



**City of Powell, Ohio**  
City Council

**MEETING MINUTES**  
May 17, 2016

**CALL TO ORDER/ROLL CALL**

A regular meeting of Powell City Council was called to order by Mayor Brian Lorenz on Tuesday, May 17, 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 Steve Lutz, City Manager; Debra Miller, Finance Director; Megan Canavan, Communications Director; Chris Huber, City Engineer; John Moorehead, Assistant City Engineer; Keegan Hale, Staff Engineer; 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. Hearing none, he closed the public comment session.

**APPROVAL OF MINUTES – May 3, 2016**

Councilman Newcomb: With respect to the section regarding the Community Survey, what was the one revision mentioned in the draft?

Councilman Counts: The revision was question 20 (h) maybe or 20 (j) and it was regarding improvements... [Mr. Lutz: And the original wording was something like 'to City Hall' and Tom, you had talked about more] a broader city wide infrastructure.

MOTION: Councilman Hrivnak moved to adopt the minutes of May 3, 2016. Councilman Counts seconded the motion. By unanimous consent of the remaining members of Council, the minutes were approved.

**CONSENT AGENDA:**

Item  
*Monthly Reports – April 2016*

Action Requested  
*Receipt of Electronic Report*

MOTION: Councilman Counts moved to adopt the Consent Agenda. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

**RESOLUTION 2016-13:** A RESOLUTION TO DETERMINE THE NECESSITY TO REPAIR OR REPLACE SIDEWALKS IN THE CITY OF POWELL.

Steve Lutz, City Manager: Each year we conduct a sidewalk repair program for the City. The first part of this program is where we identify the primary inspection area. That was done by resolution [2016-12] at the last council meeting. What the program does is in the primary area, our Engineering Department goes out and inspects the sidewalks within that area and, per ordinance, they have about 13 criteria they look for - if a sidewalk has a crack or cracks at a quarter inch or larger, adjoining blocks, or portions whose edges differ vertically by a half inch or greater and so forth. The Staff identifies those sidewalks. We notify the residents and the residents can either make the repairs themselves or they can choose to allow the City to make the repairs, in which case, they pay the City directly or have an assessment placed on the property. Chris and his staff are here tonight to talk a little bit about this year's proposed sidewalk repair program.

Chris Huber, City Engineer: This year, as we discussed in the last Council meeting, we have two primary areas. One in Powell Place and the other is in Grandshire. I'd like to take a few minutes to just describe how the process works in terms of opting out or staying in the program time-wise. We do have a couple new councilmembers and I'd like them to be fully informed in how that overall process works. With that,

I'd like to introduce Keegan Hale [Staff Engineer] and he can give us a brief overview of how the program works and how we will proceed going forward. If there are any issues to be worked out tonight, he is here to provide that support as well.

Keegan Hale, Staff Engineer: Good evening. I am the Staff Engineer for the City. This year I went through a portion of the Grandshire subdivision as well as Powell Place to assess sidewalks. We found 110 blocks to be deficient per Chapter 905. We estimate that this is 3,348 square feet of repair to be done. We sent out notices to all the residents within the past two weeks. From the receipt of the notice, we give each resident 60 days to choose whether to opt out of the program. They are then required to submit a form detailing how they will repair it with a contractor that is registered within the City. If they chose to opt into the City's program, they need to provide no further notice and they will automatically be included. Once the opt out period ends, we bid the project depending on how much sidewalk we have to repair, take the lowest bidder and proceed with the repairs as has been awarded to that contractor.

Councilman Newcomb: You mentioned lowest bid but what I see on the attachment to the resolution is that there is already estimated costs.

Mr. Hale: We do that as a service to the residents to give them some idea of historic averages, trying to project what kind of bids we have received and what we hope to achieve at a maximum.

Councilman Hrivnak: Keegan, if someone were to ask the City to make the repairs then all they have to do is to do nothing really and then the City takes out all the permits, they engineer the job, they supervise the job and it's all done. [Mr. Hale: Exactly]. So it's pretty easy for the residents.

Mr. Hale: Absolutely. We try to make it as painless as possible. I met with several residents already just to discuss any questions they've had. It's a very simple project. If they don't want to see it at all, we just do everything for them. There is no cost for the permit for the repair, whether they choose to opt out or opt in. We don't charge anything additional for the permit.

