



City of Powell, Ohio
City Council

**MEETING MINUTES
DECEMBER 3, 2013**

A regular meeting of the Powell City Council was called to order by Mayor Cline on Tuesday, December 3, 2013 at 7:30 p.m. City Council members present included Tom Counts, Mike Crites, Jim Hrivnak and Brian Lorenz. Jon Bennehoof and Sara Marie Brenner were absent. Also present were Steve Lutz, City Manager; David Betz, Development Director; Jessica Rosengarten, Assistant 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. Hearing none, he closed the Citizen Participation session.

APPROVAL OF MINUTES

MOTION: Councilman Counts moved to approve the minutes of November 19, 2013 as submitted. Councilman Crites seconded the motion.

VOTE: Y 5 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 they discussed this resolution at the last meeting and were asked to do a little research on the matter. He said this resolution is a typical conditional acceptance of infrastructure improvements which puts the developer on notice for two years if there are deficiencies. He said at the last meeting there was concern raised about an outlot along the northern part of Golf Village that was never annexed into the City. Mr. Lutz said Staff found that there was a Memo of Understanding between the original developer and the original property owner on that lot, requiring three items: that the developer dedicate some additional land to the property owner, that the developer install a driveway approach along the sidewalk and provide landscaping. Mr. Lutz said those items have been completed and Mr. Betz took a photo today (Exhibit 1) that shows that the work has been completed. He said the Law Director will discuss the item in more detail but from a Staff standpoint the conditional acceptance of the infrastructure is not tied to this issue.

Gene Hollins, Law Director, said it was asked if there is a legal basis for turning this down contained in the earlier ordinance where they approved the preliminary plat. He said they pulled the June 13th ordinance that requires that the plat contain a note that references the Memorandum of Understanding, making it incorporated by reference into the plat. Mr. Hollins said they looked at the Memo of Understanding to determine if all of the items have to be completed prior to approval of the final plat and recordation. He said it was pretty clear that the understanding was that the landowner may even have to sign the plat because all of the items would not be done at the time of platting. Mr. Hollins said the answer to this narrow legal issue is that they met their conditions under City code for final approval of the plat. He said if there is a need for leverage, zoning still has to approve each residence so the City still has leverage to make sure all of the items in the Memo of Understanding are completed. Councilman Hrivnak asked if the items within the Memo of Understanding have been fulfilled.

David Betz, Development Director, said the sidewalk, driveway and approach are in. He said there is some landscaping in; there was not a specific plan other than some mounding and landscaping. He said they will note that some new trees and mounding that have been installed. He said the stand of grass is there and it looks nice. He said the reserve area that is dedicated to that lot is part of that subdivision within Powell, so it has value, will be reassessed and they will pay property taxes on it. He said they will pay into the LCIFA on the reserve property as well. He said that property is about a half-acre in size.

Councilman Counts asked why this work would have been done. Mr. Betz said it was done to appease the property owner as part of the zoning for Golf Village when it went through the Township; it gave them some opportunity to achieve some landscaping and driveway access. He said it was done prior to the area being annexed into Powell in 2001 so they could get a drive to have access other than the existing access from Home Road. Mr. Betz said from a public safety aspect for the overall traveling public, it makes a lot of sense. He said he sees this as an improvement and it looks rather nice right now. Mayor Cline asked if the reserve is vacant land. Mr. Betz said the home and barn are on a parcel outside of the City and the reserve is vacant land within the City.

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

MOTION: Councilman Counts moved to adopt Resolution 2013-21. Councilman Hrivnak seconded the motion.

VOTE: Y 5 N 0

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

Mr. Lutz said tonight is the second reading of this ordinance which was discussed at length at the last meeting. He said Staff reviews all of the fees on an annual basis and only a few minor additions and changes were recommended to ensure they cover costs to the City. Mr. Lutz said this year they propose a new Assemblage Permit Fee of \$55 which will cover costs associated with services provided by Public Service Staff for barricades for events and block parties. He said there is also a new Heavy Truck Permit Fee for oversize trucks that pass through the City.

