



City of Powell, Ohio
City Council

MEETING MINUTES
NOVEMBER 18, 2014

A regular meeting of the Powell City Council was called to order by Mayor Jim Hrivnak on Tuesday, November 18, 2014 at 7:30 p.m. City Council members present included Jon Bennehoof, Frank Bertone, Richard Cline, Tom Counts, Mike Crites and Brian Lorenz. Also present were Steve Lutz, City Manager; Megan Canavan, Communications Director; Debra Miller, Finance Director; Jessica Marquez, Assistant Finance 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.

Brian Ebersole, 215 Squires Court, said he wants to address the court case brought about by The Center of Powell Crossing. Council said last week they would do all they can to defend this and he wants to point out some items for consideration. A big part of the case is that this developer feels he was singled out and is being stopped from building apartments in the downtown area. He hopes the City will point out that this is totally wrong because Santer and other proposed multi-family dwellings are also affected. The developer states the Charter Amendment does not allow them to build anything else but it only keeps them from building high-density housing. Mr. Ebersole said they should have seen the financing from this development as it came forward but they have not seen it and it should be mentioned that the zoning code was not followed in this regard. There have also been no land improvements to that area. He will be looking for the City's response and hopes these issues will be addressed because they are important parts of the case.

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

PRESENTATION – Glenn Marzluf, General Manager/CEO, Del-Co Water

Mr. Marzluf came forward to provide Del-Co Water's annual update. He provided detailed information on the company:

- Member owned, not for profit. Governed by a Board of Directors Del-Co just celebrated 40 years of incorporation.
- Serve seven counties, primarily Delaware, Morrow and Marion counties.
- Serve 45k customers and are in the State's top ten of the water providers by customer count and are second largest by area.
- Serve double the area in square mileage that is covered by the City of Columbus.
- Four water treatment plants, one of which is a seasonal treatment plant operated only when needed.
- Recently completed a joint effort with City of Columbus in Thompson Township (Doutt Reservoir). Own 15% of the \$170-million project share and it is one of the largest up-ground reservoirs in the world, covering 850 acres and holding almost 10 billion gallons.

Recent accomplishments and efforts:

- Finishing up a comprehensive Master Plan.
- Undergoing their first consultant-driven rate study.
- Completing best practices in regard to Hydraulic Directional Drilling/Fracking Preparation; own all mineral rights and completed background testing.
- Emergency Response Plan is in place.
- Working on Climate Adaptation Study.
- Drought Management Plan in place.
- Held a logo design contest in 2012 which was won by a Delaware Area Career Center student. The new logo is now being used.

Mr. Marzluf described ways Del-Co prevents contamination and algae blooms. He said they are working with

other organizations in order to give back to the community. They have increased current partnerships by starting the Del-Co Water Fund at the Delaware County Foundation and they have educational partnerships with the Stratford Ecological Center and the Delaware Area Career Center. They recently signed a license with Brosco Broadband for them to occupy the company's elevated tanks to provide broadband service. He reviewed Del-Co Water's Core Goals:

- Provide safe and high quality drinking water.
- Provide drinking water where it is needed.
- Provide world class service.
- Provide leadership to the water industry.
- Be the utility of choice for customers.

Mr. Marzluf said Del-Co Water is in a great place to serve their customers/Powell residents today and far into the future. Mayor Hrivnak thanked Mr. Marzluf for the updated information and their service to the residents of Powell.

PROCLAMATION – Diabetes Awareness Month

Mayor Hrivnak read a proclamation in recognition of Diabetes Awareness Month in the City of Powell.

Jordan Tekulue, Representative, American Diabetes Association, thanked Council for this proclamation. He said the American Diabetes Association is the world's largest non-profit organization, serving Type 1 and 2 Diabetics, Pre-Diabetics, and women who experience Gestational Diabetes. The statistic that 29 million Americans are currently dealing with diabetes is startling and the numbers are rising. The trends are growing locally as well. The Association provides risk tests and many other types of education and support; 85% of diabetics are Type 2 and this is a largely preventable disease. The American Diabetes Association conducts events aimed at participants being more active in their lifestyle. Two upcoming events are: The Tour de Cure on June 6, 2015 where 600 bike riders participate and The "Step Out" Walk on September 20, 2015 in Wolfe Park in Columbus where 700 people participate. The American Diabetes Association works with community and corporate sponsors who fund their goals to provide cutting edge research to find a cure for this disease.

