



**City of Powell, Ohio**  
**COUNCIL MINUTES**  
**November 15, 2005**

A regular meeting of the City of Powell Council was held on November 15, 2005 and called to order at 7:32 p.m. by Mayor Dan Wiencek. Other Council members present were Richard Cline, Don Grubbs, Dave Lackey, and Jim Seta. George Kaita arrived at 7:33 p.m. Art Schultz arrived at 8:35 p.m. Also present were Stephen A. Lutz, City Manager; Debra Miller, Finance Director; Dave Betz, Director of Development; Susie Ross, City Clerk; interested parties and members of the press.

**CITIZEN PARTICIPATION**

Bob DiBenedetto, 117 Forest Ridge Court, was present with two concerns to place before Council. He said he has lived in Powell since 1994 and questioned why there is not scheduled leaf collection within the City. He said he pays high taxes and would like the same service that is available in Worthington and Upper Arlington. Councilman Cline said the taxes a Powell resident would pay are actually much lower than what would be paid in those communities. He said we have a three-quarter percent tax with a quarter percent credit and those Cities each have a two percent tax. He said it was discussed 6-7 years ago and the determination was made not to do it.

Mr. DiBenedetto also presented information regarding a traffic ticket he received for throwing a cigarette butt out of his car window. He said he has spoken with Chief Vest and felt a warning could have been given.

The citizen participation session was closed.

**APPROVAL OF MINUTES**

The minutes of November 1, 2005 were approved.

**CONSENT AGENDA**

Resolution 2005-32	Adoption of Resolution
Monthly Community Affairs/Events Report	Receipt of Report
Monthly Financial Report	Receipt of Report
Monthly Planning and Zoning Report	Receipt of Report
Monthly Police Report	Receipt of Report

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

**VOTE:** Y 6 N 0

**SAWMILL PARKWAY EXTENSION/HOME ROAD OVERPASS – CHRIS BAUSERMAN, COUNTY ENGINEER**

Mr. Bauserman was present to address Council. He said the Sawmill Parkway Extension is in its first stage and that portion should be completed before June 2006. He said this stage is funded through roadway assessment to real estate within the development. He said the portion of the extension to Hyatts Road is pending before Liberty Township. He said that portion could be completed within 2006. Mr. Bauserman said the portion north from Hyatts Road will be publicly funded except for those areas where there is concurrent development. He said this portion would take the extension past Bunty Station Road into the City of Delaware. He said the entire extension may be completed by 2008.

Mr. Bauserman said the parkway will be similar to the portions built through Golf Village with a center median and a bikepath. He said limited access right-of-way will be purchased along with the land acquired. He said any landowner wanting access would have to purchase those rights. He stated it will be the decision of any agencies regulating the project but he hopes they will resist that temptation. He said the parkway needs to be there to serve regional traffic. He said the parkway extension is a part of the entire regional plan which includes the Hard Road and Sawmill Road/I-270 Interchange improvements. He said a MORPC study indicates at build out there will be a population of 14,300 in the region bounded by

South Section Line, Liberty Road, Home Road and Route 42 N. He said there are currently 3,300 residents in that area.

Mr. Bauserman described the Home Road Railroad Grade Separation Project. He said about 6 years ago there was a state program which identified high-priority railroad grade separation projects. He said the County made application and received a fairly low ranking. He said they later asked if they could move their project forward by paying for the engineering up front and handling it as a LPA project. He said they were given permission and that investment has been about \$800k of the overall \$8 million project. Mr. Bauserman said CSX will also be required to pay 5% of the cost. He said the engineering should be completed by November 2006, the necessary right-of-ways will be obtained, and the project will be prepared for bid. He said the construction should begin June 2008 and be completed within 2009. Mr. Bauserman said his office has solicited input regarding design issues from City Staff. He said a bike lane has been discussed and they are awaiting a decision from ODOT. He said it is an additional cost of \$720k and it is yet to be determined if that is an allowable project addition that would be shared in the federal cost.

Mr. Cline asked about any future east-west connectors in the County. Mr. Bauserman said there is also a project to add an interchange at I-71 at Big Walnut Road. He said Big Walnut Road is the extension of Lewis Center Road around the dam and that will be a rural interchange to provide access to commuter traffic. He said there are also plans to extend Home Road across Route 23, swing south of the Village of Lewis Center, cross the railroad at a grade separation and tie directly into Lewis Center Road. The Hard Road improvement and connector was also mentioned as an aid to Sawmill area traffic.

