

CITY COUNCIL

April 5, 2005

A regular meeting of the City of Powell Council was held on April 5, 2005 and called to order at 7:30 p.m. by Mayor Dan Wiencek. Other Council members present were Dave Lackey, Richard Cline, Don Grubbs, Jim Seta, Art Schultz and George Kaitza. Also present were Stephen A. Lutz, City Manager; Ken Molnar, Director of Law; David Betz, Director of Development; Nan Metz, Finance Director, and Dawn Nauman, Clerk of Council.

CITIZEN PARTICIPATION

Kim Cellar, Liberty Township Trustee asked to speak on Ordinance 2005-19. He said that this agreement was passed unanimously by the Liberty Township Trustees last night. He said that this represents a good compromise and eliminates the need to continue with an eminent domain action. He thanked Council for their efforts and perseverance in this matter.

APPROVAL OF MINUTES

The minutes of March 15, 2005 were amended and approved.

CLERK OF COUNCIL CORRESPONDENCE

Mayor Wiencek noted that Dawn Nauman, Clerk of Council, has announced that she will be leaving her job in June.

CONSENT AGENDA

Accounts Payable Check Report (Action Requested: Receipt of Report)

MOTION: Mr. Cline moved to adopt the Consent Agenda. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2005-18: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2005 AND DECLARING AN EMERGENCY.

Stephen A. Lutz, City Manager, said this Ordinance will increase the City's water and sewer budget by \$1,000 which is necessary due to an extremely high bill as a result of a water leak inside the City's jail cell which went undetected until the water bill arrived. The leak has subsequently been repaired.

MOTION: Mr. Cline moved to suspend the rules on Ordinance 2005-18. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Cline moved to adopt Ordinance 2005-18. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

SECOND READING: ORDINANCE 2005-15: AN ORDINANCE CLASSIFYING POSITIONS IN THE CIVIL SERVICE OF THE MUNICIPALITY OF POWELL.

Stephen A. Lutz, City manager, said that since the Charter was established, some new positions have been created within the City and the Personnel Board of Review wanted to identify which ones should be placed in the unclassified service and those which should be placed in the classified service. It also changes four of the positions, the Development Planner, Assistant City Engineer, Public Service Superintendent, and Building Inspector from classified to unclassified service, which means instead of hiring those positions based on a standardized test, those four positions would be hired based on an individual's education or experience.

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

MOTION: Mr. Cline moved to adopt Ordinance 2005-15. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

Mayor Wiencek rearranged the agenda to finish up all other business before the executive session.

FIRST READING: ORDINANCE 2005-19: ORDINANCE DECLARING CERTAIN MUNICIPAL PROPERTY TO BE SURPLUS AND AUTHORIZING THE SALE AND EXCHANGE OF SUCH PROPERTY WITH LIBERTY TOWNSHIP IN ACCORDANCE WITH THE TERMS OF THE AGREEMENT ATTACHED HERETO AS EXHIBIT A AND DECLARING AN EMERGENCY.

Stephen A. Lutz, City Manager, said that this Ordinance relates to a land exchange with Liberty Township. If Council wants to discuss it in open session they can, or it can be discussed in executive session.

Ken Molnar, Director of Law, said that this item has been negotiated for quite some time. He said the only thing Council hasn't been provided related to this issue is the lease from the church. He said the church will stay through the end of the year and it will be a month to month lease. He said that one challenging aspect of this agreement is that many issues have to be resolved within the next 30 days. He said this agreement runs in tandem with another agreement with the property owner and Staff is still trying to finalize those timing details along with the rezoning and development process related to this property. He said the bottom line is that everything needs to mesh by November 18 or it will be renegotiated. He said Council should approve this as it allows this process to move forward. He said there is a provision in the event that the Liberty Township property appraises at a price higher than the GFS property, then there should be no additional monies paid to Liberty Township.

Mayor Wiencek asked about the progress of the zoning changes and other contingencies. Mr. Lutz reviewed that the area plan was before the Planning and Zoning Commission at their last meeting. He said that progress is being made. He said he sees no reason why this can't be moving forward enough to complete in mid-August. Mayor Wiencek said it is his understanding that there are EPA requirements to be met.

Mr. Kaitsa asked about the part in Section 6 that says the City must pay the cost for the survey of the Liberty Township firehouse property. Mr. Molnar said he thinks the reasoning behind that is that since their parcel is so small, the cost of the survey would be very minimal. The GFS property survey expense would be significant. He said that the other factor is that the City has completed some work and maintenance on that cemetery and some of the survey work may have already been completed.