CONSENT AGENDA

Item

Action Requested

Ordinance 2014-61:

Adoption of Ordinance

AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT ON AN INVOICE FROM HARLEY WILLIAM GREENWALT FOR CONTRACTED INSPECTION SERVICES, AND DECLARING AN EMERGENCY.

Departmental Reports – October, 2014

Receipt of Electronic Reports

MOTION: Councilman Cline moved to adopt the Consent Agenda. Councilman Crites seconded the motion.

VOTE: Y 7 N 0

APPROVAL OF MINUTES

MOTION: Councilman Cline moved to adopt the minutes of November 5, 2014. Councilman Crites seconded the motion. By unanimous consent, the minutes were approved.

RESOLUTION 2014-24: A RESOLUTION TO ADOPT AN AMENDED CITY OF POWELL INVESTMENT POLICY.

Steve Lutz, City Manager, said the Finance Committee has reviewed the two policies before Council tonight.

Debra Miller, Finance Director, said in the Investment Policy they made changes on page three that reflect changes to the ORC:

- New training that the Finance Director and Assistant Finance Director are required to attend.
- The time frame for Commercial Paper Notes was expanded from 180 to 270. The change was made even though the City does not invest in Commercial Paper Notes at this time.

Changes were made that reflect updates to best practices:

- Identifies who is a Broker Dealer when accessing securities through security dealers. (Page 4)
- Quarterly financial reports include an investment report and now Staff will provide a Bank Summary Report that tells about the types of products and services available to the City. (Page 6)

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

MOTION: Councilman Cline moved to adopt Resolution 2014-24. Councilman Crites seconded the motion. By unanimous consent, Resolution 2014-24 was adopted.

RESOLUTION 2014-25: A RESOLUTION TO ADOPT AN AMENDED CITY OF POWELL POST-ISSUANCE COMPLIANCE POLICY.

Ms. Miller said there is one change on this policy. Post issuance compliance is when they issue debt and go out on the open market to get general obligation or revenue bonds. They completed an internal audit and self-reporting and they noted in one of the bond documents that there were conflicting dates. They chose the earlier date which required them to change the date in their policy.

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

MOTION: Councilman Cline moved to adopt Resolution 2014-25. Councilman Crites seconded the motion. By unanimous consent, Resolution 2014-25 was adopted.

RESOLUTION 2014-26: A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO BORROW ROCK SALT FROM DELAWARE COUNTY, OHIO.

Mr. Lutz said as discussed in the past, the City of Powell along with other political subdivisions within the County, were unable to purchase the rock salt needed to keep their streets clear of snow and ice this winter. There is a salt shortage and when they went out to bid they received limited bids and not the quantity they use in an average year. Chris Bauserman, County Engineer, has been very helpful and has offered to allow the City to borrow or purchase additional road salt because he has enough in storage. Mr. Lutz said under this agreement the City will be able to purchase 500 tons of salt from the County this winter. The City proposes to buy the salt because they do not currently have nor do they anticipate having salt to trade back. The price the County paid for this salt is much less than the salt the City purchased this year.

Ms. Miller said they will not need an appropriation for this but they will bring forward an "in case" appropriation in December to make sure they have enough funding for salt through the end of this year.

Councilman Bertone asked where this will bring them to in terms of total quantity. Mr. Lutz said it basically doubles the 500-600 tons the City has in storage. They will need about 1,500 tons for an average winter. They will spend approximately \$2,000 and build a temporary salt storage area near the current salt storage at Adventure Park.

Councilman Bennehoof asked how the County has such a stockpile available. Mr. Lutz said there are several cooperatives throughout the state where they can buy salt. The cooperative the City belongs to did not provide much salt or a very good price this year. The County is in a different cooperative so they had better success. Historically most of them have been very close but this year several cooperatives were shut out and others were successful. Councilman Bennehoof asked if Staff is going to modify their salt/brining process because of the anticipation of a rough winter. Mr. Lutz said Staff has discussed this and as they enter into the winter there will be limitations on what they can do. Staff will have to communicate and educate the residents regarding expectations since they could be limited in the services they can provide.

Mayor Hrivnak said the County has a much larger storage facility and the City's is very small. Mr. Lutz said Staff knows that storage size is a weakness and they plan on addressing it with a storage facility at the new Seldom Seen Park.

