



## City of Powell, Ohio

### COUNCIL MINUTES

January 3, 2006

A regular meeting of the City of Powell Council was held on January 3, 2006 and called to order at 7:30 p.m. by Mayor Dan Wiencek. Other Council members present were Tom Counts, Don Grubbs, Elmer Meider, Bill Morton, and Art Schultz. Richard Cline was absent. Also present were Stephen A. Lutz, City Manager; Debra Miller, Finance Director; Robert Rice, City Engineer; Powell Police Chief Gary Vest; Shea Allmont, Community Affairs/Special Events Coordinator; Ken Molnar, Director of Law; Susie Ross, City Clerk; interested parties and members of the press.

### OATHS OF OFFICE

Chris Jordan, Delaware County Commissioner, administered the oath of office to new Council members Tom Counts, Elmer Meider and Bill Morton. He said it is an honor for the City and the entire county for Powell to be ranked as the 18<sup>th</sup> Best Place to Live in the United States. He said the decisions that will be made today will shape the City in the years to come. He said they will be making significant changes in a critical time in the City's growth.

Mayor Wiencek stated this is traditionally the meeting at which Council elects its next Mayor. He referred to the letter of endorsement from Richard Cline for Councilman Don Grubbs as Mayor.

**MOTION: Mayor Wiencek moved to nominate Don Grubbs as the Mayor of the City of Powell for the years 2006-2007. Councilman Schultz seconded the motion.**

VOTE:        Y   6          N   0  

Judge Sunderman was present to administer the oath of Mayor of the City of Powell to Don Grubbs. Judge Sunderman said it is a privilege to swear in Mr. Grubbs and it is a reflection of the hard work Don has put into the City of Powell and the respect in which he is held by his fellow Councilmen and community. Mr. Grubbs was sworn in as Mayor.

Mayor Grubbs thanked Judge Sunderman and the members of Council. He also thanked Mr. Wiencek for his service as Mayor. He opened the floor to nominations for Vice President of Council.

**MOTION: Councilman Schultz moved to nominate Tom Counts as Vice President of Council. Councilman Wiencek seconded the motion.**

VOTE:        Y   6          N   0  

Judge Sunderman administered the oath of Vice President of Council to Tom Counts.

Mayor Grubbs stated it is also necessary for Council to appoint the City Clerk. He asked for a motion to continue the appointment of the current clerk for 2006 – 2007.

**MOTION: Councilman Wiencek moved to continue the appointment of Susie Ross as City Clerk for the years 2006-2007. Councilman Counts seconded the motion.**

VOTE:        Y   6          N   0  

### CITIZEN PARTICIPATION

Mayor Grubbs opened the Citizen Participation session. Mr. Wiencek recognized the presence of new Liberty Township Trustee Peggy Guzzo. He thanked her for her attendance. Mayor Grubbs closed the Citizen Participation session.

**RESOLUTION 2006-01: A RESOLUTION RATIFYING THE ELECTION OF DON GRUBBS AS MAYOR OF THE MUNICIPALITY OF POWELL FOR A TERM ENDING DECEMBER 31, 2007.**

**MOTION: Councilman Wiencek moved to adopt Resolution 2006-01. Councilman Counts seconded the motion.**

**VOTE:            Y   6              N   0**

**APPROVAL OF MINUTES**

The minutes of December 20, 2005 were approved.

**PROCLAMATION: LIBERTY TOWNSHIP/POWELL YMCA ANNIVERSARY**

Mayor Grubbs read the proclamation which commemorates celebration of the 150<sup>th</sup> anniversary of the YMCA in central Ohio. Steve Gorman, Executive Director, and Greg Van Schnik, Board Member, Liberty Township/Powell YMCA, were present to receive the proclamation.

Mr. Gorman thanked the Mayor and Council, stating the YMCA looks forward to being a great part of the community. He said they want to continue to contribute in the future.

**CLERK CORRESPONDENCE**

Liquor License Request – Hill Oil Company LLC

Susie Ross, City Clerk, referenced the materials before Council in the information packet. She said the application is for the Marathon station which is presently being completed. She said this has been before Council before and is now being transferred from the individual's name to the Hill Oil Company. She noted the applicant is not able to be present at this meeting.

Steve Lutz, City Manager, reviewed the process of issuance of liquor licenses in the State of Ohio. He said if they object to the issuance, Council may request a hearing before the State. He said when this location was first presented to Council last year, the City raised concerns about its proximity to the high school. Mr. Lutz said Council objected to the issuance based on that proximity but the State denied that objection. He said State Law requires liquor sales be held 500 feet away from schools, day care centers or churches and the State determined this site exceeds that distance. He said this application is before Council because of the change in the name.

Mayor Grubbs asked if the permit was issued to the individual. Ken Molnar, Law Director, stated the permit was issued because the school withdrew its direct objections to the issuance. Mayor Grubbs verified it was the same location. He asked if the City has received any other response or correspondence regarding this request. Mr. Lutz said they have not. Mr. Molnar said the sole issue was the proximity to the school.

Councilman Wiencek stated there is no reason to object. Councilman Schultz said it would have the same result as the last objection.

