



City of Powell, Ohio

**COUNCIL MINUTES
February 21, 2006**

EXECUTIVE SESSION

A regular meeting of City of Powell Council was held on February 7, 2006 and called to order by Mayor Don Grubbs at 7:35 p.m. in Executive Session under ORC Section 121.22(G)(2) Personnel: Board and Commission Interviews. Other Council members present were Richard Cline, Tom Counts, Elmer Meider, Bill Morton, Art Schultz and Dan Wiencek. Also present was Stephen A. Lutz, City Manager.

MOTION: Councilman Cline moved to adjourn from Executive Session at 7:52 p.m. Councilman Schultz seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to reconvene in Regular Open Session at 7:52 p.m. Councilman Schultz seconded the motion.

VOTE: Y 7 N 0

The meeting was called to order in Regular Open Session at 8:05 p.m. Also present were Debra Miller, Finance Director; David Betz, Director of Development; Robert Rice, City Engineer; Jeff Snyder, Director of Parks, Recreation and Public Service; Shea Allmont, Community Affairs/Special Events Coordinator; Powell Police Chief Gary Vest; Ken Molnar, Law Director; Susie Ross, City Clerk; interested parties and members of the press.

CITIZEN PARTICIPATION

There was none.

APPROVAL OF MINUTES

The minutes of February 7, 2006 were approved.

CONSENT AGENDA

Item	Action Requested
Monthly Community Affairs/Events Report	<i>Receipt of Report</i>
Monthly Financial Report	<i>Receipt of Report</i>
Monthly Parks and Recreation Report	<i>Receipt of Report</i>
Monthly Planning and Zoning Report	<i>Receipt of Report</i>
Monthly Police Report	<i>Receipt of Report</i>

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

VOTE: Y 7 N 0

Mayor Grubbs asked to move item 12 forward in the order of the agenda.

RESOLUTION 2006-11: A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A LETTER OF UNDERSTANDING AND EXPLORE THE POSSIBILITY OF PERMITTING A PROPOSED 501-C-3 ORGANIZATION TO CONSTRUCT AND OPERATE A MULTI-USE INDOOR RECREATIONAL FACILITY IN ADVENTURE PARK.

Wayne Koehler, 2345 Belair Court, Powell, provided a letter of understanding (Exhibit A) regarding the proposal of a 45-50k sq. ft. indoor sport facility to be located in Powell Adventure Park. He said he is asking for a 180-day period to determine if it is feasible to construct such a facility based on current building conditions and costs, and to determine the demand for the facility. He said it is anticipated to cost between \$5-10k to come up with a detailed plan and feasibility study. He said he will engage Ruscilli Construction Company and a licensed architect to prepare the preliminary plans and costs.

Mr. Koehler said the reasoning behind the project stems from his experience with his son, who is in travel ice and in-line hockey, and the time he has spent visiting similar facilities. He said this is a growing community which would provide demand and support for this type of facility. He said his background is in community development with Fifth Third Bank, and he travels throughout a ten state region.

Mr. Koehler said the proposed facility would house two 195' x 85' hockey rinks with in-line flooring. The flooring surface would consist of 12 x 12 squares which could be covered during some seasons with an astro-turf carpeting to allow indoor soccer, field hockey and lacrosse. Mr. Koehler provided a color rendering and preliminary layout (Exhibit B). He said they would like to work with the OYAA and would open this facility for year round use and to special events held by the City and Liberty Township. He said he looks forward to working with a representative of Council.

Councilman Schultz asked if Mr. Koehler had considered other sites such as Golf Village Park. Mr. Koehler said he is attracted to this site because of its proximity to the Olentangy Swim Association. He said he has had discussions about placing a bubble over the OSA pool and combining it with this facility next to it to make a year-round facility. He said this park attracted him because the building could sit at the back of the park, away from residential areas.