Steve Lutz, City Manager, asked about the revenues from the Road and Bridge tax. Mr. Bauserman said the tax was passed in 1998 and effective in 1999. He said it will expire at the end of 2008 and will be up to the County Commissioners from there.

Mayor Wiencek asked about adding bikepaths by building the roadways wider and striping the area for the path. Mr. Bauserman said this concept would violate the design standards set by the American Association of State Highway Transportation Officials. He said it would place pedestrian traffic too close to 45 mph traffic speed and volumes. He said it would be appropriate on lower volume roadways.

#### **POWELL SOUTHWEST QUADRANT STUDY - MS CONSULTANTS**

Mr. Lutz said this past summer three public workshops were held and this study is the official report and findings from those meetings.

Doug Bender, Traffic Project Manager, MS Consultants, said he has worked with City Staff on this project. He said on each of the three days they visited the sites in the morning, had discussion time with City Staff and then met with stakeholders in the afternoon to gain their input. He said there was a public meeting held each night where a small presentation was made and public comment was encouraged. He said from those meetings it became apparent that the four-corners intersection was the driving force when dealing with traffic issues within the City. He said they have determined the improvement of that intersection (lane widening, addition of turn lanes) should be the number one priority for the City. Mr. Bender said the main issue of vehicular traffic could be solved while retaining the commercial district.

Councilman Cline asked about buildings adjacent to the intersection. Mr. Bender said the building on the northeast corner would have to be moved with this plan. Mr. Cline asked if the plan would eliminate all of the curbed parking as marked on the presentation. Mr. Bender said it would definitely impact that parking and sidewalk area. He said that would be a detailed design issue.

Councilman Lackey asked if traffic studies had been performed in conjunction with the report. Mr. Bender said this was not to be an analytical report, but a responsive report. Mr. Lackey asked how real is the perceived problem and will this just draw more traffic by making it easier to move through the intersection. Mr. Bender said improving this intersection does not increase capacity but helps eliminate delay. Mr. Lackey said he is concerned about the loss of the streetscape in the area. Mr. Bender said this recommendation was made based on comments regarding cut-through traffic and delays at the four-corners intersection.

Mayor Wiencek asked why the \$1.5 million estimated for the improvements would help the situation if there are not traffic studies to confirm that fact. Mr. Bender said studies have been done previously which

have shown this would be an improvement in the level of service. He said restricting left turns at the intersection encourages people to use the "relief valves" of cutting through residential areas.

Councilman Cline asked where the cut-through traffic is a problem. Mr. Bender sited Grace Drive, Bennett Parkway, Hall/Scioto Street, Olentangy Ridge and roadways off of Sawmill Parkway. He said people are avoiding the downtown area because of the traffic delays. Mr. Kaitsa said this report was meant to explore ideas rather than provide quantitative data. He asked if sidewalk space would be lost and how many cars would be stacked for left turns. Mr. Bender said the majority of the sidewalk could be retained but they would definitely be affected. He said traffic count data from previous studies did not show huge volumes of cars turning, but it only took one or two vehicles to delay traffic. He said the majority of traffic is through traffic. Councilman Lackey said it is his intention to make it easier for City residents to get home easier, but not to make it so that traffic from surrounding communities can get home easier. He said he wants to make sure the problem is as it is perceived and the solution is what is desired.

Mr. Bender provided plans for the Murphy Parkway alignment. He said it is currently barricaded just north of the two subdivisions. He said they considered volume as indicated on previous traffic studies. He said they recommend tying Murphy Parkway in as a T-intersection to keep northbound through-traffic on Liberty Street and to deter people from the parkway unless they are familiar with the area. He said signalization would provide a good pedestrian and bicycle crossing. He said there was great concern that this intersection would become a desirable cut-through. He said the report includes traffic calming which could be added as surrounding roadways are opened. Councilman Lackey asked about the assumption that northbound traffic on Liberty Road wants to continue north. Mr. Bender said the traffic information they have on Liberty Street showed more through-traffic rather than traffic wanting to turn west.

