



City of Powell, Ohio
City Council

MEETING MINUTES
NOVEMBER 19, 2013

A regular meeting of the Powell City Council was called to order by Mayor Cline on Tuesday, November 19, 2013 at 7:30 p.m. City Council members present included Jon Bennehoof, Tom Counts, Mike Crites, Jim Hrivnak and Brian Lorenz. Sara Marie Brenner was absent. Also present were Steve Lutz, City Manager; David Betz, Development Director; Rob Rice, City Engineer; Debra Miller, Finance Director; Megan Canavan, Public Information Officer; Gene Hollins, Law Director; Susie Ross, City Clerk, and interested parties.

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION

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

Beverly and Kevin Robinson, 318 Shyanne Court, Powell, were present to discuss the organization, Coats 4 Children. She said she is the Executive Director and Founder of the organization which provides brand new coats for the children in Ohio. Ms. Robinson invited the members of City Council to celebrate with them at their Volunteer Award Recognition Reception at the Municipal Building on December 14th. She said this is a wonderful opportunity to engage with all of the volunteers who have dedicated their time, talent and treasures to provide this service. Ms. Robinson said Coats 4 Children provides coats to three different types of community: any place of worship, any school, and any organization directly affiliated with children with a proven track record. She said they started this organization seven years ago and in 2012 they delivered 1,014 coats. Ms. Robinson said they are very unique because they are 100% volunteers. She provided further information about their organization and the recognition and awards they have received. She said even if Council could do a cameo appearance it would be so appreciated by the volunteers.

Mayor Cline thanked Mr. & Ms. Robison for their invitation and everything they have done through their organization; he asked that they leave information about their event so it may be distributed to the Council members.

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

APPROVAL OF MINUTES

MOTION: Councilman Counts moved to approve the minutes of November 6, 2013 as submitted. Councilman Crites seconded the motion.

VOTE: Y 6 N 0

CONSENT AGENDA

<u>Item</u>	<u>Action Requested</u>
<ul style="list-style-type: none"> • Resolution 2013-21 A RESOLUTION TO CONDITIONALLY ACCEPT AND BEGIN THE REQUIRED MINIMUM TWO-YEAR MAINTENANCE PERIOD FOR THE PUBLIC IMPROVEMENTS IN THE GOLF VILLAGE, SECTION 7, PHASE D, PART 3 SUBDIVISION AS THE SAME IS NUMBERED AND DELINEATED UPON THE PLAT THEREOF RECORDED IN OFFICIAL RECORD BK 1233, PG 1266-1267, DELAWARE COUNTY, OHIO RECORDER'S OFFICE. • Monthly Building Report • Monthly Development Report • Monthly Financial Report • Monthly HDPI Report • Monthly Police Report 	<ul style="list-style-type: none"> <i>Receipt of Electronic Report</i> <i>Receipt of Electronic Report</i> <i>Receipt of Electronic Report</i> <i>Receipt of Electronic Report</i> <i>Receipt of Electronic Report</i>

Councilman Bennehoof asked that Resolution 2013-21 be removed from the Consent Agenda.

MOTION: Councilman Counts moved to adopt the amended Consent Agenda. Councilman Bennehoof

seconded the motion.

VOTE: Y 6 N 0

RESOLUTION 2013-21: A RESOLUTION TO CONDITIONALLY ACCEPT AND BEGIN THE REQUIRED MINIMUM TWO-YEAR MAINTENANCE PERIOD FOR THE PUBLIC IMPROVEMENTS IN THE GOLF VILLAGE, SECTION 7, PHASE D, PART 3 SUBDIVISION AS THE SAME IS NUMBERED AND DELINEATED UPON THE PLAT THEREOF RECORDED IN OFFICIAL RECORD BK 1233, PG 1266-1267, DELAWARE COUNTY, OHIO RECORDER'S OFFICE.

Steve Lutz, City Manager, said after public improvements have been completed they are inspected by the City's Engineering Department and they begin the two-year maintenance period. Councilman Bennehoof asked if this is the property between Steitz Road, Hickory Rock Drive and Home Road. Rob Rice, City Engineer, said it is. He said it completes the connection of Hickory Rock Drive.