Councilman Morton asked if consideration had been given to parking issues if the building was placed on this site. He said there is an existing parking lot close to the pool and asked about additional parking needed. Mr. Koehler said that information will be addressed by the architect and construction company.

Councilman Counts asked if parking was included in the demarked area on the proposed layout. Mr. Koehler said the lines show where the building would fit best and the parking would be included within that area. He said depending upon demand he wants the flexibility to expand the building to include a third or fourth rink.

Councilman Cline said the concept drawing does not show a spectator area. Mr. Koehler said it is not included but they anticipate adding another 10' for 4-5 rows of seating between the locker rooms and the rink. He said there would also be a spectator area above the locker rooms. Mr. Koehler said he hopes to bring in teams from other areas to participate in tournaments. He said he hopes the attendance of 200-400 people at an event of this type would also help surrounding commerce.

Councilman Counts asked if there are similar private, non-profit facilities of this type in the metro Columbus area. Mr. Koehler said Soccer First is a similar facility but it is strictly for soccer, lacrosse and baseball training/practice. He said the proposed facility would also be open to the local schools for indoor practices. Councilman Meider asked if they really expect to be able to expand at this site. Mr. Koehler said they should be able to add one more rink. Councilman Meider said this takes up such a huge portion of the park that future expansion could be limited.

Councilman Counts asked if he has looked at an economic proforma. Mr. Koehler said he had, with hours of operation of 3 p.m. to 11 p.m. weekdays and 9 a.m. to 11 p.m. on weekends. Councilman Counts asked about possible backers for the endeavor. Mr. Koehler said he has spoken with four different individuals as well as Ruscelli Construction regarding participating financially. Councilman Counts asked about the area which the facility would serve. Mr. Koehler said he anticipates it would serve residents within the Olentangy Local School District.

Mayor Grubbs asked if Mr. Koehler is anticipating submitting anything to the Planning and Zoning Commission within the 180 day period. Mr. Koehler said he is not. Mayor Grubbs asked if Mr. Koehler would be willing to look at other sites within the City. Mr. Koehler said he would.

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

Councilman Meider said it is an interesting idea but he questions the size of the facility. He said he is willing to allow Mr. Koehler to investigate it further. Councilman Cline said he likes it in general but shares Councilman Meider's concern if this is the right space for it. He said a feasibility study will answer those questions. He said he is concerned about identifying the public good of such a facility.

Councilman Schultz said it would benefit the cause of Mr. Koehler to return with OYAA and School comments as to why this facility should be built. He said this building would step on an area which was

just built and may even step on an area, the OSA, which the City does not control. He said there is already a fight for parking at this site and another site may be more acceptable. Councilman Counts said Mr. Koehler needs to be ready to explain that he has looked at other sites and this is the most appropriate. He said he is excited about this type of facility but there are a lot of concerns to be addressed before a signing anything.

Councilman Counts said he hopes that the demand foreseen bears out. He said with the possible traffic and parking generated he does not think it is the appropriate site for this. He said with the pool situation already he would be very concerned about leveraging this entire park and the terms of any financing would be a concern. Councilman Counts said he does not want to be bound by anything in a letter of intent because this deal could change and Council will need a firm "out".

Councilman Wiencek said it is an idea worth exploring but the City will not be able to come to terms with the 180 day requirement. He echoed the parking concerns and said control of the facility if the venture fails will need to be negotiated. He asked if there would be different pricing for residents versus non-residents and how that would be controlled. He said residents already own the land and maintain the road going in and out. He asked how the facility's board would be determined. Mr. Koehler said a member of Council or a Council appointee would be seated on the non-profit board. Councilman Wiencek asked if Liberty Township had been approached as they have a site behind the YMCA which fits much of the same criteria.

Mr. Koehler said he is interested in enhancing the pool area in the park. He said he is open to looking at other areas and is looking for guidance from Council. He said it sounds like they are open to the idea of the facility.