Councilman Cline stated his concern that the work previously done by Council regarding this intersection would be erased by this recommendation. Councilman Grubbs said the purpose of this study was to address the concerns of the residents regarding the 2001 Ordinance. He said this is a broader look to consider all of the interests and it is a concern that further commercial development on Sawmill Parkway would make it worse if Murphy Parkway is the preferred route. He said this report shows that traffic will increase and Murphy Parkway was not designed to be a Sawmill Parkway or handle that much traffic. Mr. Grubbs said the reports suggests that by making Murphy Parkway less attractive it would be a calming device to the amount of cut-through traffic from the south to the west. Mr. Grubbs said the business owners believe creating a south diversion from the downtown would keep potential customers away. He said this report determined that the downtown area should be addressed first and then the Murphy Parkway area should be studied.

Mr. Bender said there was a vocal group that was concerned with cut-through traffic. He said even with the four-corners improved, Murphy Parkway is an important connection. He said this alignment is recommended to give flexibility to the road network but does not bring everyone to the intersection. Councilman Grubbs said the expansion of Murphy Parkway to the west address the concerns heard from the residents on Gray Oaks and Presidential Parkway who want traffic to proceed to Powell Road rather than on their streets.

Councilman Kaitsa said that the sentiment from the residents of the Southwest Quadrant was that the problems brought on by the current Murphy Parkway alignment was because traffic was being "off-loaded" from the four-corners. He said addressing the left turns at that intersection would make it the logical route for traffic. Councilman Lackey expressed his concerns about the perceptions in this report. Mr. Bender said the traffic count information indicated a strong desire for traffic to proceed north/south on Liberty Street. He said the recommendations take that into account.

Mr. Bender referred to the priority projects listed within the report. He said there are also interim actions which are lower cost and easy to implement before any improvements are made. He said until changes are made at the four-corners intersection, it is difficult to predict the outcome and Council will have to determine where to proceed from there.

Mayor Wiencek waived the public comment session on this item. Councilman Schultz suggested the residents make their comments at a later date when the new Council members are present.

**SECOND 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 is the second reading of this ordinance, which has been revised by the Law Director to include the language requested by Council.

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

Mr. Kaitsa stated he is uncomfortable with the language in the second paragraph. He suggested an amendment to the ordinance.

**MOTION: Mr. Cline moved to amend Ordinance 2005-57 as follows: in the second paragraph, strike the words "whether or not a Traffic Warrant Analysis satisfies any of the traffic warrants" and add the words "and in the opinion of Council satisfies the requirements of a Traffic Warrant Study". Mr. Seta seconded the motion.**

**VOTE: Y 7 N 0**

**MOTION: Mr. Cline moved to adopt Ordinance 2005-57 as amended. Mr. Seta seconded the motion.**

**VOTE: Y 7 N 0**

**FIRST READING: ORDINANCE 2005-61: AN ORDINANCE TO ACCEPT THE PROPOSED BUDGET; TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE MUNICIPALITY OF POWELL, DELAWARE COUNTY, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2006.**

Mr. Lutz stated this ordinance has been discussed by the Finance Committee and a presentation will follow.

Debra Miller, Finance Director, made a presentation regarding the 2006 Budget. She highlighted new additions and described how to locate specific items within the budget. Mr. Lutz presented information regarding General Fund Expenditures and Revenues and the Capital Improvement Budget. He said City expenditures are under budget and revenues are ahead of projections, primarily because of higher development fees and income tax projections. He said the General Fund carryover this year will be about \$3.4 million, based on the circulated budget. He said the fund balance will be spent down to \$2.3 million in 2006, \$941k in 2007 and showing a \$700k deficit in 2008. Mr. Lutz said these are projections and if revenues come in ahead of budgets and expenditures are less, those numbers will change. He said the 2005 General Fund Revenues will be about \$4.6 million and in 2006 it has been projected to be about \$100k less. He said that is due to Development Fees which peaked in 2004. He said Income Tax collections for 2005 are projected at close to \$3 million. He said they project a 3% growth in Income Tax collection for 2006.

Mr. Lutz said this is a "status quo" budget with no new personnel or programs. He said this budget also includes \$100k in Contingency Funds and transfers \$375k to the Capital Improvement Fund. He said they will also add \$50k to the General Fund Reserve and this is a "rainy-day" fund which Bond Rating agencies consider a proven financial practice. He indicated other transfers made and reviewed a basic list of Capital Improvements for 2006. Ms. Miller completed the presentation by addressing the Special Funds and Debt Service within the Budget.

