



City of Powell, Ohio
City Council

MEETING MINUTES
February 2, 2016

CALL TO ORDER/ROLL CALL

A regular meeting of the Powell City Council was called to order by Mayor Brian Lorenz on Tuesday, February 2, 2016 at 7:30 p.m. City Council members present included Frank Bertone, Tom Counts, Jim Hrivnak, Brian Lorenz, Brendan Newcomb and Daniel Swartwout. Jon Bennehoof was absent. Also present were Eugene L. Hollins, Law Director; Steve Lutz, City Manager; Megan Canavan, Communications Director; Debra Miller, Finance Director; Karen J. Mitchell, City Clerk, and interested parties.

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION

Mayor Lorenz opened the citizen participation session for items not on the agenda.

Larry Coolidge, 78 W. Olentangy: I just want to thank you and I appreciate the opportunity to speak to you tonight. We are trying to get the business association together. We hope that the City will help us and join in to bring back a vibrant downtown. The [Powell] Chamber has offered the business people the right to come underneath and work with them as an umbrella for special events. We want to continue the street markets and hope there is some way the City can help accomplish these things. I know that Megan [Canavan, Public Relations Director] has helped, but if there is any other things you can do it would be appreciated.

Nicole Klatt, 77 E. Olentangy: I just want to piggyback on what Larry said. I am the President of the current Powell Chamber and we met with the business owners and merchants downtown and had a great meeting. We came to the conclusion that maybe we need to collaborate more with the City to help facilitate trying to help fill some of these buildings and to encourage new business owners to open their businesses here rather than choosing another suburb. The Chamber would like to work with the City on a marketing piece. I know you may not have it in the budget this year, but ask that you take a look at it for next year – getting a part time or full time person - so we can work on some of these issues. I know Megan has worked tirelessly with us but it is not entirely her job and she doesn't have time to do it all.

Chris Shear, 8262 Wildflower Drive: I had a meeting with a representative of the American Heart Association recently and she brought up statistics and asked that the City of Powell consider raising its legal age to 21 to buy tobacco products. Other communities around here have done it, and they've shown that there has been success in terms of cancer statistics in the 18-21 [age] category. I know it's been looked at in the past, but I'd love to see Council reconsider it.

Councilman Hrivnak: Nicole, I'm glad you brought that up, because one of the charges of the Powell CIC is to make people understand what is available in Powell and to help bring businesses into Powell. One of our goals for this year is to work closer with the Chamber, so I'd be happy to talk to you about that at another time.

Hearing nothing further, Mayor Lorenz closed the public comment session.

PROCLAMATION: American Heart Association – Olentangy Liberty Senior DECA Class presented to Eric NeCamp

- DECA goal is to raise both money for and awareness of heart disease.
 - Has raised and continues to raise money through different events.

Mayor Lorenz declares February 14-20, 2016 Heart Disease Awareness Week in the City of Powell.

PRESENTATION: Initiatives – Powell Area Chamber of Commerce presented by Tanya McCarthy, Executive Director and Nichole Klatte, President.

Ms. McCarthy: The folders you are receiving (Exhibit 1) are folders that we give to new businesses that come into town and expresses an interest in joining the Chamber. One of the inserts, the directory, is a great marketing tool for our business and for us.

- Seven reasons to join the Chamber of Commerce:
 - Networking – many network events.
 - Discounts - Business-to-business as well as member-to-member that are only available to members.
 - Learning opportunities – at least 4 events per year.
 - Big events such as Taste of Powell and annual meetings.
 - Advertising opportunities – directory and sponsorship of events.
 - Strong economy – studies have shown consumers think more favorably of small businesses who are members and are more likely to purchase goods and services from those businesses.
 - Opportunity to get involved in the community.
- The Chamber wanted to express their appreciation and thanks to Councilman Hrivnak for all his work with the Chamber while being Mayor and looks forward to working with him in the future with the Powell CIC.

Mayor Lorenz: How broad ranged are you located – obviously in the City and township. Do you go over the river?

Ms. McCarthy: We do. We try to focus on southern Delaware County, which is our territory. We have one or two that go into Dublin, Lewis Center or Delaware. Approximately 200 of the 325 members are Powell businesses.