Councilman Morton said he agrees with much that has been said. He said he really likes the idea of a multi-use facility centered in the park but has a concern about parking. He said he likes the idea of attaching it to the pool and feels there may be a way to utilize it to its fullest. He said after all of the details are known this may not be a suitable location but he likes the concept of it at this site.

Mayor Grubbs said he has had several discussions with Mr. Koehler about this proposal. He said beside the pool, the one thing that attracted him to this site was the fact that it is located close to the downtown. He said it is easy walking distance to the shops and there may be commercial benefits to the City.

Discussion took place regarding the modifications to section one in the resolution. Mr. Koehler said after hearing the comments of Council, he would feel comfortable moving forward in formal discussions with the OYAA and Olentangy Schools. Councilman Counts asked who would enter into a letter of intent with Council. Mr. Koehler said it would be with himself. Councilman Cline said these are the types of details which should be clarified before Council decides to sign something, but there is no reason they cannot pass a resolution to negotiate toward that goal. Discussion continued. Mayor Grubbs said it is important that Mr. Koehler know that he is not receiving a commitment. Mr. Koehler said he does not want someone else approaching Council with the same idea. Councilman Cline said a letter should be completed within a couple of weeks and if the parties involved cannot trust each other that long, they should not go down this road at all.

MOTION: Councilman Cline moved that Resolution 2006-11, Section 1 be amended to read "That the City Manager is authorized to negotiate and sign a letter of understanding on such terms acceptable to the City and work with Mr. Koehler and prepare a proposal for Council's consideration, and to secure the site for Owner/Operator's sole and exclusive use for a period of one hundred eighty (180) days after execution hereof by the City of Powell to provide Owner/Operator adequate time to prepare detailed cost estimates, preliminary design, conduct site inspections and secure financing for the Project." Councilman Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved that Resolution 2006-11 be amended to create a new Section 2 to read as follows: "City staff is directed to contemporaneously identify the public benefit if any that this potential development would afford the City of Powell and its residents and the report will be provided to Council contemporaneous with the feasibility study undertaken on behalf of Mr. Koehler.", to renumber Section 2 to Section 3 and Section 5 to Section 4. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

Councilman Cline asked that Mr. Koehler not take away a concern from this that the City is hostile to his idea. He said is not their intent but he also noted this is not a "done deal" either. He said the City experience with the pool will provide good learning tools as they work through the process.

MOTION: Councilman Cline moved to adopt Resolution 2006-11 as amended. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

RESOLUTION 2006-06: A RESOLUTION TO ESTABLISH THE OLD FIRE STATION BUILDING MAINTENANCE FUND.

Debra Miller, Finance Director, stated this resolution was discussed in Finance Committee last fall. She said when the City took over ownership of the Old Fire Station they also received the rental income of the church which meets there. She said they would like to set aside that rental income, since it is not permanent revenue, in a separate fund for the upkeep of that building. She said at the end of the year, the balance of the revenue less expenses would roll into a capital fund. Councilman Counts asked if they had considered having a reserve if something needed to be done. Ms. Miller said that would be addressed on a case-by-case basis.

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

Councilman Morton asked it is anticipated that a lot of repair will be needed and if the income would be adequate to cover it. Ms. Miller said they have no knowledge of what types of expenses they may be incurring. She said that is why they want to take the rental income and set it aside in reserve for these unknown expenses. She said it could then be evaluated and brought to Council. Councilman Morton asked if this takes care of an accounting problem of how to deal with that. Ms. Miller said there is no accounting problem it is just a way of taking revenue and earmarking it for a special purpose. She said once it is in the general fund it can get lost in the general revenues and unknown expenditures for this building would have to be taken from that fund. She said they do not want to get used to having a \$40-50k rental income that will only be received on a temporary basis.

MOTION: Councilman Cline moved to adopt Resolution 2006-06. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

RESOLUTION 2006-07: A RESOLUTION TO ESTABLISH THE FLEXIBLE BENEFITS PLAN FUND.

