



City of Powell, Ohio
COUNCIL MINUTES
November 1, 2005

A regular meeting of the City of Powell Council was held on November 1, 2005 and called to order at 7:32 p.m. by Mayor Dan Wiencek. Other Council members present were Richard Cline, Don Grubbs, George Kaitsa, Dave Lackey, Art Schultz and Jim Seta. Also present were Stephen A. Lutz, City Manager; Debra Miller, Finance Director; Rob Rice, City Engineer; Chief Gary Vest, Powell Police Department, Susie Ross, City Clerk; interested parties and members of the press.

CITIZEN PARTICIPATION

John Ubbing, owner of Parkway Pub, was present regarding a liquor license application. Mr. Ubbing stated he is in the process of obtaining permits for his establishment and commended City Staff on their assistance. He said this is the application for the transfer of the liquor license from La Tavola Restaurant to his business. Mr. Ubbing said the pub is located on the end cap of the strip center opposite Luce' Restaurant in Golf Village.

Council waived the request for a hearing on this application. Mayor Wiencek also noted Clerk Correspondence regarding the annual renewal of all liquor licenses within the City. Mr. Cline asked if Staff was aware of any problems which should be brought to Council attention. Mr. Lutz said there were none. Council waived the request of hearing on the annual license renewals.

The citizen participation session was closed.

APPROVAL OF MINUTES

The minutes of October 18, 2005 were approved.

CONSENT AGENDA

Resolution 2005-31

Adoption of Resolution

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

VOTE: Y 7 N 0

RESOLUTION 2005-30: A RESOLUTION IN SUPPORT OF AN OUTDOOR SIREN/TORNADO SIREN WARNING SYSTEM FOR DELAWARE COUNTY.

Mr. Lutz stated Liberty Township sent a letter to the City and other county governmental offices requesting passage of a resolution encouraging County Commissioners to fund a county-wide warning system.

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

MOTION: Mr. Kaitsa moved to adopt Resolution 2005-30. Mr. Cline seconded the motion.

VOTE: Y 7 N 0

SECOND READING: ORDINANCE 2005-54: AN ORDINANCE CLASSIFYING POSITIONS IN THE CIVIL SERVICE OF THE MUNICIPALITY OF POWELL.

Mr. Lutz said this ordinance would make the Staff Engineer position an unclassified position, allowing the interview process rather than Civil Service testing. He said the Personnel Board of Review met and recommends adoption of this ordinance.

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

MOTION: Mr. Cline moved to adopt Ordinance 2005-54. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2005-56: AN ORDINANCE AUTHORIZING SOLICITATION OF BIDS FOR REFUSE SERVICE IN THE CITY OF POWELL, AND FURTHER AUTHORIZING THE CITY MANAGER TO ACCEPT THE LOWEST AND BEST BID FOR SUCH SERVICE AND DECLARING AN EMERGENCY.

Mr. Lutz said notice was received from Rumpke stating they have chosen not to renew the current refuse contact with the City. He said Staff goes out to bid, the lowest best bidder is allowed to provide service within the City and they bill each resident for monthly service. He said the current contract with Rumpke is for a one-year period, renewable each year for up to four years with a rate increase based on a formula specified within the contract. He said the formula allows Rumpke to raise their rates up to 5% each year based on the formula. Mr. Lutz said because of current oil prices, Rumpke would need a much greater increase to make the contract profitable, so they chose not to renew for the last year. He said the bid notice has been advertised, pre-bid meeting scheduled and bids will be opened on November 11. He said Staff decided to keep the specifications the same as current services.

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

MOTION: Mr. Cline moved to suspend the rules on Ordinance 2005-56. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Cline moved to adopt Ordinance 2005-56. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2005-57: AN ORDINANCE AUTHORIZING CONTRACTING WITH AN ENGINEERING CONSULTANT TO DESIGN A TRAFFIC SIGNAL AT THE INTERSECTION OF STATE ROUTE 750/BENNETT PARKWAY/CRESSINGHAM LANE AND ELIMINATE THE EXISTING PEDESTRIAN CROSSING AT THORNBURY LANE AND STATE ROUTE 750.

Mr. Lutz stated this ordinance will implement the decision made by Council to install a traffic signal at this intersection. He said it would also include the removal of the current pedestrian crossing at Thornbury Lane.