Councilman Hrivnak: If they do stay with the City though, they have one of the City engineers that supervises the installation.

Mr. Hale: Yes, I oversee the repairs.

Councilman Bertone: What is the assessment cycle? Is that a 10 year process if someone chooses to have the City take care of that?

Mr. Hale: It's a 5 year process.

Mr. Lutz: And that is handled by the county themselves and I believe they tack on a 5% rate for their administration.

Mayor Lorenz opened this item to public comment.

Jason Nofzinger, 207 Donrail Ave. I want to make two major points regarding the sidewalk program. First, I like the program. I moved into Grandshire four years ago. When I moved in, the sidewalk did have a separation. I recognized that as a safety issue and I made the previous homeowner repair that because I currently have two small children and stuff happens. That is what we're focused on is the safety of our citizens as they are walking on the sidewalks. But I do find the timing of this interesting because I have maintained my sidewalks and they've been flat, but this winter it just recently started separating and, low and behold, I get this letter in the mail.

The frustrating piece to it is hundreds and thousands of citizens walk on the Murphy's Parkway trail. That is in extreme disrepair. I took a picture of my sidewalk with the one block vertical separation of a half inch or more. I measured it. I have a tape measure on the picture and it's barely at a half inch separation. (Exhibit 2). I took a walk down Murphy Parkway's walking trail, which I do every day with my family if it's nice out, and I knew the state of disrepair it's in, so I just brought my tape measure and took pictures of separations, major cracks and trip points when it transitions from the street and from sidewalk

to that walking path. The gap ranges from one inch up to 2 ½ inches on many of these points. So my question is, what's the status of all these repairs on the walking trail?

Mr. Huber: We will be introducing a bike path improvement plan within a week or two. I know your area has been earmarked in Murphy Parkway. I don't know the specific area that you are referring to, but we are going to be working on an aggressive bike path improvement plan this year. I'd be happy to talk to you afterwards to get your exact location to make sure we include that if it is appropriate with our bike path program. Our bike path program is separate from our sidewalk program.

Mr. Nofzinger: If you start where Murphy Parkway meets 750 [Olentangy Street] and just walk it all the way to where the new extension is going in, that curve all the way to the end. There's various points, every transition point has a very big separation. Also it looks like roots went underneath it. It's been like that for the four years I've lived here so that is why I was shocked that my sidewalk just separates [and I get a notice]. I didn't know it was a timing cycle.

Mr. Lutz: And maybe just a little more information regarding the City bike paths. As we get into the discussion on next agenda item, the street maintenance program, we have limited funds for street maintenance. In past years, because of the limited funds, the policy decision has been made to put all the money toward streets, which gets the greater use, and not towards bike paths. What we're facing now is the deterioration of our bike paths. A few years ago we had a bond issue which was approved by the voters for capital improvements. Of course we're building some new bike path extensions. What Chris has done this past winter is take a look at our bike paths and putting together a cost estimate for making repairs to our bike paths in conjunction with our bike path extension program. That is what we will be talking to Council about in the upcoming weeks.

Mayor Lorenz: Jason, I had a couple of questions. Is it okay to keep these [photographs] for the record? [Mr. Nofzinger: You can keep them] You've given us some good information on the bike paths. Would you be objecting to the [sidewalk repair] assessment?

Mr. Nofzinger: I would like that analyzed again.

Mayor Lorenz: I think if you met with Chris after the meeting, or maybe on site, you guys could look at it together.

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

Councilman Newcomb: Some of these numbers [estimated cost of repairs] are not insubstantial. One is \$2,438. That's amazing. There are at least three on the back that are over \$2,000.

Mayor Lorenz: You will notice, too, the City's is about \$3,300.

Councilman Newcomb: What does that mean, City of Powell repairs for \$3,300?

Councilman Bertone: There are segments of the sidewalk that are maintained and owned by the City.

Mayor Lorenz: Where would those be Chris?

Mr. Huber: Those are ramp areas and we won't put any ramp maintenance to the residents. That has been our policy for the City to handle ramp improvements.

Councilman Hrivnak: Based upon the ADA nature of those ramps.

Mr. Huber: Right.

Mr. Lutz: And it really serves as a double whammy for individuals on corner lots if we were to charge.