APPROVAL OF MINUTES – January 19, 2016

Councilman Newcomb stated that he voted in favor of Resolution 2016-03 (previously marked as abstained) and asked that this change be made. One other correction was noted in the minutes. MOTION: Councilman Counts moved to adopt the minutes of January 19, 2016 as amended. Councilman Bertone seconded the motion. By unanimous consent of the remaining members of Council, the minutes were approved.

Mayor Lorenz: The next items (Items 7-10) on the agenda are more administrative ordinances in nature; however, they will take a roll call vote. If Council will indulge me, I'd like to ask Mr. Hollins to give us a quick refresher on the manner in which we can approve the ordinances, specifically as they relate to emergency clauses and suspension of the rules.

Gene Hollins, Law Director: Some of these things are contained in the Council Rules. This is pretty typical of municipalities in Ohio and everyone should have a copy of these. It sets forth some of these procedural items, especially with respect to the consent agenda, but also some of the things with respect to ordinances.

Things that are of general application and are intended to be of permanent duration, those are usually what's in ordinances. Things that are not of permanent duration, such as the approval of a subdivision plat, are what we put in resolutions. From the legal standpoint, they are both effective – there's no real distinction. They are your legislation and can be put in whatever form you choose.

Council decides what ends up on the consent agenda – there is a resolution with a list of items that are allowed to be put on the consent agenda. We look at it from time-to-time and make changes as needed. It just takes a motion and voice vote and those things are effective at that point in time. Resolutions are effective immediately with only one reading. That is typical in Ohio municipalities. It's because that's the nature of the resolution – it's an administrative act. Ordinances, since they are not just enacting something you've done

before, but a new subject, go to two readings [and effective in 30 days after passing]. Some municipalities even require three readings. By Charter in Powell, you have two separate readings.

Suspension of the rules can be made on the first reading of an ordinance to allow Council to act on the ordinance without a second reading. This just means is there really any reason on some of these [ordinances] to be taken to a second reading? If that motion is passed, we act on the ordinance on first reading and 'suspend' the need to go to a second reading. It doesn't necessarily mean that it goes into effect immediately, as an emergency ordinance. Two different things. There's a two reading requirement and then there's an effective date. Even if you suspend the rules requiring two separate readings, it may be a non-emergency ordinance that still does not go into effect for thirty days. That's the emergency clause. If it does contain an emergency clause, it is meant to say that this ordinance for reasons stated in the emergency clause, needs to go into effect immediately instead of within thirty days. Some do just by their very nature - most appropriation ordinances, for example, go into effect immediately. If they are not one of those special types, they would require an emergency clause, would be stated in the ordinance and would require, like a suspension of the rules, a super majority - a 2/3rds vote - to be adopted as an emergency. It's not something we add here at Council. It would be prepared in that matter and presented to you. If there is an emergency ordinance that really doesn't need to go into effect immediately, bring it up at Council and we can make a motion to amend that and we can substitute a non-emergency effective date for the emergency clause if you want to do that.

FIRST READING OF ORDINANCE 2016-04: AN ORDINANCE ADOPTING THE UPDATED MANUAL FOR EMPLOYEES OF THE CITY OF POWELL.

Steve Lutz, City Manager: As a municipality, the City is audited by the state auditor's office each year. The state auditors will be coming into the City within the next month or so to conduct our audit which then will be reviewed by the Finance Committee and forwarded to Council. Every year the state auditors have one or two focus areas that they work on for all their clients which are municipalities in the state of Ohio. We have received the bulletin from them that they are requiring all municipalities to include in their personnel manual that the City prohibits an employee to utilize a specific airline frequent flyer accumulation card and/or using the flight to obtain any other personal benefits while on City business. I think there was a state Ethics Commission's ruling relating to this so this is required to be inserted in the personnel manual of all municipalities.

Councilman Swartwout: So that is the language that the state is coming in and saying that all municipalities should insert.

Mr. Lutz: Correct. We are just using their language.

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

Councilman Swartwout: My other question is about the switch of \$12 to \$13. The 12 dollars has been unchanged since the initial 2009 manual?

Mr. Lutz: It was a typo that we caught - one said thirteen and one said twelve, and we updated it to correct the typo and reflect the correct amount.

Councilman Swartwout: I understand that this language is from the state. My understanding is this is an issue of state law and the City really doesn't have any discretion on this issue. To say that the City prohibits, you would assume that the opposite is true that the City could also permit. Whereas, I don't believe the City has any discretion on this issue. It is a matter of state law.