Ms. Miller stated this is an agency fund which holds monies which a city gathers that technically do not belong to them. She said the general employees just started having a Flexible Benefit Plan and there is a company which makes payments from the funds which are set aside for daycare and healthcare expenses. She said this fund will hold those monies.

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

Councilman Wiencek asked if there is a fee associated with managing the plan and was it budgeted for. Ms. Miller said the additional fees were already in the budget in the Other Charges Account. She said a Flexible Benefit Plan is a "use it, or lose it" plan where application for the funds closes 90 days after the end of the plan year. She said if the employee has not applied for use of the funds before the end of that period, the City becomes the owner of that revenue and can be reimbursed for its expenses at that point.

MOTION: Councilman Cline moved to adopt Resolution 2006-07. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

RESOLUTION 2006-08: A RESOLUTION SPECIFYING THE MUNICIPAL SERVICES TO BE FURNISHED TO 9.341 ACRES WHICH IS PENDING ANNEXATION TO THE MUNICIPALITY OF POWELL.

Mr. Lutz said Mr. Vince Margello is proposing to annex approximately 9.4 acres of land into the City of Powell. He described the process required for annexation and the requirements of Council.

David Betz, Director of Development, identified the location of the proposed annexation. He noted the current municipal boundaries, the location of the two parcels involved and surrounding businesses and residential areas. He said the proposed Sketch Plan will be presented to Planning and Zoning Commission the next evening and it includes a retail center of 26k sq. ft. and an office warehouse/retail building which could house an indoor sports practice complex.

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

Councilman Cline asked if potentially incompatible uses from the existing Liberty Township Zoning could be an issue. Mr. Betz said it would not because in this instance the existing township zoning is generally the same as it would be within the City.

Councilman Wiencek asked how they are dealing with the Sawmill Road right of way. Mr. Betz said the right of way for Sawmill Road which is directly across from the parcel is part of the annexation. He said none of the Sawmill Parkway or Presidential Parkway right of way is involved in the annexation.

MOTION: Councilman Cline moved to adopt Resolution 2006-08. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

RESOLUTION 2006-09: A RESOLUTION TO ESTABLISH THE JUSTICE ASSISTANCE GRANT FUND.

Mr. Lutz said Detective Darren Smith of the Police Department applied for and received a grant for Computer Forensic Equipment valued at \$8,748. He said this equipment will allow the department to recover and analyze electronically stored data such as identity theft, child pornography, fraudulent checks and other computer crime. He said this resolution establishes a fund for the grant.

Councilman Cline asked if this is a 100% funded grant. Mr. Lutz said the grant paid for 75% of the equipment. Ms. Miller said an ordinance is on the agenda for the appropriation of the matching funds.

Councilman Cline asked about the anticipated maintenance of this equipment. Chief Vest said as technology changes it will be outdated in 4-5 years and will not be replaced. He said there are no software licenses to purchase.

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

MOTION: Councilman Cline moved to adopt Resolution 2006-09. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

RESOLUTION 2006-10: A RESOLUTION TO WAIVE THE ESTABLISHED RENTAL FEES FOR THE VILLAGE GREEN COMMUNITY MEETING ROOMS.

Mr. Lutz said a request was received to waive the rental fees for a group using the room on February 25. He said under City ordinances he does not have that authority but brings this resolution forward with the recommendation to waive fees. He said this group rents the Community Meeting Room every Sunday and they clean the rooms after each use, saving the City tremendous money over the years as a cleaning crew is not hired as frequently. Mr. Lutz said they are paying the rental fees for this event from the hours of 7 p.m. to midnight and would like the fees waived from midnight to 7 a.m. He said this was briefly discussed with Finance Committee and there were no concerns identified.

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

Councilman Morton asked if there are any liability or security issues with having a group in the facility overnight. Mr. Lutz said there are none that he is aware of, but lengthy forms and waivers are required and executed which limit City exposure.