Councilman Bennehoof said he objected to the allowance that was made on the specific property because the original developer and the original homeowner had an agreement that there would be some improvements made and some of those improvements have not been completed. He said a number of residents on that street in close proximity to this property have brought this to his attention. Councilman Bennehoof said the City should not act on this until all of the improvements have been completed to the satisfaction of the neighboring residents. He said this is a property within Liberty Township that is surrounded by Powell and they ought to embrace the community they have become a part of. He said the City has no jurisdiction over them but the developer who accepted the responsibility to do those improvements should complete them.

Mayor Cline asked if he can give a brief description of the improvements that have not been completed. Councilman Bennehoof said they currently have a cattle gate across the Home Road driveway and no one has really complained about that. He said the developer was going to put in enhanced landscaping along with the other improvements and currently the landscaping is in disarray. Councilman Bennehoof said that piece of property benefits from the City of Powell and Golf Village infrastructure that they did not pay for; many of the neighbors on this street have made it clear to him that they are not happy this property owner was given something for no effort on his part and is not embracing the community. Councilman Lorenz said the landscaping was not installed per the plan.

Councilman Crites asked if this is a part of the work that then becomes the City of Powell's property. Councilman Bennehoof said it will remain in the Township unless the individual homeowner decides to annex to Powell. He said the current owner is not the owner that was a part of the agreement with the former developer. He said they now have the improvements of curb, sidewalk and sewer by virtue of the prior developer's agreement.

Mr. Lutz suggested they table this Resolution to the next meeting to allow time to clarify the details and see if this falls under the conditional acceptance. Councilman Counts said he would like them to dwell on the question of whether the public improvements are related to an agreement to provide certain improvements; he wonders if they are two completely different matters. Councilman Bennehoof said they are two separate issues and the neighborhood is incensed about the fact that this property is in the current condition and benefitting from the improvements made by the previous consent of City Council. Mayor Cline said it sounds like the concern is that the landowner appears to have received all of the benefits and has discharged none of the obligation. He said they will have to determine whether they are legally permitted to tie the two to each other or if are they obligated to accept the public improvements once they are ready and then use some other enforcement mechanism on the other issue.

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

MOTION: Councilman Hrivnak moved to table Resolution 2013-21 to the next meeting of Council. Councilman Crites seconded the motion.

VOTE: Y 6 N 0

RESOLUTION 2013-22: A RESOLUTION TO ADOPT THE CITY OF POWELL ECONOMIC DEVELOPMENT POLICY.

Mr. Lutz said City policies are one of the items the Finance Department and Finance Committee have been working on over the past year. He said the numerous policies adopted over the past year is part of the reason for their AAA rating. He said this policy has been reviewed by the Finance Committee.

Debra Miller, Finance Director, said the Economic Development Policy has also been reviewed by the Development Department and representatives of the Powell CIC and Development Committee. She said this

document does not set out specific things to do in each case but instead is a generic explanation of the type of tools in their arsenal to assist economic development within the City. She said the specifics are up to the Development Department and City Council. Ms. Miller said the policy includes tools such as the CIC, annexation, property abatements and tax credits. Councilman Crites identified several minor corrections within the wording of the policy (Exhibit A).

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

MOTION: Councilman Crites moved to amend Resolution 2013-22, Exhibit A. Councilman Hrivnak seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Counts moved to adopt Resolution 2013-22 with Exhibit A as amended. Councilman Bennehoof seconded the motion.

VOTE: Y 6 N 0

RESOLUTION 2013-23: A RESOLUTION SPECIFYING THE MUNICIPAL SERVICES TO BE FURNISHED TO 5.072 ACRES, MORE OR LESS, WHICH IS PENDING ANNEXATION TO THE CITY OF POWELL.

Mr. Lutz said last month Spectrum Retirement Community approached the City requesting to be annexed into the City in order to receive their services. He said the next step in the process is a resolution to notify the County Commissioners that the City is willing to provide services if the property is so annexed. Mr. Lutz said this also begins the process where the Planning & Zoning Commission may begin to review the proposals for this property so a specific development plan can be presented to Council at the same time as the annexation acceptance.

Mayor Cline opened this issue to public comment.