Mr. Lutz: You are exactly correct. Under Ohio law, we are a home rule municipality which permits us to establish our own laws as long as they're not in conflict with direct laws from the state.

Councilman Swartwout: I would not have personally chosen this particular language because I think it's a matter of state law - this particular issue - but if that's the language that's recommended by the state that we put in, I'm fine with that.

MOTION: Councilman Counts moved to suspend the rules in regard to Ordinance 2016-04. Councilman Bertone seconded the motion.

VOTE: Y 5 N 1 (Newcomb)

MOTION: Councilman Counts moved to adopt Ordinance 2016-04. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

FIRST READING OF ORDINANCE 2016-05: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2016.

Mr. Lutz: Debra will discuss this and the next two ordinances.

Ms. Debra Miller, Finance Director: The first one is the sanitary sewer agreement. At last council meeting, you set up a new fund for this called the Sanitary Sewer Agreement. Basically there will be some revenues coming in – one from a developer and some from the property owners once they build out the houses. They are going to have an assessment to pay for a part of a sanitary sewer that will be going to that subdivision. Part of the agreement that was in the annexation of this development was that we were going to pay for those expenses and be reimbursed from those two funding sources. I have come up with a first estimate to get us started until a true estimate comes in with the engineering to get us started – the \$300K.

The second one is the Sawmill TIF – the Spectrum Capita Outlay. Again a sanitary sewer agreement. This agreement is just the opposite where the developer is going to be paying for all the sanitary sewer lines up front, and is going to be reimbursed from the TIF on three different parcels. As that revenue comes in, they will be reimbursed. As it's a brand new project, there really won't be much monies coming in the first year. I've estimated \$5,000 to be their first year reimbursement. So that will take years for that project to get reimbursed in full – probably in 7 to 10 years.

The third item is the General Fund, Other Charges Operating Expenditures for \$25,000. This is also an estimated amount of \$25,000. All of these are really estimates because I didn't have real numbers to deal with. The Verona Agreement in the pre-annexation, Liberty Township and the City of Powell entered into an income tax sharing on the building construction income tax withholding. While that process is going on in building the homes and subdivision, we will be sharing approximately 50% of the income tax related only to the building construction withholding on those projects with Liberty Township. I made a rough estimate that we might do up to \$25,000 this year.

The number 4 is the Voted Capital Improvements Fund Capital Outlay of \$3 million and the cost of issuance in transfer of \$125K. In January you approved the ability for me to go out and get notes. We will be doing that this month. We're doing the pricing on the 9th and I'll be receiving the funds probably around the 18th or 19th of February. This gives us the ability to pay for the \$3 million so we can immediately start encumbering for the projects this month. Also we will have some expenses related above and beyond the \$3 million, like the attorneys and the issuance cost. We will be getting revenues for that from the premium and that type of stuff to help pay for that. I need the ability to spend that money.

Mayor Lorenz 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 2016-05. Councilman Bertone seconded the motion.

VOTE: Y 5 N 1 (Newcomb)

MOTION: Councilman Counts moved to adopt Ordinance 2016-05. Councilman Bertone seconded the motion.

VOTE: Y 5 N 0 AB 1 (Newcomb)

FIRST READING OF ORDINANCE 2016-06: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2016.

Ms. Miller: In December 2015, we refinanced two different bond issues so that you will see that on this ordinance and the next one we will be looking at. Because of that refinancing, both the principal and interest payments have changed. On the back of the attachment you will see what the original principal and interest payments were, and what the revised and refinanced amounts are. We got a lower interest

rate and we were also able to move around some of the payments to pay it off a year earlier. Instead of it being due in 2025, we were able to shorten the term to 2024 by increasing the principal in several of the years with most of it being this year. One of the questions I received was how much savings did we get on this bond issue refinancing? After the reorganization of the principal and interest payments, the City is saving just a hair over \$137,000. I believe that is well worth it.

The second item on this appropriation is the one bond issue that is not funded by dedicated revenues. The general fund pays for this. How we get the monies from the General Fund is through a transfer of the \$60,800, which is rounded, taking it from the General Fund to the dedicated debt service.

Mayor Lorenz 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 2016-06. Councilman Bertone seconded the motion.