MOTION: Councilman Cline moved to adopt Resolution 2006-10. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

SECOND READING: ORDINANCE 2006-05: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2006 AND DECLARING AN EMERGENCY.

Mr. Lutz said this is an appropriation for the construction of the Police Building/Public Restrooms/Municipal Building Façade. He said he recommends that this ordinance is tabled again to March 7th to allow for receipt of up to date cost estimates from the architect.

MOTION: Councilman Cline moved to table Ordinance 2006-05 to the next regularly scheduled Council meeting on March 7, 2006. Councilman Schultz seconded the motion.

VOTE: Y 7 N 0

SECOND READING: ORDINANCE 2006-06: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2006 AND DECLARING AN EMERGENCY.

Mr. Lutz said at the last Council meeting there were not enough members present to pass this legislation. Ms. Miller said the additional appropriations are basically clean up items. She described the appropriations and fund transfers requested within the ordinance.

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

Mayor Grubbs asked if this type of ordinance stems from the recommendations of the State Auditors. Ms. Miller said that is not the case. She said if Staff wants to move funds within a category, the City Manager has the authority to approve that. She said if the funds need to move outside of their category or be added, only City Council can authorize it.

MOTION: Councilman Cline moved to adopt Ordinance 2006-06. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

SECOND READING: ORDINANCE 2006-09: AN ORDINANCE AUTHORIZING COMPLETION OF THE 2006 LIBERTY HILLS DETENTION BASIN RENOVATION, FURTHER AUTHORIZING THE CITY MANAGER TO SOLICIT BIDS, ACCEPT THE LOWEST RESPONSIBLE RESPONSIVE AND BEST BIDS FOR THE ABOVE-REFERENCED PROJECT, AND CONTRACT THE PROJECT IN AN AMOUNT NOT TO EXCEED THE ESTIMATES, IN ACCORDANCE WITH APPROPRIATIONS FOR THE CALENDAR YEAR 2006 AND DECLARING AN EMERGENCY.

Mr. Lutz said this project has been budgeted for in the 2006 Capital Improvement Budget. He said Staff will be opening the bids on Friday.

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

MOTION: Councilman Cline moved to adopt Ordinance 2006-09. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

SECOND READING: ORDINANCE 2006-10: AN ORDINANCE AUTHORIZING COMPLETION OF THE 2006 RACCOON RUN CULVERT REPLACEMENT, FURTHER AUTHORIZING THE CITY MANAGER TO SOLICIT BIDS, ACCEPT THE LOWEST RESPONSIBLE RESPONSIVE AND BEST BIDS FOR THE ABOVE-REFERENCED PROJECT, AND CONTRACT THE PROJECT IN AN AMOUNT NOT TO EXCEED THE ESTIMATES, IN ACCORDANCE WITH APPROPRIATIONS FOR THE CALENDAR YEAR 2006 AND DECLARING AN EMERGENCY.

Mr. Lutz said this project has also been budgeted for in the 2006 Capital Improvement Budget. He said the bids will also open on Friday.

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

MOTION: Councilman Cline moved to adopt Ordinance 2006-10. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2006-08: AN ORDINANCE IMPOSING ASSESSMENTS ON PROPERTIES FOR SIDEWALK REPAIR AND REPLACEMENT AND CERTIFYING THE ASSESSMENTS TO THE DELAWARE COUNTY AUDITOR FOR COLLECTION.

Public Hearing

Mr. Lutz said the second year of the City's mandatory sidewalk repair program was just completed. He said last fall there was an area identified for repairs and the City Engineer inspected the sidewalks according to the specifications and contacted the residents whose sidewalks needed repair. Mr. Lutz said they were given the option of repairing them or having the City repair them and assess them for the work performed. He said the work has been completed and the costs identified. Mr. Lutz said a letter went out on February 3rd to each of the residents involved advising them to pay the full amount within 30 days or the assessment would be imposed on their property. He said the name of Earl Burke should be removed from the attachment as the contractor still has some work to be done and this summer the resident will either pay the City for the work or the amount will be placed on next year's special assessment.