Mayor Lorenz: For Councilman Newcomb's benefit, can you talk briefly about the notification process and if you have received any other feedback from any of these assessed properties that have a pretty

high estimate?

Mr. Huber: I believe we have had about 7-8 calls. I do believe we have had some contact with one of the higher assessments. We've been working through that and making sure it was done appropriately to minimize those costs. We've worked with at least one of those residents.

Mayor Lorenz: And all the assessed parties were provided a letter [notifying them] of this hearing.

Councilman Swartwout: It seems that Mr. Nofzinger and the City Engineer's Department are going to get together and re-evaluate that assessment. Should we then remove his address from Exhibit A until that's re-evaluated or move on that now?

Mr. Lutz: What I would recommend is that you just take this resolution to a second reading.

Resolution 2016-13 was taken to a second reading.

**PRESENTATION:** 2016 ANNUAL STREET MAINTENANCE & REPAIR PROGRAM, *Chris Huber, City Engineer*  
*(Exhibit 1)*

- Main considerations:
  - Pavement Condition Rating (which is used by ODOT)
  - Budgetary consideration
  - Street hierarchy
  - What makes sense in the big picture
- Five criteria for ranking from very bad to very good
  - 90-100 Very Good to Excellent
  - 80-90 Good
  - 70-80 Fair
  - 60-70 Poor to Fair
  - 0-60 Very Poor to Poor
- Average Pavement Condition Rating for 2016 is 83.6 (Good)
  - The southern parts of town (oldest section) have the worst street conditions.
  - We will be overlaying Sawmill Road this year in coordination with Liberty Township.
  - There are some cul-de-sacs and arterial streets that we will try to address in later years in coordination with the county as well.
  - Pavement around Library Park is not doing well. The library is doing some improvements to their own parking lot this year and we hope to coordinate with the library next year and do that as one whole repair.
  - This year we hope to bid to re-mark the pavement striping on Sawmill Parkway from Seldom Seen to Home Road.
- Things included this year in the program:
  - Intersection reconstruction for the ADA ramps at those intersections that are being overlaid.
  - Extensive curb and gutter replacement that are adjacent to the streets that are being overlaid, as well as storm catch basin repairs that make sense to repair with the street construction.
  - Crack seal, slurry seal and pavement marking as previously described.
  - Alternate overlays if funding is available.
- Total cost estimate for base bid is \$661,024.10
  - Five alternates
- Anticipated Schedule
  - Bids in late May or June
  - Contract in mid-June
  - Begin construction in July
  - Completion in October

Councilman Hrivnak: The alternates that you've listed, are they in recommended order?

Mr. Huber: I put them in the order I'd like to do them in.

Councilman Bertone: On the slurry seal, what does that do in terms of extension or extending the life of the road? Does it give us 10 years, 15?

Mr. Huber: For a slurry seal, you have to apply it in a window of time that is appropriate to the street and usually that is when street is in decent condition being ranked about an 80 or above. What that does is it puts a very thin coat of emulsion asphalt, with some fine gravel mixed in, and gives it a new wearing surface. In terms of extending the life of the street, it's anticipated a 5-7 year extension. So for example, if you had a 20 year life normally, doing the slurry seal, you might get a 27 year life cycle out of the street. That's important because if you do that for all your streets, you have a bigger window of time for your budget to address all the streets. Financially, it is a smart thing to do.

Councilman Bertone: With our finances, it is a great way of extending this burden.

Councilman Counts: Chris, our fair portion has remained about one-third of our streets. About five or six years ago, we looked at our streets and we said Golf Village, when we had that huge building of streets back in the early 2000s, that we're going to be meeting that big hump, and yet the fair portions seems to be relatively consistent. I realize that this was not a forecast, but do you have any sense of if we are pushing that off any? Are we still going to be seeing that at the end of this decade like we had projected?

Mr. Huber: We will. Golf Village was constructed in early 2000s through around 2005. It was built in a very short period of time with a lot of streets. When we start seeing those streets needing repair is about 15 to 20 years after that construction, which we're not quite there yet. I anticipate in the next 3-4 years those streets are going to be coming up very fast and all at the same time which leads me into our budget.

For the past several years we've spent on average about \$750K per year and that was with the supplement of the bond levy money. We do not have the bond levy supplement for next year's budget. We go back to \$525K most likely. You will see a decline in the streets with the budget at \$525K. Like 3-4 years ago, we need to find a supplement to keep that street budget elevated. This is why we're trying to get every street in Golf Village slurry sealed because that buys us more time to attack those streets when those overlays need to be done some years from now.