VOTE: Y 5 N 1 (Newcomb)

MOTION: Councilman Counts moved to adopt Ordinance 2016-06. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

FIRST READING OF ORDINANCE 2016-07: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2016.

Ms. Miller: As I mentioned, this is the second half of the refinancing from December. The funding from this source does come from the Liberty Community Infrastructure Financing Authority and they agreed to the changes in the debt service that we made. We did the same philosophy of trying to get rid of a year, which we did, in this refinancing and lowering the interest rate. You will see that the principal payment this year we are increasing \$30,000 while the interest is going down \$26,000. This half of the bond issue, because it goes out longer and it had more dollar value, it actually is saving \$327,000 over its life.

Councilman Counts: That's residents who are going to get the advantage of that?

Ms. Miller: That is correct.

Mayor Lorenz: Do you know how long that goes until?

Ms. Miller: It used to be 2030, and now it will go through 2029.

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

Councilman Hrivnak: In the attachment it said that we changed the debt service schedule for 'two December refinance bonds' and I always thought one had changed. Where there two in...

Ms. Miller: It's was all in the same and we just divided the paper. The first one was ordinance 2016-06, which was the police facility and the second one was 2016-07.

MOTION: Councilman Counts moved to suspend the rules in regard to Ordinance 2016-07. Councilman Bertone seconded the motion.

VOTE: Y 5 N 1 (Newcomb)

MOTION: Councilman Counts moved to adopt Ordinance 2016-07. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

FIRST READING OF ORDINANCE 2016-08: AN ORDINANCE TO APPROVE THE 2016 REPLACEMENT PAGES TO THE POWELL CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

Mr. Lutz: The Ohio Constitution requires that municipalities' ordinances regarding traffic and criminal offenses are substantially conformed to state law and the state law is constantly changing. What this codified pages will do will catch us up to legislation which was enacted at the state level in 2015. It also

documents various Ordinances the City passed last year that are permanent in nature. As one example, our income tax code which was updated and is reflected here.

The City contracts with this company, which is one of two companies in the state of Ohio that do codification. Each year around this time, Council is asked to adopt the replacement pages. If any you have the books or want a Codified Ordinance, just let Karen know and we will get you an updated one. Many of us have gone to the online electronic version.

Councilman Swartwout: Normally, at least in my experience, when you see something with amendments, you see within the pages what the amendments are either through strikethroughs or what have you. Obviously we don't have that here. Is there a way in the future where that can be accessible to us before meeting so it's much more easy to review the changes as opposed to cross referencing this to the old version?

Mr. Lutz: We can check with Walter Drane. Also, this Ordinance can be taken to a second reading and between now and the next meeting, we can find out if they have that or not.

Mr. Hollins: I have requested that in the past from them and I do think they have the ability. Strangely they don't do this on Word where you can get track changes. It's like an Excel spreadsheet or some such thing, but we can ask for it.

Councilman Newcomb: I know it's on the website, but is there a copy of the Ordinances at the library – a hard copy - as well as the comprehensive plan?

Mr. Lutz: I don't know, we can check on that and we can certainly put one on display if not.

Councilman Counts: Gene, what is the effect if we don't pass this between January 1 and whenever we finally pass this? I mean if someone has one of these offenses [during this time], is it the new offense or old offense?

Mr. Hollins: Our responsibility is to update them on a regular basis so that they substantially conform. There have been instances with traffic violations where municipalities still keep on their books something that the state did away with, and the best example is physical control. It was a variant of DWI. It was just sitting in your car with your keys in the ignition not actually driving. I know there was some litigation over whether that was still effective, but that is an extreme example. We can still enforce and probably write tickets under our existing until we, in good faith, get them updated. At the state law, if there is a concern a particular police officer had about enforcing the old version of the speed ordinance or something, they certainly have the authority to write tickets under the state law too until we get this updated.

Councilman Hrivnak: I understand the desire to look at the changes that are made, but really this ordinance has little to do with the changes and more to do with the fact that we are accepting these and putting them in the codified book, is that correct?

Mr. Hollins: Largely we won't be making any changes to the actual ordinances itself.

Councilman Hrivnak: That's already been done [Mr. Hollins: Yes] and those ordinances have already have been voted on and they are in effect already.

Mr. Hollins: Well the state laws are. I think we will ultimately adopt this instead of making changes to this.