Councilman Lorenz said it is his understanding that the Township plans to withdraw the commercial building plan review, permit and inspection services provided by the City. He asked how this will affect the City fees. Mr. Lutz said for the last twenty years the Township has contracted with the City to provide those services and at the last Liberty Township Trustee meeting they voted to contract with a private firm for their commercial building services. He said Staff does not know what the impact of this will be if the Township pursues this change and it is premature to say now how this will impact the City's budget. He said he has not spoken with the Township Administrator because they will incur expenses by having to add staffing to be able to accept permits. Mr. Lutz said those are the sorts of expenses they have covered for the Township in the past and he is not sure they factored that into their decision. He said the Township has their own Zoning Department and at this time the City Building Department accepts and reviews all of the commercial building plans, issues permits and provides inspections from a building code standpoint. Councilman Crites asked if this potential change was brought to his or the City's attention prior to the vote taken by the Trustees. Mr. Lutz said he was made aware of it by reading the paper and he contacted the Township Administrator to get some information. He said Mr. Anderson said he will provide that information once they are in a position to do so. Councilman Crites asked if there was ever any indication of dissatisfaction with the quality of services provided to them. Mr. Lutz said there was nothing he was aware of.

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

MOTION: Councilman Counts moved to adopt Ordinance 2013-54. Councilman Crites seconded the motion.

VOTE: Y 5 N 0

SECOND 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 is the second reading of this ordinance and its passage will wrap up the 2013 Sidewalk Repair and Replacement Program. He reviewed the steps within the process undertaken by the City during this program. He said the work performed by the City has now been completed and now it is time to bill the residents for the repairs. Mr. Lutz said two notices were mailed to the residents within the program and they may choose to make a one-time payment to the City or they may spread the cost over five years by allowing the City to place an assessment against their property for that time period. Mr. Lutz said this ordinance allows the City to proceed with an assessment and they typically do not proceed until after the beginning of next year. He said the residents have until the end of February to make the full payment and some usually trickle in after that date.

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

MOTION: Councilman Counts moved to adopt Ordinance 2013-55. Councilman Hrivnak seconded the motion.
VOTE: Y 5 N 0

SECOND 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 they spent a significant amount of time reviewing the budget at the first reading. He said during the recessionary period the City was fortunate that they never had to dip into the rainy day funds and continued to provide quality services to the residents and businesses. He said in the past five or six years they have put projects on hold because the revenues were tight. Mr. Lutz said revenues are increasing as the economy picks up and that is good news and the 2014 budget will allow them to continue to provide services. He said they will also be able to fund some items that have been put on hold for several years. He said they will continue to have a very healthy reserve fund and City Council will have a contingency for unanticipated expenses that may arise in 2014. Mr. Lutz said they will also be able to add a Police Officer which has been a vacant position for several years. He said they will replace the oldest snow plow and snow plow truck and they will be able to engineer many of the capital improvement projects as a result of the bond issue approved by the voters. Mr. Lutz said they will also be able to add \$250k to the annual street maintenance fund to try to catch up and keep the streets in the best condition possible. He said as always, this reflects a balanced budget. Councilman Counts said if they look at the budget by the numbers it may look out of balance but that is because they are advancing fund this year and the General Fund will be repaid in subsequent years.

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

MOTION: Councilman Counts moved to adopt Ordinance 2013-56. Councilman Crites seconded the motion.
VOTE: Y 5 N 0

FIRST READING: ORDINANCE 2013-57: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2013.

Jessica Rosengarten, Assistant Finance Director, said this ordinance asks to transfer funds from the retiring Voted Park Improvements Debt Service Fund that was just paid off into the new 2013 Capital Improvements Fund. She said they received a little bit of unanticipated revenue that was a reallocation of the TIF funds that they had to repay to Delaware County this year so they are asking for an additional transfer of \$21k. Ms. Rosengarten said they also appropriated \$77k in the Voted Capital Improvements Fund and after all of the expenses from the bond issuance they had \$2,005 left. She said that needs to be transferred to the Debt Service Fund for future debt payments.

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

MOTION: Councilman Counts moved to suspend the rules in regard to Ordinance 2013-57. Councilman Lorenz seconded the motion.
VOTE: Y 5 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2013-57. Councilman Hrivnak seconded the motion.
VOTE: Y 5 N 0

FIRST READING: ORDINANCE 2013-58: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2013.