Councilman Hrivnak: Maybe budget time would be a good time to look again at the sustainability and the forecast. It would help me to understand if we need to find other mechanisms. I think we are headed for a cliff – maybe I should say a steep wall – because the costs are going to go up, not down. I know you guys are busy now getting the street program out, but come budget time maybe we could look at that and it would help me to understand better what Council needs to do.

Mr. Lutz: And just projecting forward, Chris has taken some rough looks at what an appropriate budget is for the City going forward as our streets age and we have more of them [streets].

Mr. Huber: I could see realistically, maybe not next year but in the near future, needing close to a million dollars a year to sustain what we have now. If you don't put in a million dollars a year, you're going to start to see a trickle down. We do have very good streets now, comparatively speaking, so if we want to maintain that, I think about a million dollars is what we will need.

Councilman Counts: That's a million dollars for just roads, and we've heard about the bike paths, and we have other needs. We are at a point in the maturity of our community that things are not going to get any better. I don't think we can choose to defer this much further.

Mayor Lorenz: The streets in the old village aren't identified and since my time on Council they haven't been identified. Is that simply because they're too far gone to qualify for this program and if we would want to do something for them, they'd have to be total rebuilds?

Mr. Huber: That is true. The majority of the streets in our old downtown are concrete. That's a completely different kind of maintenance. Actually the majority of those streets are doing fairly well

with the concrete surface. The alleys are not doing well, that is what you see that is in red, and those are complete rebuilds - complete reconstruction. With the timing of our initiative of Keep Powell Moving and the circulation, those are some of the areas that may be affected, so I think waiting on that to see what ultimately is going to go in there is prudent.

Mr. Lutz: And the concrete streets in the old village, many of those went down around 1997 – 1998 and I think one thing that we wouldn't want to do in the future is the drainage – they drain in the center?

Mr. Huber: The v-section drainage. It is tough on our snow plows. It's just harder to maintain versus the crowned section like you would see in your subdivisions.

**FIRST READING: ORDINANCE 2016-15: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2016.**

Debra Miller, Finance Director: This is an appropriation for \$254 from the Village Development Fund. It is a refund to a developer. Normally development fees are nonrefundable even if the plan does not go through; however, when we recalculated based on their request, we found an error had occurred in the calculation, so they actually overpaid their development fees. We are asking to refund this overpayment.

Councilman Swartwout: Which development was this?

Ms. Miller: Bob Hallapy's proposed development at the end of Depot Street.

Mayor Lorenz: Was that on our end or his?

Ms. Miller: The Development Department calculates it.

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 2016-15. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2016-15. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

**FIRST READING: ORDINANCE 2016-16: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2016.**

Ms. Miller: This is the first year that the City has had the Powell Festival back. The City has been doing a really good job of getting sponsorships and vendors alike. As of yesterday, we are well over \$100K in pledges between the sponsorship and the vendors. When we started the year, we gave them an appropriation of \$50K, they have collected \$36K, so we are asking the ability to spend that money.

Councilman Counts: We had appropriated money out of the... [Ms. Miller: General Fund to give them a start up of \$50K.] So the \$36K is in addition to the \$50K?

Ms. Miller: It will be a total of \$86K that you are giving the ability to spend.

Councilman Counts: Do you have any sense of what the likely expense should be for that?

Ms. Miller: I would say that they might not even expend all that, but this is a first year to get a feel of things. There's a lot of new expenditures that we're just getting a feel for, such as an insurance policy which we haven't done before. We will have a better idea of what an annual cost budget will be probably in another month.

Councilman Swartwout: I believe when we appropriated that \$50K initially, the thought was that through the operation of the Powell Festival, we would be able to recoup that money. Is that still appearing to be the case?

Ms. Miller: Yes. As I said, they've already gotten pledges and commitments from vendors well over \$100K.

Mayor Lorenz: So this amount is in addition to what we've committed, correct?

Ms. Miller: Correct. You've already committed \$50K, which they've already encumbered and pretty well spent. This would be added for a total budget of about \$86K.