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

MOTION: Councilman Cline moved to adopt Resolution 2014-26. Councilman Crites seconded the motion. By unanimous consent, Resolution 2014-26 was adopted.

SECOND READING: ORDINANCE 2014-56: AN ORDINANCE AUTHORIZING AMENDMENT TO THE FEE SCHEDULE OF THE CITY OF POWELL.

Mr. Lutz said this is the second reading of this ordinance; it includes one change to the Fee Schedule for the City. The change will allow the Building Department to charge for inspections performed after hours or during the weekend. The Columbus Zoo sometimes requires after-hour inspections when their new exhibits near completion.

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

MOTION: Councilman Cline moved to adopt Ordinance 2014-56. Councilman Crites seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2014-59: AN ORDINANCE TO ACCEPT THE PROPOSED BUDGET, AND TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF POWELL, DELAWARE COUNTY, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2015.

Mr. Lutz said the proposed 2015 budget was reviewed in great detail at the Finance Committee meeting last month. At that meeting they reviewed each line item so tonight a broad overview will be presented. He thanked the Finance Department for the countless hours of work on the budget, and the Department Heads for wisely estimating the funds they need to provide efficient and effective services to the residents and businesses. Each year there is usually money left over each year in the budgets. Powell has always lived within its means; they cannot do what everyone wants but they do always have a balanced budget. Powell has the lowest income tax rate in Central Ohio at three-quarters of one percent and it provides 73% of the City's revenue; the majority of communities are now at 2% to 2.5% rate. They are well under what other cities charge for services. When residents ask why the City cannot do many things it is important to know that it is because they do not have the revenue to do those things with the current very low income tax rate.

Jessica Marquez, Assistant Finance Director, reviewed the organization within the budget book (Exhibit 1).

Mr. Lutz provided a summary of the Revenues and Expenditures. They are projecting a slight increase in revenues in 2015 and propose expenditures in 2015 which are a decrease to \$7.4 million. In 2014 they included several one-time items in the budget in order to fund the items they did not fund during the recessionary period. They are going back to more of a "status-quo" budget in 2015.

Ms. Miller reviewed the revenues identified within the 2015 proposed budget.

- Income taxes make up 73% of the revenues and 59% of what they collect is filed directly by the residents through estimates and paid returns. It is important that they continue to work on collection procedures so residents continue to file taxes. RITA charges 2.9% to 3% of the cost for collection.
- The property tax within the City is 1.2 mills and amounts to around \$500k per year. They do not anticipate a change in that rate in the future unless the City decides to go to the ballot for a change, or if they receive fees from more substantial development. Neither is anticipated.
- Development fees are a volatile revenue source. They anticipate reaching almost \$700k in fees in 2014. In perspective, the peak amount collected was in 2005 when they collected \$850k. They project low on the development fees but anticipate they may receive more.

Ms. Marquez provided review of General Fund Revenue Summary and Mr. Lutz reviewed the expenditures within the budget:

- Personnel costs make up 72% of the budget.
- The reserve fund contains \$987k and they will continue to add \$30k per year over the next several years. They maintain the fund between 15-20% of the total operating expenses. With the present reserve and the addition of \$30k per year, it will keep them in the middle of that range around 17.5%. Fortunately they have never had to dip into this "rainy day" fund.

Ms. Miller said the operating costs proposed for 2015 equal \$1.8 million. The City has been keeping the operating expenditure budget level as they try to implement efficient ways to maintain and deliver City services. The increase in personnel in 2014 was due to the additions and changes in Staff. She outlined expenditures and the percentages within each department. Ms. Miller said in 2015 they propose adding \$30k to the Operating Budget and \$75k to Council Contingency Fund.

Mr. Lutz described the one-time expenditures:

- \$5k to replace street signs to meet Federal requirements in future years
- \$2.5k to replace the CSX Tunnel near Adventure Park
- \$15k for anticipated election expenses
- \$14k for a part-time assistant to the City Clerk (approx. 1,000 hours)
- \$5k increase in building maintenance fees to keep public lands maintained
- \$10k to replace the heating/cooling system at Adventure Park (original from 1992-1993)
- \$12,600 spread over several departments for contracted services
- \$7,600 to RITA for increased income collection fees
- \$30k - \$50k in Information Technology

Ms. Marquez reviewed the capital improvements within the budget:

Downtown TIF Fund:

- \$15k for ongoing repair/replacement of downtown pavers
- \$66k for traffic-related projects (pork chop at Depot Street)
- \$5k in streetscape improvements (benches and trash cans)

Sawmill Corridor TIF Fund

- Partial repayment of advance to the fund in the amount of \$175k

Murphy Parkway Construction Fund

- Re-encumber \$96,953 for the design, engineering and construction of the extension

Ms. Miller reviewed other portion of the capital improvements budget:

- Bond Fund – Issued \$4.1 million and the budget shows the estimated balances in the projects of that fund. They will come back with modifications in January/February once they have the final numbers.
- Annual Street Maintenance Project equals \$500k but \$77k of that includes a joint project with Liberty Township on Sawmill Road.
- Murphy Parkway Extension – changes will come forward in the spring when they know the final estimates. That will allow them to determine the timing of the \$3 million in bond issue to pay for the remaining capital improvements.

Joint Projects

- \$150k for joint funding for improvements to State Route 250k and Sawmill Parkway
- \$40k will be encumbered to 2015 to pay for the CSX RR crossing enhancement \$40k

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

Councilman Cline said Council rules and the Charter require that the budget lay fallow for one full meeting so any proposed amendments to the budget must be made at this time. If they have that proposal and it is acted upon at the next meeting they cannot vote on the budget until the meeting after that. Mr. Lutz said they build time into the process in case amendments are proposed.

Ordinance 2014-59 was taken to a second reading.

FIRST READING: ORDINANCE 2014-60: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2014.

Ms. Miller said this ordinance requests \$40k from the State Highway Improvement Fund to pay for the CSX crossing. This fund is dedicated to improvements only along SR 750. Councilman Cline said they have a contingency of \$11k which is 30% of the project; they typically consider from 8-10% for contingency. He asked about the thought process in that decision. Ms. Miller said when she received the estimate they did not have the final CSX numbers so she added cushion in case they ended up slightly higher or the City needed to do any work on their side. Mr. Lutz said they will be invoiced for around \$28,500.00 for the work.

Councilman Crites asked how long the rubber surface will extend the life of the crossing. Mr. Lutz said there are many variables but the best examples is that the tracks on Olentangy Street were redone about two to three years ago and are in need of repair; the crossing on South Liberty was done about seven to eight years ago and is still fine. Councilman Bennehoof asked how the traffic on the two crossings compares in volume. Mr. Lutz said he estimates it is less than half.

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

Councilman Cline said he has received a lot of citizen complaints about this crossing and he repeatedly reminds residents that this is property that is owned and maintained by CSX. The City can request that they repair the crossing but cannot make them do it. He is pleased that CSX is ready to do the repairs and also offered the City to upgrade the quality so the residents will not have to go through this again in a few years.

Mr. Lutz said the crossing was supposed to be closed yesterday for that project to begin but the City was notified by CSX late last week that they do not have the rubber surface material in stock. They wanted to reschedule the project to December but Staff notified them they could not shut it down during the holidays because of the businesses and events at the Zoo. CSX is prepared to perform the work in early spring when the weather breaks.

Councilman Bertone asked how this work will align with the queue cutter in terms of dates and sequencing. Mr. Lutz said they are independent projects so one does not rely on the other. The amount of labor involved in reconstructing the crossing makes it so they cannot have another crew working on the other project at the same time. The queue cutter is much less invasive than the reconstruction of the crossing.

MOTION: Councilman Cline moved to suspend the rules in regard to Ordinance 2014-60. Councilman Crites seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2014-60. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

Mayor Hrivnak noted that the agenda lists item 14 as Ordinance 2014-61. Ms. Ross said Ordinance 2014-61 was adopted as a part of the Consent Agenda but was listed twice in error on the agenda.

FIRST READING: ORDINANCE 2014-62: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2014.

Mr. Lutz said the development fees are coming in very strong this year and they are requesting an additional \$25k appropriation to be used for plan review services and outside inspections services for the rest of the year. State Law requires an architect be used for commercial plan reviews and the City does not have an architect on staff. Incoming revenue will offset these expenses.

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 2014-62. Councilman Crites seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2014-62. Councilman Crites seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2014-63: AN ORDINANCE AMENDING ORDINANCE 2010-59 TO ADD AND DELETE CERTAIN PARCELS OF REAL PROPERTY TO THE DECLARATION OF PUBLIC PURPOSE MADE IN THAT ORDINANCE, AND DECLARING AN EMERGENCY.