Mr. Cline asked if Staff needs to do any legislative fact-finding with respect to the warrant. Ken Molnar, Law Director, said it can be included in the body of this ordinance or can be added at a later time in the legislation that authorizes funding. Mr. Kaitsa said it should include wording indicating that it is Council's determination that the warrant has been met. Mr. Lutz said after the engineering of the signal there will be an ordinance coming before Council authorizing Staff to go out to bid with a cost estimate. He said the language could be included in that ordinance.

Mayor Wiencek asked if there was any use or alternative location for the signal which would be removed at Thornbury Lane. Robert Rice, City Engineer, said it has been ineffective at its current location and he feels it would be ineffective elsewhere. Mr. Kaitsa suggested Staff dispose of it through State surplus auction.

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

This item was taken to a second reading. Mr. Kaitsa suggested the wording be added to the ordinance before coming before Council at the second reading. Mr. Molnar stated he will send the revisions to Staff.

FIRST READING: ORDINANCE 2005-58: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2005 AND DECLARING AN EMERGENCY.

Mr. Lutz said in this ordinance there is an appropriation of \$7500 for a warrant study at SR 750 and Grace Drive. He said there is also a warrant study considered at Sawmill Parkway/Rutherford Road. He said when the City installed the signal at Sawmill Parkway/Seldom Seen Road, the Rutherford Road signal was engineered at the same time as it was thought it would be installed eventually. He said the Rutherford Road intersection did not meet the warrants in the summer of 2004 but with the expanded growth in the area, it may meet the warrants at this time. He asked for Council's recommendation in regards to a study

at Grace Drive as it has been suggested the study be delayed until the Four-Corners intersection is considered.

Debra Miller, Finance Director, described the requested changes. The first request appropriates the funds for the engineering of the signal at SR 750/Bennett Parkway/Cressingham Lane. She said this was anticipated in 2006, but will be pushed up a year. Ms. Miller said the second request appropriates funds for the study at Grace Drive/SR 750. Mr. Lutz said Council may determine to remove this request from the appropriation.

Ms. Miller said the third request appropriates funds on deposit, whether from the building department or community meeting room rentals. She said more has been collected than anticipated and the ability to refund is limited to \$5k. She said an additional \$5k would allow Staff to refund what has been collected as well as any other anticipated collections through the end of the year. She said the fourth request appropriates funds to pay for changes in the health insurance costs in the Community Affairs department.

Mr. Seta noted a discrepancy in Section 1, Item A between the amounts listed on the ordinance and attachment. Ms. Miller stated the amount of \$15k was correct. Mr. Kaitsa said he opposes the appropriation requested in Item B as the intersection of Beech Ridge/Bartholomew Run/SR 750 would be a more appropriate place for a study and signal. He said if both intersections are not studied it is his concern the intersection at Beech Ridge would be blocked from installation of a signal in the future. Mr. Cline said he agrees with Mr. Kaitsa and would support the delay of any study until the signal is installed at SR 750/Bennett Parkway/Cressingham Lane.

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

MOTION: Mr. Cline moved to amend Ordinance 2005-58 as follows: Section 1, Subsection A, strike the numbers \$50,000 and in their place insert the numbers \$15,000; strike Subsection B and renumber subsections C & D as B & C respectively, and on the attachment, strike Subset 2 entitled Traffic Signal Warrant Study for State Highway and Grace Drive in the amount of \$7,500 and renumber Subset 3 and 4 respectively as Subset 2 and 3. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Cline moved to suspend the rules on Ordinance 2005-58. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Cline moved to adopt Ordinance 2005-58. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2005-59: AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS OF MURPHY'S PARK, SECTION 2 SUBDIVISION AS THE SAME IS NUMBERED AND DELINEATED UPON THE PLAT THEREOF RECORDED IN CABINET 2, SLIDES 616-616A DELAWARE COUNTY, OHIO RECORDS.

Mr. Rice stated that Murphy's Park, Sections 2 and 3 are now ready for final acceptance. He said the maintenance period has been completed.

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

Mr. Cline asked if this is the type of routine ordinance which Council would anticipate should be part of the consent agenda. Mr. Lutz said he will check into the process.