Mr. Lutz: When the festival is said and done, let's say \$100K is collected. The City contributed \$50K, so \$150K. Let's say expenditures are \$100K. So then there is the \$50K which the City contributed and that will be a discussion that the City can decide [if they wish] to take all if it back or part of it back as the City sees fit.

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 2016-16. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2016-16. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

**FIRST READING: ORDINANCE 2016-17: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2016.**

Ms. Miller: The first thing I want to point out is this is not an appropriation ordinance. This is what is called an unappropriation ordinance. We are basically asking you to remove our authority to spend monies. Between the time we started our budget, where we thought we were going to do bonds for the \$3 million dollars, and when we did an appropriation for notes of the \$3 million and when we ended the year with continuing spending the dollars, the numbers became inaccurate. What we do is we just live with it for a couple of months and then we settle up and come back with an unappropriation for a bond fund. So you will see the list if you saw your April expenditure encumbrance report that looked like we had a lot more money in there. We are unappropriating because there's not the cash to go with it.

Mayor Lorenz: So the mechanism is still an appropriations ordinance, we're just authorizing you not to spend the money?

Ms. Miller: Yes. You are removing my authorization.

Councilman Newcomb: I went back to page 191 of the budget and that seemed to be hitting on all of these different things here. It seems like we are lower on most items other than the cost of issuances, which back when the budget was adopted was \$55,000. It's now \$158,400 for the issuances. So it looks like we shifted money from those other places that we saved money and we're now shifting it to the issuances.

Ms. Miller: Not quite. In the budget, we were anticipating it to be a bond and we had a certain allocation for that [Councilman Newcomb: \$55,000]. But when we did the note, we did a different allocation. So when you blend those two together, that is where the excess came from, along with what we also spent in November and December. So there is another appropriation that you would have to add to the budget book that we did in January and that is where the changes come from.

I can put together a more detailed spreadsheet for your review. This is not a time sensitive appropriation.

Councilman Newcomb: That would be helpful.

Ordinance 2016-17 was taken to a second reading.

**COMMITTEE REPORTS**

**Development Committee:** *Next Meeting:* June 7th, 6:30 p.m.

**Finance Committee:** *Next Meeting:* June 14th, 7:00 p.m. We met last week. The first part of the meeting was in closed session to discuss the results of the audit. I'm pleased to report that our audit was clean. The hallmark of this City's operations is its stellar financial management and keeping everything conservative financially. Our audit reflects that. Kudos to Debra and her team that sees that this happens. We also made final resolution on two requests for funds from the City, one from the rotary and one from the Historical Society, and concluded that this was not the time to be making either one of those funding requests. We talked in further depth about the fact that our funds are going to be insufficient to maintain our street

program in the near future. We will have further talks about funding mechanisms for that program.

**Operations Committee:** *Next Meeting:* May 17th, 6:30 p.m. We met this evening and discussed a variety of efforts, including Keep Powell Moving, various capital updates such as the Murphy Parkway extension and its timeline. Things are progressing nicely there as well. And also, what's ongoing in the community attitude survey.

**ONE Community:** *Next Meeting:* May 17th, 6:30 p.m. The meeting was cancelled tonight. I anticipate they will meet the third Tuesday in June.

**Planning & Zoning Commission:** *Next Meeting:* June 7th, 7:00 p.m. P&Z gets a much needed rest. They will not meet again until early June.

**Powell CIC:** *Next Meeting:* May 23, 2016, 6:00 p.m.

**Zoning & Building Code Update Diagnostic Committee:** May 24th, 6:00 p.m.

**CITY MANAGER'S REPORT**

Mr. Lutz: There are two items. We have our annual Memorial Day parade on Memorial Day, kicking off at 10:00 a.m.

On June 28th we will be holding a Keep Powell Moving public forum meeting.

**OTHER COUNCIL MATTERS**

There were none.

**ADJOURNMENT**

Councilman Counts moved to adjourn the meeting. Councilman Bertone seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned at 8:21 p.m.

**MINUTES APPROVED: June 7, 2016**

  
\_\_\_\_\_  
Brian Lorenz  
Mayor

6/21/16  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Karen J. Mitchell  
City Clerk

6/22/2016  
\_\_\_\_\_  
Date



**City Council**  
Brian Lorenz, Mayor

Jon Bennehoof

Frank Bertone

Tom Counts

Jim Hrivnak

Brendan Newcomb

Daniel Swartwout