Jack Reynolds, Smith & Hale, agent for the annexation, said his charge is to see this through the annexation process. He said he filed the annexation with the County Commissioners on November 13th and notified the City and Township Clerks. He said they need to provide the resolution of services to the County Commissioners within 20 days of the filing. Mr. Reynolds said this is a Type II Annexation so this should be before the County Commissioners on December 12th for their approval of the annexation. He said the packet will then come back to the City Clerk and will be held for 60 days before it comes before City Council.

Councilman Bennehoof said he previously had questions about the density of this proposal and it was shared that the density is even greater than it was originally reported. He said he would still like to hear about the amount of density allowed on this six acres and the proposed density for this development. Mr. Lutz said this development has not yet been before Planning & Zoning for even a Sketch Plan. Councilman Bennehoof said they need to get on the record the allowable apartment density for six acres.

David Betz, Development Director, said the maximum density depends upon several factors. He said the development will have to come forward and the Planning & Zoning Commission will have to determine what they will recommend in line with the zoning code. He said they can do up to 9 du/acre but it is based on an overall plan of development. Mr. Betz said the Commission will make recommendations to City Council and they may include any variances for density. He said he has not seen any preliminary planning except what Council saw at the prior meeting and the annexation petition. Councilman Bennehoof said at one of the meetings they saw an elevation of a three-story structure and that would be a variance as well. Mr. Betz said the code says they can have two stories or no more than 35' feet in height. He said in this sub-area, within the current zoning category of the Wedgewood Commerce Center, the Liberty Township code allows for six stories in height. He said this area allows for commercial and office, which under the Commerce Center zoning could allow for multi-family in the area, up to six stories.

Councilman Lorenz asked Mr. Reynolds if Council approves annexation and the rezoning is not approved, will the annexation be withdrawn by the petitioner. Mr. Reynolds said the petitioner cannot withdraw the petition once the County Commissioners have acted. He said they can come to the City and ask them to defeat the annexation. Councilman Lorenz said he knows these are not tied together specifically but there is a lot of concern over the proposed product for this property. He said he does not have a problem but he wants this noted. Mr. Reynolds said he will report that back to the owner so he can be prepared as he moves forward in the process. Councilman Counts asked if the pre-annexation agreement will deal with that issue.

Gene Hollins, Law Director, said it addresses the issue and allows the City to not accept the annexation or detach it if they have already accepted it. Mayor Cline asked if it is a mutual satisfaction clause where if the

City is dissatisfied with the requested zoning, they have the freedom to say what they will approve and if the applicant is dissatisfied with that response, they agree to part ways. Mr. Hollins said they try in the pre-annexation agreement to cover as many of these issues up front, knowing that the details are coming later. He said the applicant does not want to put resources toward that without this type of basic understanding. He said both parties understand the City has no legal obligation to accept this and if there is not mutual satisfaction with the zoning either party can walk away. Councilman Crites said if there is mutual or unilateral dissatisfaction then City Council would not accept the annexation. Mr. Hollins said they would just defeat the annexation ordinance, not accepting the annexation.

Mayor Cline closed the public comment session.

MOTION: Councilman Counts moved to adopt Resolution 2013-23. Councilman Crites seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2013-54: AN ORDINANCE AUTHORIZING AMENDMENT TO THE FEE SCHEDULE OF THE CITY OF POWELL.

Mr. Lutz said each year, concurrent with the budget process, Staff takes a look at the Fee Schedule. He said they proposed a few tweaks to the fees, the biggest change being a new Assemblage/Parade Service Fee. Mr. Lutz said this has come about as a result of the recommendation of their risk management company. He said if this is adopted there will be a \$55 fee for block parties and other events where the Public Service Department is involved and equipment will need to be purchased. Mr. Lutz said there are no major changes to the proposed fees and he recommends they take this ordinance to a second reading.

Councilman Bennehoof asked about the change on page 21. He asked if the "heavy vehicles" are defined somewhere. Gary Vest, Powell Police Chief, said they brought forward an ordinance several months ago that changed the fee regarding this type of permit. He said the State required that they be able to issue these permits and he said he does not know that the City will unless the trip originates or terminates here. He said they chose to put this fee within the fee schedule rather than place it within the ordinance. Chief Vest said this way if they determine there is a greater cost or trouble to the City, they can update the fee amount on the schedule. He said the definition of a "heavy vehicle" is very subjective and up to his discretion.