Ms. Rosengarten said the ORC requires them to reduce appropriations if the actual revenue did not meet the expense. She said they are requesting to reduce appropriations in the CORMA Fund, ODNR Fund, Sawmill TIF Fund and the Capital Projects Fund. Councilman Counts asked if she can explain how the CORMA Fund did not receive the level of revenue. Ms. Rosengarten said they have to budget revenue for anticipated insurance claims and they did not have that amount of claims so they did not receive as much revenue. She said they would have received insurance reimbursements from the various insurance companies. Mr. Lutz said sometimes those are things like signs that are hit by motorists.

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

MOTION: Councilman Counts moved to suspend the rules in regard to Ordinance 2013-58. Councilman Hrivnak seconded the motion.
VOTE: Y 5 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2013-58. Councilman Crites seconded the motion.
VOTE: Y 5 N 0

FIRST READING: ORDINANCE 2013-59: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2013.

Ms. Rosengarten said there is currently approximately \$7k left in the salt budget for the Street Fund and they are asking for an additional \$30k to make sure they have enough to cover any bad weather during the month of December.

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

MOTION: Councilman Counts moved to suspend the rules in regard to Ordinance 2013-59. Councilman Hrivnak seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2013-59. Councilman Hrivnak seconded the motion.

VOTE: Y 5 N 0

COMMITTEE REPORTS

Development Committee: Councilman Hrivnak said the Committee met earlier this evening and discussed Wildflower Drive traffic calming measures. He said the report from Burgess and Niple was reviewed and they recommend the installation of speed humps. He said the residents were fearful that they would not receive enough resident signatures for that so they asked that they try signage instead. He said the group decided to try that first and the City Engineers will review the issue and make a recommendation about signage. Councilman Hrivnak said Chief Vest and Ms. Canavan showed a rather disturbing video of an incident on the tracks outside of the building. He said the Committee asked Ms. Canavan to put this on the City web site as a reminder of safety at the crossing. He said they take this very seriously and will take this up as a first agenda item at their next meeting. *Next Meeting:* Wednesday, January 7th, 6:30 p.m.

Finance Committee: Councilman Counts said the December meeting has been cancelled. *Next Meeting:* January 14th, 7:00 p.m.

Operations Committee: No report. *Next Meeting:* December 17th, 6:30 p.m.

ONE Community: Councilman Lorenz said the Committee met on December 9th and held an organizational meeting. He said they discussed strategies and thoughts about the group. He said they will meet again to discuss a couple more items that revolve around organization. *Next Meeting:* December 9th, 7:00 p.m.

Planning & Zoning Commission: No report. *Next Meeting:* December 11th, 7:00 p.m.

CITY MANAGER'S REPORT

Mr. Lutz said a notice from the Ohio Department of Commerce, Division of Liquor Control was placed in packets that identifies all of the liquor licenses that are up for renewal in the City of Powell. He said at this time the Council can request a hearing on any of the establishments; he spoke with Chief Vest and his department has had no issues. He also reminded Council that Holidays in Powell will take place this Saturday. He said the members of Council are invited to join Santa and the Mayor for the tree lighting ceremony at 5:30 p.m.


OTHER COUNCIL MATTERS

There were none.


ADJOURNMENT

MOTION: Councilman Counts moved at 8:05 p.m. to adjourn the meeting. Councilman Hrivnak seconded the motion. By unanimous consent, the meeting was adjourned.

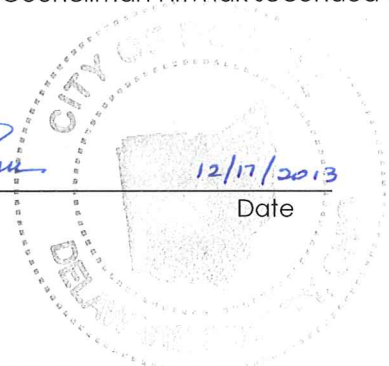
MINUTES APPROVED: December 17, 2013

 12/16/13

Richard Cline
Mayor

 12/17/2013

Sue D. Ross
City Clerk



City Council

Richard Cline, Mayor

Jon Bennehoof

Sara Marie Brenner

Tom Counts

Mike Crites

Jim Hrivnak

Brian Lorenz