MOTION: Mr. Cline moved to suspend the rules on Ordinance 2005-59. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Cline moved to adopt Ordinance 2005-59. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2005-60: AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS OF MURPHY'S PARK, SECTION 3 SUBDIVISION AS THE SAME IS NUMBERED AND DELINEATED UPON THE PLAT THEREOF RECORDED IN CABINET 2, SLIDES 648-648A DELAWARE COUNTY, OHIO RECORDS.

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

Mayor Wiencek asked if anything should be done to prevent the delay in final acceptance of these types of projects. Mr. Rice said a few months ago Staff revised their acceptance procedures. He said there is a two year maintenance period and with conditional acceptance the applicant can now receive building permits. He said they also receive a maintenance punch-list and the items must be completed within one year following conditional acceptance or building permits will not be issued. Mr. Rice said bonds could be pulled to finish the work, but that is not suggested.

MOTION: Mr. Cline moved to suspend the rules on Ordinance 2005-60. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Cline moved to adopt Ordinance 2005-60. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

COMMITTEE REPORTS

Development Committee: Mr. Seta said they met this evening and discussed the annexation on Zion Drive and Sawmill Road. He said the Committee found this to be acceptable. He said they also spoke about the priority bike paths. He said the Committee recommended Staff solicit and publish bids for design and easements for priority one and two bikepaths in the spring of 2006. He identified priority one as the north side of W. Olentangy to Graeters and the south side of W. Olentangy Street to Murphy Parkway, and the priority two as the west side of Village Pointe Drive to Scioto Ridge School. He said there are 6 to 8 easements that will be required. Mr. Schultz said they are anticipating some economy of scale when the bids for engineering are received. Mr. Lutz said the Committee's proposal is to start the Engineering this winter using Capital and Development funds. He said next spring when Staff is ready to go out to bid on the projects, it will be known how much park bond money is left and that can be used for construction costs.

Finance Committee: Mr. Cline said the Committee met to discuss the budget and went through all of the General Fund subcategories. He said they will meet again November 9. He said in the Scanner there is information about the current income tax collections. He said October 2005 is down from last October, but the year-to-date receipts are up from previous years. He said this does not change the long range picture but allows Council to budget a little more time to address those plans.

Operations Committee: No report. Next meeting to be determined.

Downtown Committee: Mr. Grubbs said the next meeting will be November 9 prior to the Planning and Zoning Commission meeting. He said they will discuss the referendum results.

CITY MANAGER'S REPORT

Mr. Lutz said MS Consultants will be present at the next Council meeting to discuss findings and recommendations regarding the extension of Murphy Parkway and the Four-Corner intersection. He said the report will be included in the next Council packet. He said Chris Bauserman, County Engineer will also be present at that meeting to give an update regarding the Sawmill Parkway extension to the north and the Home Road overpass. Mr. Lutz recommended Council add the discussion of Land Acquisition to the Executive Session this evening.

OTHER COUNCIL MATTERS

There were none.

MOTION: Mr. Cline moved at 8:14 p.m. to adjourn from Regular Open Session to Executive Session under ORC Section 121.22(G)(3) to discuss possible litigation, Section 121.22(G)(4) to discuss collective bargaining negotiation and the appropriate subsection of ORC Section 121 regarding land acquisition. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Cline moved at 8:40 p.m. to adjourn from Executive Session. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

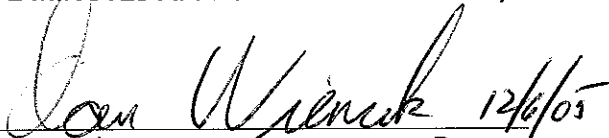
MOTION: Mr. Cline moved at 8:42 p.m. to reconvene in Regular Open Session. Mr. Seta seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Cline moved at 8:43 p.m. to adjourn from Regular Open Session. Mr. Seta seconded the motion.

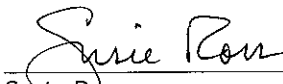
VOTE: Y 7 N 0

DATE MINUTES APPROVED: November 15, 2005



Dan Wiencek
Mayor

Date



Susie Ross
City Clerk

Date

City Council

Dan Wiencek, Mayor

Richard Cline

Don Grubbs

George Kaitsa

David Lackey

Art Schultz

Jim Seta