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

Mr. Cline asked if there is any reason not to adopt this tonight. Mr. Molnar said he knows of none. He said adopting it now will help the City move forward. Mayor Wiencek asked if there is a dollar limit for which the Council can suspend the rules, Mr. Molnar said that is related to the emergency adoption provision which wouldn't apply here.

MOTION: Mr. Cline moved to suspend the rules on Ordinance 2005-19. Mr. Seta seconded the motion.
VOTE: Y 7 N 0

MOTION: Mr. Cline moved to adopt Ordinance 2005-19. Mr. Seta seconded the motion.
VOTE: Y 7 N 0

COMMITTEE REPORTS

Development Committee: (Next Meeting: April 5) Mr. Seta reviewed that the Committee primarily discussed the upcoming traffic study for Murphy Parkway and the four corners. He reviewed three proposals and said that the Committee is recommending that MS Consultants be hired to complete the work. The Committee further recommends that Staff meet with the engineering firm to help define the scope of work. He said that their recommended consultant's quote was only \$250 higher than the next closest quote. Mr. Schultz added that the Committee is recommending that MS come before Council and make a presentation. There was no objection to the suggestion of the Development Committee that MS Consultants address the Council.

Finance Committee: Mr. Cline had no report but said that the March income tax receipts were better than expected.

Operations Committee: Mr. Lackey said that they met March 18 to discuss snow removal policies and the mayor's concern that the current policy benefits those driving through Powell better than those who live in Powell because the major roads are thoroughly cleaned before going into neighborhoods. Mr. Lutz said that Staff is working on a policy to present to Council this summer. Mayor Wiencek said he feels the policy is to let snow accumulate onto residential streets to the point where getting off residential streets to those main roads is

difficult. He said that he would like to explore a different procedure that in extreme storms gets into the neighborhoods first.

Downtown Committee (Next Meeting: April 19) Mr. Grubbs said the next meeting is just before the next Council meeting and the public hearing on the TIF ordinance.

CITY MANAGERS REPORT

Mr. Lutz noted information provided to Council related to the Delaware County Growth Summit. He said that these meetings are planned on a quarterly basis.

OTHER COUNCIL MATTERS

- Chief of Police Gary Vest, reviewed the recent re-accreditation of the Powell Police Department. Mayor Wiencek thanked Chief Vest for the level of professionalism shown by the Powell Police Department. He read the complimentary comments of the assessment team included in the report.
- Mr. Kaitsa asked about a property that is in disrepair that is located southeast of the Liberty Road railroad tracks. Mr. Lutz said that is outside Powell's jurisdiction.
- Mr. Lutz said that Bill Little attended the Development Committee meeting this evening and asked that Council be provided information regarding an issue the Falcon Ridge Homeowner's Association would like to address Council with. He said this is related to a fence that was erected in the subdivision that doesn't meet all the rules and regulations. He said that the homeowners association and City's Development Director recommended denying a variance for the fence, but the BZA approved the fence on a 2-1 vote. Under the City's laws, appeals of the BZA are through the judicial system, not through Council. He said that Falcon Ridge Homeowners' Association will soon be asking the City for its help to bring a lawsuit against the property owner. Mr. Lackey said he doesn't think the City should be involved in fighting private battles even though he supports the Homeowners' Association enforcing their own covenants. Mr. Cline agreed. He said it isn't the City's position to fund private litigation.

EXECUTIVE SESSION IN ACCORDANCE WITH ORC SECTION 121.22 (G) (2) LAND ACQUISITION AND SECTION 121.22 (G) (4) COLLECTIVE BARGAINING.

MOTION: Mr. Cline moved to adjourn into Executive Session at 8:05 p.m in accordance with ORC Section 121.22. (G) (3) Land Acquisition and 121.22 (G) (4) Collective Bargaining.

VOTE: Y 7 N 0

Mr. Schultz left at 8:40 p.m.

MOTION: Mr. Cline moved to adjourn from Executive Session at 9:02 p.m. Mr. Seta seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Cline moved to readjourn into regular open session at 9:03 p.m. Mr. Seta seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Cline moved to adjourn at 9:03 p.m. Mr. Seta seconded the motion.

VOTE: Y 6 N 0

DATE MINUTES APPROVED: April 19, 2005

Dan Wiencek
Dan Wiencek
Mayor

Date

Dawn Nauman
Dawn Nauman
Clerk of Council

Date