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

Ordinance 2013-54 was carried to a second reading.

FIRST READING: ORDINANCE 2013-55: AN ORDINANCE IMPOSING ASSESSMENTS ON PROPERTIES FOR SIDEWALK REPAIR AND REPLACEMENT AND CERTIFYING THE ASSESSMENTS TO THE DELAWARE COUNTY AUDITOR FOR COLLECTION.

Mr. Lutz said this ordinance is the final step in the 2013 Sidewalk Repair and Replacement Program. He said in early spring they identified properties that need repairs, in summer they went out to bid for the work, and this ordinance allows the City to assess the payment to the property where the repairs were made. Mr. Lutz said a letter was sent on November 12 to notify them of the final cost and they can pay that amount or the City can place an assessment on their property so the payment is spread out over five years. Mr. Lutz said Staff will mail a second notice to the residents on November 20th. He said they are informed that the deadline for their payments is February 28th, 2014. After that time Staff will work with the County Auditor to place assessments on the properties. Mr. Lutz recommended they carry this ordinance to a second reading. Councilman Hrivnak asked if all of the repairs have been completed. Mr. Lutz said they are complete.

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

Ordinance 2013-55 was carried to a second reading at the next regularly scheduled meeting.

FIRST READING: ORDINANCE 2013-56: 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, 2014.

Mr. Lutz said this is the first reading of the proposed budget for 2014. He said the second reading will take place on December 3rd. He said this was reviewed and discussed by the Finance Committee last month. Mr. Lutz said he is pleased to say the City of Powell has weathered the downturn in the economy quite well; they have been able to maintain their services and did not have a significant impact to the citizens and businesses. Mr. Lutz said they have seen quite an uptick in activity this year and the 2014 budget reflects that and tries to restore a few items they deferred over the past few years. Mr. Lutz said they also have several one-time items they would

like to fund. Mr. Lutz and Ms. Miller summarized the proposed budget and presentation (Exhibit A). Highlights included:

- Revenues of \$6.6 million are anticipated in 2014.
- Original budgeted expenditures in 2013 were \$6.7 million and they are proposing approximately \$8.3 million. Several one-time requests have been recommended.
- The unappropriated carryover will increase the fund balance from 5.9% to 6.1% but because of several one-time expenditures, this will probably drop to 4.4%. A lot will be repaid to the City in the next few years because of the large advances in this budget.
- 2013 income taxes are estimated at \$4.8 million which is a 10.5% increase. An increase of 3.1% is anticipated in 2014.
- Development Fee revenues are increasing and are projected at \$500k.
- Revenues from the Local Government Fund is getting smaller and smaller and they project it will be eliminated in the next few years.
- Non-Operating Expenditures jumped substantially in the 2014 proposed budget but drops down in 2015.
- Personnel and non-operating costs are staying fairly stable in 2014.
- General Fund Reserve has never been tapped into. The City has a goal of maintaining that fund between 15-20% of the General Fund, Personnel and Operating Expenditures. Staff recommends they add \$25k to the fund in 2014, bringing it to a total of \$987,500.00, representing 17.3% of the operating fund.
- Budgeted \$50k for the Contingency Fund so Council has the flexibility of funding items throughout the year that are not anticipated in the budget.
- One-time expenditures:
 - Finance – The 27th payroll will be funded each year so there will be no impact when it occurs again.
 - Building Department – One of the two Building Inspectors and will be retiring in 2014. They propose an overlap in personnel so the current inspector can help train the new inspector.
 - Building Department – They have budgeted \$77k for new software.
 - Building Department – They have budgeted \$16k to supplement Staff with a part-time individual to help during the implementation of the Building Department software.
 - Parks Department – They currently have a part-time, 30-hour Recreation Supervisor to run programs; they now propose to update this to a full-time position, providing stability and continuity in the position. The new Federal Health Care Law requires health benefits for this position at the current hours so the City will have to pay those benefits whether full or part-time.
 - Police Department – They recommend filling the Police Officer position that has been vacant for several years; allowing them to be fully staffed in 2014.
 - Public Service Department – They recommend replacement of a snow plow budgeted in 2014.

