mitchell this was a similar concern.

EXECUTIVE SESSION IN ACCORDANCE WITH O.R.C. SECTION 121.22 (G) (1), PERSONNEL, SALARIES AND BENEFITS.

MOTION: Councilman Cline moved at 9:00 p.m. to adjourn into Executive Session in accordance with O.R.C. SECTION 121.22 (G) (1), Personnel, to discuss Salaries and Benefits. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Counts moved at 9:05 p.m. to adjourn from Executive Session. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Bennehoof moved at 9:05 p.m. to reconvene in Regular Open Session. Councilman Cline seconded the motion.

VOTE: Y 6 N 0

RESOLUTION 2014-15: A RESOLUTION AUTHORIZING THE APPROVAL OF THE TENTATIVE AGREEMENT ACHIEVED IN COLLECTIVE BARGAINING BETWEEN FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC. AND THE CITY OF POWELL, OHIO, FOR THE SERGENTS' UNIT AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY AND APPROPRIATE ACTIONS TO FINALIZE THE COLLECTIVE BARGAINING AGREEMENT NEGOTIATED BETWEEN THE PARTIES.


MOTION: Councilman Cline moved to adopt Resolution 2014-15. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Lorenz moved at 9:06 p.m. to adjourn from Regular Open Session. Councilman Counts seconded the motion.


VOTE: Y 6 N 0

MINUTES APPROVED: August 5, 2014



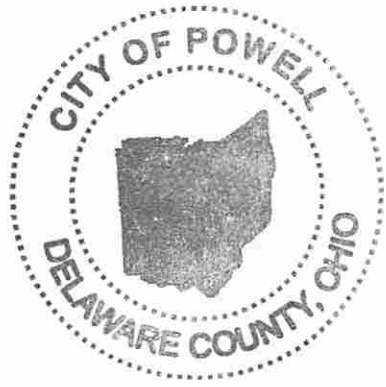
Jim Hrivnak
Mayor

8-19-14
Date



Sue D. Ross
City Clerk

8/19/2014
Date



City Council

Jim Hrivnak, Mayor

Jon Bennehoof

Frank Bertone

Tom Counts

Mike Crites

Richard Cline

Brian Lorenz