Mr. Lutz: But it's for information purposes [Mr. Hollins: Right] to see what's been amended.

Councilman Swartwout. But there could be a typo or a mistake in these ordinances as presented to us that we could find through this process. Theoretically that would be correct?

Mr. Hollins: And you're a better than man than I if you find them.

Councilman Counts: And the exception to that would be the tax changes that we made because that Ordinance was approved before and we're just simply inserting it into the codification.

Mr. Hollins: True. It is a combination. This list you see here are all new new stuff we have not adopted yet. We will adopt it through this Ordinance. But it also includes codification of our previously adopted stuff that it is not just criminal.

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

Ordinance 2016-08 was taken to a second reading.

2016-17 COUNCIL STRATEGIC GOALS/ACTION WORK PLANS

Mr. Lutz: In summary, Council had their strategic goal setting session at the last meeting. What we tried to do is put together a summary of that meeting. What we recommend is that each committee spend some time in the next meeting or two filling in these blanks which can be reviewed by full Council during the month of March. I know that Development Committee spent a few minutes on that, and Operations and Finance will do the same. What Staff will do is begin to fill in the empty blocks, have the Committees review it, tweak it, and then we'll have a full document ready to go to Council in March.

COMMITTEE REPORTS

Development Committee: Next Meeting: February 2, 2016, 6:30 p.m. We met this evening and we started right back in with what is our charge as a development committee, who are the members for the next couple of years, and we reviewed our Council goals from January 19th. We have several. We talked about how we are going to handle each of them. We started down the path on traffic. We talked a little bit about the development review process. We also talked a little bit about how our Development Committee is trying to keep it strategic in nature and let the tactical work move towards the Operations Committee that way the development focus can remain on the things out in the future. It's nice that we had a lot of involvement this evening and that two of our members on the Development Committee are also on Operations so that as things move from one committee to another, that those things don't lose a step during that process.

Finance Committee: Next Meeting: Tuesday, February 9, 2016, 7:00 p.m.

Operations Committee: Next Meeting: Tuesday, February 16, 2016, 6:30 p.m.

ONE Community: Next Meeting: Tuesday, March 15, 2016, 6:30 p.m.

Planning & Zoning Commission: Next Meeting: Wednesday, February 10, 2016, 7:00 p.m.

Powell CIC: Next Meeting: Tuesday, February 23, at 6:00 p.m.

CITY MANAGER'S REPORT

1. Ohio Municipal League will be conducting their newly elected council training program on February 27th. Both Brendan and Dan will be attending that. If any other council members would like a refresher, let Karen or me know tomorrow and we will get you registered for that.
2. There is going to be a new group trying to form here: Central Ohio Mayors and Managers Association. Over the last 20 years or so, there's been a couple different groups that have tried to form something like this to help give central Ohio a voice at the statehouse. Both northeast Ohio and southwest Ohio have strong managers and mayors groups that lobby for their efforts. Over the years, there's been the elimination of the estate tax. For the city of Powell, we received a million dollars one year [Ms. Miller: We averaged about half a million] and how the City utilized that was we budgeted it for operations and it was used for capital improvements, capital projects. The local government fund, which has been around forever, remained intact through good and bad economies but recently that was reduced by the state. And so there's a feeling that we do need to have a bigger voice at the statehouse and hopefully this group will get some traction and be able to advocate some of our needs.

OTHER COUNCIL MATTERS

Councilman Newcomb: In our packet was the annual police report. I thought it was pretty good. I was wondering if it can be put on the website.

Mr. Lutz: it will be.

Mayor Lorenz: I received an email from the Development Director, Dave Betz, where he forwarded on a message from a city employee from California that is taking a look at our Comprehensive Land Use Plan and

referencing it and congratulating him [Mr. Betz], so it's making its way across the country. The individual indicated that there were a lot of good thoughts and ideas and collaboration [contained in the Comprehensive Plan], and it looked like it might be some format that they might try to emulate where they're at.

ADJOURNMENT

Councilman Counts moved to adjourn the meeting. Councilman Hrivnak seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned at 8:33 p.m.

MINUTES APPROVED: February 16, 2016

Brian Lorenz *3/1/2016* *Karen Mitchell* *3/3/2016*

Brian Lorenz Date Karen Mitchell Date
Mayor City/Clerk