Councilman Cline asked if the 30 day limit for the homeowner response had been exhausted. Mr. Lutz said they have 30 days from February 3rd. Mayor Grubbs asked if any response has been received from the letters. Mr. Lutz said there has not. Ken Molnar, Law Director, said when the amounts are certified to the auditor they will not go on the books until this fall for next year's tax bills so in the past Staff has taken their time to collect the payments before they must be certified. Mr. Lutz suggested this be taken to a second reading.

Mayor Grubbs formally asked if anyone was present who received notice and would like to address Council. He then opened the item to public comment. Hearing none, he closed the public comment session.

The item was taken to a second reading.

FIRST READING: ORDINANCE 2006-12: AN ORDINANCE TO APPROVE THE 2006 REPLACEMENT PAGES TO THE POWELL CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

Mr. Lutz said each year Council is asked to ratify an ordinance similar to this one, updating the Codified Ordinances. He said the codifier adds all State legislation which was enacted in 2005 and include legislation passed by the Council. He said the replacement pages will be received by Council and Staff.

Councilman Cline said he believes in the past the actual replacement pages were received with the Ordinance. He asked if there is a summary of the changes made. Ms. Ross said the summary is a part of the body of the ordinance. She asked if the replacement pages were attached to the Ordinance in the past. Lutz suggested this item be taken to a second reading so the replacement pages may be reviewed.

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

The item was taken to a second reading.

FIRST READING: ORDINANCE 2006-13: AN ORDINANCE AUTHORIZING AMENDMENT TO THE FEE SCHEDULE OF THE MUNICIPALITY OF POWELL.

Mr. Lutz said this is a revision to the Fee Schedule which has been recommended by Chief Vest. He said the State fees have changed for fingerprinting and the City wants to be able to recoup the cost of these items.

Chief Vest said in the past the City has provided fingerprint cards at no cost for residents and for a fee of \$10 each for nonresidents. He said they were notified at the end of the year that the Attorney General does not want paper fingerprint cards submitted. He said in the past, the person mailed their fingerprint card with the fees included to the agency performing the background check. He said it is now required that the person be fingerprinted electronically and the background check be paid by the City at the time the prints are submitted to the BCI. Chief Vest said the BCI gave the department the computers and equipment at no charge, but the City is now required to make the service available to the public. He said they may charge fees as they want and they chose to determine fees as shown on the proposed schedule.

He said because they are beyond the deadline for using this process, he asks that the legislation be an emergency measure to benefit those who are required to complete a background check. He said this process shortens the time from six weeks to two business days and benefits the public in having the checks done quickly.

Councilman Meider asked why a resident would want to have a background check done. Chief Vest said typical users are those who hold a security license, are in the banking industry, provide child care, or are adopting a child. Councilman Cline asked legal counsel if there is any reason emergency language cannot be added to this legislation. Mr. Molnar said it can be added.

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

MOTION: Councilman Cline moved to amend Ordinance 2006-13 to add to the title after the words "Municipality of Powell" the following ", and to declare an emergency.", and in subsection 3 at the end of the existing sentence add the following "The City hereby declares an emergency exists in order to allow the City Police to process fingerprint requests in a timely and efficient manner." Councilman Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to suspend the rules on Ordinance 2006-13. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2006-13 as amended. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2006-14: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2006 AND DECLARING AN EMERGENCY.

Ms. Miller said earlier in the evening Council approved the Justice Assistance Grant Fund. She said this ordinance approves the appropriate to spend the grant money to buy the equipment and to also transfer \$899 from the Police General Operating Budget to this fund as the City's matching monies for the grant.