Peggy Guzzo, Liberty Township Trustee, asked to speak before Council. She stated there are two elementary schools to be built in the area. Teri Meider, Olentangy School Board Member, said elementary and middle schools are being constructed just east of the high school. Councilman Morton stated he investigated the regulations and the criteria cites a 500' distance to a school, daycare center or church. He said it is his understanding the measurements met the criteria, so there were no technical grounds to deny the license. He said the new schools may be closer. Councilman Schultz asked about their location. Ms. Meider stated they are north and east of location.

Mayor Grubbs said as the license has not been in use, there are not other opportunities for objection. He said there is no formal mechanism for Council other than holding discussion and taking the opportunity to object. Councilman Schultz said it sounds like it may be about the same distance and it may not merit going through the process again with the same result. Mayor Grubbs said an objection needs to be filed by January 17<sup>th</sup> so if there are other objections heard, Council can act by that date. He suggested comments be forwarded to the City to be considered.

**FIRST READING: ORDINANCE 2006-01: AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS OF GOLF VILLAGE, SECTION 4, PHASE A SUBDIVISION AS THE SAME IS NUMBERED AND DELINEATED UPON THE PLAT THEREOF RECORDED IN CABINET 3, SLIDES 28-28A DELAWARE COUNTY, OHIO RECORDS.**

Mr. Lutz stated the next three ordinances deal with granting final acceptance to public improvements in

Golf Village. He reviewed the City's development regulations. He said these final acceptances are located in Golf Village on the east side of Sawmill Parkway, just north and south of Rutherford Road in a Centex subdivision. He said Staff recommends adoption of the three ordinances.

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

Councilman Morton asked if there were any deficiencies that were corrected. Robert Rice, City Engineer, said these subdivision phases were caught in the transitional period when Golf Village was being annexed and were inspected by Delaware County Engineers office. He said they did not go through the formal system as described by Mr. Lutz. He said they have been monitored and these are ready for final acceptance.

**MOTION: Mr. Wiencek moved to suspend the rules on Ordinance 2006-01. Councilman Counts seconded the motion.**

**VOTE: Y 6 N 0**

**MOTION: Councilman Wiencek moved to adopt Ordinance 2006-01. Councilman Counts seconded the motion.**

**VOTE: Y 6 N 0**

**FIRST READING: ORDINANCE 2006-02: AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS OF GOLF VILLAGE, SECTION 3, PHASE B SUBDIVISION AS THE SAME IS NUMBERED AND DELINEATED UPON THE PLAT THEREOF RECORDED IN CABINET 3, SLIDE 27 DELAWARE COUNTY, OHIO RECORDS.**

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

**MOTION: Councilman Wiencek moved to suspend the rules on Ordinance 2006-02. Councilman Counts seconded the motion.**

**VOTE: Y 6 N 0**

**MOTION: Councilman Wiencek moved to adopt Ordinance 2006-02. Councilman Counts seconded the motion.**

**VOTE: Y 6 N 0**

**FIRST READING: ORDINANCE 2006-03: AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS OF GOLF VILLAGE, SECTION 4, PHASE B SUBDIVISION AS THE SAME IS NUMBERED AND DELINEATED UPON THE PLAT THEREOF RECORDED IN CABINET 3, SLIDES 29-29A DELAWARE COUNTY, OHIO RECORDS.**

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

**MOTION: Councilman Wiencek moved to suspend the rules on Ordinance 2006-03. Councilman Counts seconded the motion.**

**VOTE: Y 6 N 0**

**MOTION: Councilman Wiencek moved to adopt Ordinance 2006-03. Councilman Counts seconded the motion.**

**VOTE: Y 6 N 0**

**FIRST READING: ORDINANCE 2006-04: AN ORDINANCE TO AUTHORIZE PURCHASING CERTIFICATES ISSUED BY THE FISCAL OFFICER.**

Mr. Lutz stated this legislation is the result of work by the Finance Committee. Debra Miller, Finance Director, stated in fall 2005 a State Auditor's comment noted that some of the purchase orders were issued after the invoices were received. She said the City already had the purchasing procedures in draft format at that time and they were approved that fall. She said when they drafted that ordinance they also made it retroactive to approve those purchasing procedures through January 1, 2005. Ms. Miller said the

State Auditor may not agree with making it retroactive, so this ordinance was drafted as "safe-keeping" to approve all purchase orders approved before the purchasing procedures were adopted.

Councilman Counts asked if the attachment was a copy of all of the purchase orders as of that date. Ms. Miller said that is correct.

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

**MOTION: Councilman Wiencek moved to suspend the rules on Ordinance 2006-04. Councilman Counts seconded the motion.**

**VOTE: Y 6 N 0**

**MOTION: Councilman Wiencek moved to adopt Ordinance 2006-04. Councilman Counts seconded the motion.**

**VOTE: Y 6 N 0**

**SECOND READING: ORDINANCE 2005-66: AN ORDINANCE APPROVING THE PLAT FOR THE GOLF VILLAGE COMMERCIAL, SUB AREA E.**

Mr. Lutz said this legislation was previously tabled from the December 20, 2005 meeting. He said it is a platting procedure at the northern part of Golf Village, on the west side of Sawmill Parkway. Mr. Lutz said Council has an interest in the ingress and egress off of Home Road. He said the developer has asked that this legislation be tabled again to the January 17, 2006 meeting so they may meet with school district officials for approval.