Mr. Lutz said they are fortunate that the voters of Powell approved the continuation of a property tax to fund \$7 million in capital improvements. He said those funds come on line in 2014. He reviewed each of the appropriations.

Mayor Cline said they are looking at \$42k in the Police Department budget; is the number that low because of the adjustment to overtime. Mr. Lutz said because of the testing involved, they will not have an officer on board on January 1st so they did not budget a full year's salary. Mayor Cline asked if the overtime budget is smaller because they anticipate they will have less demand for overtime when they are fully staffed. Chief Vest agreed. Councilman Bennehoof thanked Staff for a good job on the budget and presentation as well as their overall fiscal management of the City.

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

Councilman Counts said this budget represents the core values of the City as well as an effort to reinvest into the City. Mayor Cline noted that if any Council member intends to make a change to the budget they must do it tonight because the Charter requires that the final budget be before the community for a set period of time.

Ordinance 2013-56 was carried to a second reading.

COMMITTEE REPORTS

Development Committee: *Next Meeting:* Tuesday, December 3rd, 6:30 p.m.

Finance Committee: *Next Meeting:* Tuesday, December 10th, 7:00 p.m.

Operations Committee: Councilman Lorenz said they met this evening and discussed a possible Community Garden and the upcoming Community Attitude Survey. He said they will invite Marty Saperstein to meet with them this winter to get the ball rolling. He said Mr. Snyder has the prototypical replacement street sign for the City of Powell; it is mounted with a breakaway piece at the bottom and it meets reflectivity standards. Councilman Lorenz said the Operations Committee has asked that the signs be installed with a post that does not have the holes punched out. He said Staff would like the authority from City Council to move forward. Mr. Lutz said this sign would be used for areas where there is not a HOA or in the case where a neighborhood wants to have the City pay to change their street signs. He said most neighborhoods have decorative signs that they often want to keep; as they change out their signs to meet the Federal standards, the City will reimburse the HOA for the cost of the standard sign and the HOA will have to pay the difference. Mr. Lutz said they are not requiring each subdivision to put in the standard sign. Mayor Cline agreed that they should use the post without the holes punched. Councilman Bennehoof asked if Staff will encourage the HOAs to use this sign. Mr. Lutz said they have discussed this and they are not sure how much they should encourage them to switch over. Jeff Snyder, Director of Parks, Recreation, and Public Service, said when he is approached he tries to encourage them to take a look at the new signage. Councilman Counts said the initial mandatory requirement has gone away so the City does not want to incur the large expense of replacing all of the signage within the City in a short period of time. Mayor Cline asked about the actual cost of the sign. Mr. Snyder said they cost from \$140-\$150 based on quantity. Mayor Cline said they have the thumbs up to proceed. *Next Meeting:* Tuesday, November 19th, 6:30 p.m.

Planning & Zoning Commission: *Next Meeting:* December 11th, 7:00 p.m.

CITY MANAGER'S REPORT

There was none.

OTHER COUNCIL MATTERS

There were none.

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

MOTION: Councilman Counts moved at 8:35 p.m. to adjourn into Executive Session in accordance with O.R.C. Section 121.22 (G) (1), Personnel, Salaries and Benefits, and Section 121.22 (G) (3) Pending Litigation. Councilman Crites seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Counts moved at 9:30 p.m. to adjourn from Executive Session. Councilman Hrivnak seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Bennehoof moved at 9:30 p.m. to reconvene in Regular Open Session. Councilman Crites seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Lorenz moved at 9:30 p.m. to adjourn from Regular Open Session. Councilman Crites seconded the motion.

VOTE: Y 6 N 0

MINUTES APPROVED: December 3, 2013



Richard Cline
Mayor
12/16/13
Date




Sue D. Ross
City Clerk
12/17/2013
Date

City Council

Richard Cline, Mayor

Jon Bennehoof

Sara Marie Brenner

Tom Counts

Mike Crites

Jim Hrivnak

Brian Lorenz