She said the second part of the appropriation addresses the Engineering Inspection Fund which is an Agency Fund. She said developers place anticipated inspection fees in this account and it is drawn down with inspections and work performed. She said within one year past the end of the development, the developer can request the balance in the account. Ms. Miller said after the one year period the balance becomes the property of the City. She said Ms. Metz has been working on reconciling this account for several years and now has it balanced. She said the request is to transfer \$81,329.59 from this agency fund.

Councilman Counts asked if this money is subject to Unclaimed Funds. Ms. Miller said it is not because they receive notice of their balance from the City Engineering Department. She said these funds are from the last 1990's and early 2000's.

Councilman Cline stated an enormous amount of time has been spent by the City trying to reconcile these accounts. Ms. Miller said some of the monies are interest income.

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

MOTION: Councilman Cline moved to suspend rules on Ordinance 2006-14. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2006-14. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2006-15: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH EMH&T ENGINEERS FOR THE PURPOSE OF PERFORMING PROFESSIONAL ENGINEERING SERVICES FOR THE WEST OLENTANGY STREET/VILLAGE POINTE DRIVE BIKEPATHS AND DECLARING AN EMERGENCY.

Mr. Lutz said this year's budget includes funding to engineer a bikepath which would run along Olentangy Street from the railroad west to Sawmill Parkway and a bikepath from Village Pointe Drive to the school. He said Council has expressed a desire to engineer the paths this spring or summer with the intent of appropriating funds later in the year for construction. He said two professional proposals were received and it is recommended that the City hire EMH&T to perform the work. He said the amount is approximately \$47-\$48k.

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

MOTION: Councilman Cline moved to suspend rules on Ordinance 2006-15. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2006-15. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

COMMITTEE REPORTS

Development Committee: Councilman Schultz stated the Committee met earlier in the evening. He said they reviewed the study regarding appropriateness of Cell Towers on public property. He said a matrix was created that rates the sites relative to each other. He said applications for prospective Cell Towers should be received in the next six months. He said Council will have the opportunity to comment on any and all applications. He said they also reviewed the bikepath appropriation ordinance just approved.

Finance Committee: Councilman Cline stated the Committee will meet with RITA. Next Meeting: March 14th

Operations Committee: No Report. Next Meeting: March 6th

Downtown Committee: Mayor Grubbs said the Committee met early in the month and discussed the formation of a 501-C-3 organization and the future of the Committee. Next Meeting: March 8th

CITY MANAGER'S REPORT

Mr. Lutz stated that Ms. Allmont and Staff have completed the draft of the City's Annual Report and it will be distributed to Council tonight for their comment.

OTHER COUNCIL MATTERS

Mayor Grubbs said the address list for the Powell Safety Conference is included in Council Packets. He said Council members should advise Staff of any persons who were omitted from the list for the breakfast. He said the appointment of Board and Commission members should be added to the Executive Session. He described a new program for the Mayor's Kid Citizen of the Month and said he will be accepting submissions for kids ages 16 and younger who deserve recognition.

EXECUTIVE SESSION

MOTION: Councilman Cline moved to adjourn from Regular Open Session 9:45 p.m. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to adjourn from Executive Session at 10:45 p.m. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to reconvene in Regular Open Session at 10:45 p.m. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

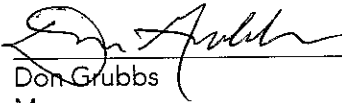
MOTION: Councilman Cline moved to appoint Joseph Jester to the unexpired term of James Hrivnak on the Board of Zoning Appeals. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

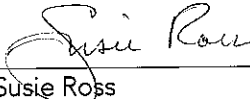
MOTION: Councilman Schultz moved to adjourn from Regular Open Session 10:46 p.m.
Councilman Cline seconded the motion.

VOTE: Y 7 N 0

DATE MINUTES APPROVED: MARCH 7, 2006

 3-31-06

Don Grubbs Date
Mayor

 3/31/06

Susie Ross Date
City Clerk

City Council

Don Grubbs, Mayor

Richard Cline

Tom Counts

Elmer Meider

Bill Morton

Art Schultz

Dan Wienczek