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

**MOTION: Councilman Wiencek moved to table Ordinance 2005-66 to the January 17 Council Meeting. Councilman Counts seconded the motion.**

**VOTE: Y 6 N 0**

#### **COMMITTEE REPORTS**

<b>Development Committee:</b>	No report.	(Next Meeting: TBD)
<b>Finance Committee:</b>	No report.	(Next Meeting: TBD)
<b>Operations Committee:</b>	No report.	(Next Meeting: TBD)
<b>Downtown Committee:</b>	No report.	(Next Meeting: January 11, 6:30 p.m.)

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

Mr. Lutz stated there will be a group photo of the new City Council at the next Council meeting. He also stated there are memos in the packet regarding Committee Assignments and the Council Goal Setting Session.

#### **OTHER COUNCIL MATTERS**

Mayor Grubbs said he has sent around a Committee sign up sheet. He suggested the members fill in their name if they already know on which committee they would like to serve. He said formal appointments will be made at a later date. Mr. Lutz reminded the members that they may serve on more than one committee and the time and day of each committee is determined by its members. Councilman Schultz said Council has added and subtracted committees in the past. He said this may be discussed at the Goal Setting Session.

Mayor Grubbs said there are dates suggested for that meeting in the memo. Discussion continued and it was decided that the Council Goal Setting Session would be scheduled for 9:30 a.m. on Saturday, January 21<sup>st</sup>.

Councilman Schultz asked about an update on bikepaths on the Home Road overpass. Mr. Lutz said there is a letter in Council Packets from Mayor Wiencek to Representative Jon Peterson. He said at the present time a bikepath is not planned as part of the construction and Council is recommending a bikepath be included. Mr. Lutz said Liberty Park is on the east side and several schools are on the West side, with no bikepath for residents to make use of those facilities. Councilman Wiencek said the word

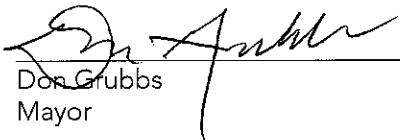
back from ODOT stated that due to jurisdictional limitations and the funding of the grant, the entire overpass is not within the City and ODOT should not mandate or fund the bikepath. He said Council will need to determine if they really want a bikepath and how much they are willing to spend on it. He said the overpass is being built to accommodate a four lane road with paved berm. He said there will be a defacto bikepath/berm, but there will be no separation from traffic. Councilman Wiencek said there may be a mid-point compromise to funding the full \$700k cost to add another truss to the bridge. Councilman Wiencek stated he will follow up with the Liberty Township Trustees and Olentangy School Board Members.

Mayor Grubbs referenced the letter from Preservation Parks. He said Council has approved the sending of a letter to Preservation Parks expressing dissatisfaction with their decision. He said the December 20<sup>th</sup> response is in Council Packets. He asked if Council wanted to proceed. He said the City of Delaware sent a similar response to the Preservation Parks. Councilman Schultz asked if the organization was being consistent. Mr. Lutz said that issue was brought forward after this letter. He said there is a TIF in Liberty Township for the Grief Brothers property, but a grant was still awarded there.

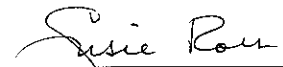
Mayor Grubbs asked if they have the authority to pick and choose disbursement of funds based on unpopular decisions made by outside municipalities. Discussion continued. Councilman Morton asked if the City has applied for grants in the past. He said now there are nice parks, there may be the opportunity to do so. Mayor Grubbs said since it is a 30-year TIF, Council must look at the needs of Powell residents in the future. He suggested Council send another letter, go to one of their meetings, or register a written complaint with the appointing authority for Preservation Parks. Councilman Morton suggested the City dialogue with other entities that have been denied and form a power base. Mayor Grubbs stated he will communicate with Staff to investigate this matter further and bring suggestions back to Council.

**ADJOURNMENT at 8:34 p.m.**

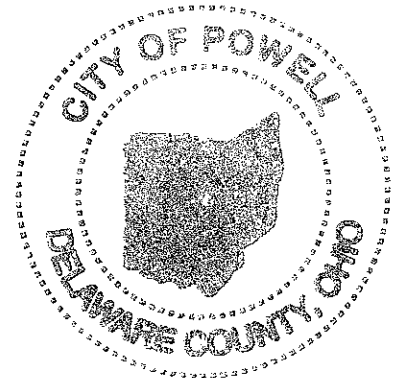
**DATE MINUTES APPROVED: January 17, 2006**

  
\_\_\_\_\_  
Don Grubbs  
Mayor

1-31-06  
Date

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

1/31/06  
Date



**City Council**

Don Grubbs, Mayor

Richard Cline

Tom Counts

Elmer Meider

Bill Morton

Art Schultz

Dan Wiencek