Mr. Lutz said this ordinance will update the Powell Commercial TIF District to include some recent additions. They are adding the Ganzhorn and Spectrum developments that were previously approved by Council and they are removing some land located off of Sawmill Road where Epcon is building residential condos.

Councilman Bennehoof asked about the logic for removing the parcel. Mr. Lutz said this development is residential in nature and this is a commercial TIF.

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 2014-63. Councilman Crites seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2014-63. Councilman Crites seconded the motion.

VOTE: Y 7 N 0

COMMITTEE REPORTS

Development Committee: No report. *Next Meeting: Tuesday, December 2nd, 6:30 p.m.*

Finance Committee: No report. *Next Meeting: Tuesday, December 9th, 7:00 p.m.*

Operations Committee: Councilman Counts said they met earlier this evening and had a lengthy discussion on the Community Attitude Survey and keeping that at the forefront of Council in terms of results and how they intend to deal with the information within the survey results. The Committee also recommends to Council that they adopt the Master Plan for Seldom Seen Park so an ordinance will come forward in the near future. *Next Meeting: Tuesday, January 20th, 6:30 p.m.*

ONE Community: No report. *Next Meeting: Monday, December 8th, 7:00 p.m.*

Planning & Zoning Commission: No report. *Next Meeting: Wednesday, December 10th, 7:00 p.m.*

Comprehensive Plan Steering Committee: Councilman Crites said they will host a community tour tomorrow morning at 10 a.m. *Next Meeting: Thursday, December 11th, 6:30 p.m.*
Powell Community Improvement Corporation: No report. *Next Meeting: Thursday, December 18th, 6:30 p.m.*

CITY MANAGER'S REPORT

Mr. Lutz said at the December 2nd Development Committee meeting they will be presented with the configuration of Murphy Parkway and South Liberty Street. They have the 30% engineering drawings done so the HOAs and nearby residents will be notified of the discussion. He said they are still on track to bid the project next spring, with construction to begin in the summer. They will be clearing land for the project this winter.

OTHER COUNCIL MATTERS

Mayor Hrivnak said he would like to schedule a Goal Review Session prior to the second Council meeting in December. That will allow them time to review the goals established earlier this year and make any adjustments.

Councilman Crites commended the City and Staff members who were involved in the Veteran's Day ceremony and luncheon. It was outstanding and much appreciated. Councilman Bennehoof also expressed his appreciation and thanked the Finance Department for the work and detail they put into the Proposed Budget.

EXECUTIVE SESSION: EXECUTIVE SESSION IN ACCORDANCE WITH O.R.C. SECTION 121.22 (G) (3), PENDING LITIGATION, AND SECTION 121.22 (G) (1), PERSONNEL: COMPENSATION 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) (3), Pending Litigation. Councilman Crites seconded the motion.

VOTE: Y 7 N 0

Councilman Lorenz departed at 9:45 p.m.

MOTION: Councilman Counts moved at 9:55 p.m. to adjourn from Executive Session. Councilman Cline seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Crites moved at 9:55 p.m. to reconvene in Regular Open Session. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

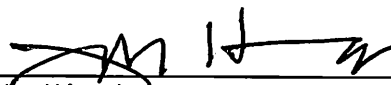
MOTION: Councilman Cline moved to amend page 103 of the Legal Study 2015 from \$105,000.00 to \$125,000.00. Councilman Counts seconded the motion.

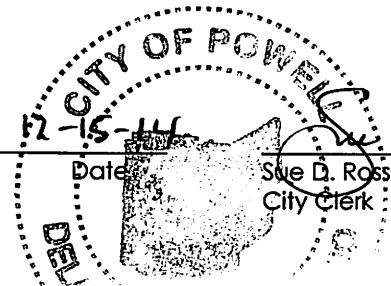
VOTE: Y 6 N 0

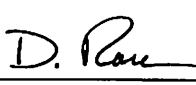
MOTION: Councilman Bennehoof moved at 9:56 p.m. to adjourn from Regular Open Session. Councilman Cline seconded the motion.

VOTE: Y 6 N 0

MINUTES APPROVED: December 2, 2014


Jim Hrivnak
Mayor


Date: 12-15-14 Sue D. Ross
City Clerk


Date: 12-15-2014