Councilman Schultz asked about the percentage of annual expenditure growth. Ms. Miller said percentage growth is not addressed specifically in the budget but expenditures were approximately \$3,795,000 in 2004 and estimated to be \$4.6 million in 2005. Mr. Schultz said that is approximately \$1 million more and he asked what accounts for the growth in expenditures between the two years. Ms. Miller said Park Maintenance required a \$300k increase, and the Sidewalk Repair Program, and NPDS Stormwater Retention Program required funding.

Councilman Schultz said the growth in expenditures is a concern. Mr. Lutz said day-to-day operations are estimated to be \$4.6 million in 2006, which is a \$300k increase. Councilman Grubbs asked about the TIF Fund. Ms. Miller said it will be included as a Special Fund and has not been anticipated in 2006. She said it should be seen in the 2007 Budget. Mr. Schultz asked about the estimated revenue for Income Tax. Ms. Miller said they assumed a 3% increase which is a conservative amount of growth.

Mayor Wiencek said the City will spend \$1 million more than receipts in 2006, and is forecasting spending \$1.3 million more than receipts in 2007 and \$1.6 million more than receipts in 2008. He said these are hold-the-line budgets with no significant capital improvements. He said this budget spends money for Operating Expenses which has been set aside for Infrastructure Improvements. He said Council should begin a plan for dealing with this issue. Councilman Cline commended Staff on an outstanding presentation which included a great level of detail and information.

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

This item was taken to a second reading.

**FIRST READING: ORDINANCE 2005-62: AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS OF GOLF VILLAGE, SECTION 7, PHASE B SUBDIVISION AS THE SAME IS NUMBERED AND DELINEATED UPON THE PLAT THEREOF RECORDED IN CABINET 3, SLIDES 119-119A DELAWARE COUNTY, OHIO RECORDS.**

Mr. Lutz stated the City Engineer has inspected the public improvements in this section of the subdivision and it is ready for final acceptance.

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

This item was moved to the Consent Agenda for the next Council meeting.

#### **COMMITTEE REPORTS**

**Development Committee:** No report. Next meeting: Tuesday, December 6<sup>th</sup>.

**Finance Committee:** No report. Next meeting: Board of Tax Appeals - Tuesday, December 13<sup>th</sup>.

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

**Downtown Committee:** No report. Next meeting: Wednesday, December 14<sup>th</sup>.

#### **CITY MANAGER'S REPORT**

Mr. Lutz said the Solid Waste bids were opened. He said bids were received by Rumpke and Waste Management Services. He said the City is currently paying \$11.82 per month for collection and that rate will increase to \$14.61 which is just under a 24% increase. He said Rumpke was the low bidder and Waste Management's bid was \$17.06 per month plus a fuel surcharge.

Mr. Lutz said the land swap with Liberty Township was completed on Friday. He said the City now owns the Fire Station property and the Township owns the property located just north of the YMCA.

#### **OTHER COUNCIL MATTERS**

Councilman Schultz invited the newly elected Council members to attend the Executive Session.

**MOTION:** Mr. Cline moved at 9:44 p.m. to adjourn from Regular Open Session to Executive Session under ORC Section 121.22(G)(1) to discuss proposed salary adjustments and ORC Section 121.22(G)(3) to discuss possible litigation. Mr. Seta seconded the motion.

**VOTE:** Y 7 N 0

**MOTION:** Mr. Cline moved at 10:17 p.m. to adjourn from Executive Session. Mr. Seta seconded the motion.

**VOTE:** Y 7 N 0

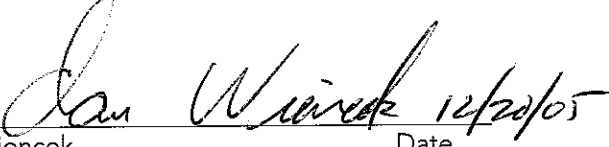
**MOTION:** Mr. Cline moved at 10:17 p.m. to reconvene in Regular Open Session. Mr. Seta seconded the motion.

**VOTE:** Y 7 N 0

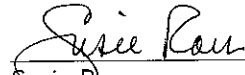
**MOTION:** Mr. Cline moved at 10:18 p.m. to adjourn from Regular Open Session. Mr. Seta seconded the motion.

**VOTE:** Y 7 N 0

DATE MINUTES APPROVED: December 6, 2005

  
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Dan Wiencek  
Mayor

Date

  
\_\_\_\_\_  
Susie Ross  
City Clerk

12/21/05  
Date

**City Council**

Dan Wiencek, Mayor

Richard Cline

Don Grubbs

George Kaitsa

David Lackey

Art Schultz

Jim Seta