



City of Powell, Ohio

COUNCIL MINUTES

May 3, 2006

A regular meeting of Powell City Council was held May 3, 2006 and called to order at 7:32 p.m. by Mayor Don Grubbs. Council Members present included Richard Cline, Tom Counts, Elmer Meider, Bill Morton, Art Schultz, and Dan Wiencek. Also present were Steve Lutz, City Manager; Debra Miller, Finance Director; Shea Allmont, Community Affairs/Special Events Coordinator; Ken Molnar, Law Director; Susie Ross, City Clerk; interested parties and members of the press.

The Pledge of Allegiance was led by Miss Allison Merola, May Powell Kid Citizen of the Month.

CITIZEN PARTICIPATION

There was none.

APPROVAL OF MINUTES

The minutes of April 18, 2006 were approved as submitted.

CONSENT AGENDA

Item

Action Requested

RESOLUTION 2006-18:

Adoption of Resolution

A RESOLUTION TO CONDITIONALLY ACCEPT AND BEGIN THE REQUIRED, MINIMUM ONE-YEAR MAINTENANCE PERIOD FOR THE PUBLIC IMPROVEMENTS IN THE GOLF VILLAGE SECTION 8, PHASE B SUBDIVISION AS THE SAME IS NUMBERED AND DELINEATED UPON THE PLAT THEREOF RECORDED IN CABINET 3, SLIDES 208 THRU 208A, DELAWARE COUNTY, OHIO RECORDS.

RESOLUTION 2006-19:

Adoption of Resolution

A RESOLUTION TO CONDITIONALLY ACCEPT AND BEGIN THE REQUIRED, MINIMUM ONE-YEAR MAINTENANCE PERIOD FOR THE PUBLIC IMPROVEMENTS IN THE GOLF VILLAGE SECTION 8, PHASE A SUBDIVISION AS THE SAME IS NUMBERED AND DELINEATED UPON THE PLAT THEREOF RECORDED IN CABINET 3, SLIDES 209 THRU 209A, DELAWARE COUNTY, OHIO RECORDS.

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

VOTE: Y 7 N 0

PRESENTATION: MAY 2006 MAYOR'S KID CITIZEN OF THE MONTH – ALLISON MEROLA

Mayor Grubbs presented Allison Merola with the Mayor's Kid Citizen of the Month award for the month of May. He read the nomination information which was submitted by her 4th grade teacher.

In other business, Mayor Grubbs stated that he met on Tuesday with Mr. Lutz and several representatives from the area for a Recreation Roundtable. He said the Executive Director of OYAA, Board President for Olentangy Swim Association, representatives from the YMCA, Athletic Director from Olentangy Liberty High School, Shyra Eichhorn from the City Parks and Rec Board, and City Parks Staff were in attendance. He said it was a good discussion and the group will meet on a quarterly basis. He said Township representatives will be invited in the future and notice will be given so Council members may attend.

Mayor Grubbs excused himself from the meeting at 7:45 p.m. and turned the meeting over to Vice President of Council, Tom Counts.

RESOLUTION 2006-16: A RESOLUTION TO ESTABLISH THE POLICE FACILITY CONSTRUCTION FUND.

Steve Lutz, City Manager, said construction will begin soon on the Police Station/Façade Improvements/Public Restrooms project. He said the bonds were priced on Monday and this resolution will establish a fund where the revenues may be placed. He said construction is scheduled to begin Monday, May 22 and it should be a ten month project.

Vice President Counts opened this item for public comment. Hearing none, he closed the public comment session.

MOTION: Councilman Cline moved to adopt Resolution 2006-16. Councilman Wiencek seconded the motion.

VOTE: Y 6 N 0

RESOLUTION 2006-17: A RESOLUTION AMENDING AND RESTATING RESOLUTION 2004-02: A RESOLUTION AUTHORIZING THE VILLAGE OF POWELL TO PICK UP THE STATUTORILY REQUIRED CONTRIBUTION TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF OHIO OR POLICE AND FIREMAN'S DISABILITY AND PENSION FUND FOR THE EMPLOYEES OF THE VILLAGE PURSUANT TO IRC SECTION 414 (H) (2).

Mr. Lutz under the Ohio Police and Fire Pension Fund, employees are required to contribute 10% of their salary towards their pension. He said during the most recent contract negotiations with the Police Union, they requested to forego a 1% salary increase and have that amount applied toward a pension pick-up. He said this resolution executes that change in the contract.

Vice President Counts opened this item for public comment. Hearing none, he closed the public comment session.

MOTION: Councilman Cline moved to adopt Resolution 2006-17. Councilman Wiencek seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2006-27: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH 2K GENERAL FOR THE PURPOSE OF CONSTRUCTION OF THE POLICE STATION, PUBLIC RESTROOMS AND FAÇADE IMPROVEMENTS AT THE VILLAGE GREEN MUNICIPAL BUILDING AND DECLARING AN EMERGENCY.

Mr. Lutz said this project recently went out to bid and 2 K General was the low bidder. He said they are prepared to enter into contract but the Law Director has some minor changes to suggest.

Ken Molnar, Law Director, said the principal change is to clarify the identity of the successful bidder within the ordinance. He suggested that their name be amended throughout the ordinance to read 2 K General Company, Inc. aka TwoK General Co. He provided the proper designation to the City Clerk.

Vice President Counts opened this item for public comment. Hearing none, he closed the public comment session.

Councilman Counts asked if there was anything learned from the park improvements process which should be applied in this case. Mr. Molnar said the administration wants to make sure they have the opportunity to follow up with the contractor on a regular basis. Mr. Lutz said this is a standard contract as opposed to some others which the City has done.

Councilman Wiencek said he has similar concerns as Mr. Schultz in that they should be sure that subcontractors are required to have liability insurance and such issues. He asked that the contract be reviewed with that in mind. Mr. Molnar said he and the City Manager will do complete contract review before it is executed.

Councilman Morton said he didn't see any holdback identified in the contract. He asked if there is a 10-15% holdback included. Vice President Counts said it is identified on page 3. Councilman Morton said it appears there is a calculated 8% reduction in payments instead of a holdback. He said there are always a few things that can shake out at the end of a contract and it is nice to have a little leverage in negotiation. Mr. Lutz said there is also a 202 form which is attached to the contract. Vice President Counts said the 202 is a boilerplate that contains the general conditions and would not include a specific percentage. Mr. Molnar said they will review the contract and check it before signing. Mr. Lutz said he will verify the retainage information and forward it to the members of Council.

Vice President Counts said sometimes the architect, as part of the bid package, will provide revisions to the AIA forms. He said there are a host of changes that can be made to the forms and he can provide a list if needed.

MOTION: Councilman Cline moved to amend Ordinance 2006-27 in the following manner: in the heading, fourth "Whereas" clause and Section 1, strike the phrase "2 K General" and replace it with the phrase "2 K General Company Inc. aka TwoK General Co.". Councilman Wiencek seconded the motion.

VOTE: Y 6 N 0

Councilman Cline asked Mr. Lutz to confirm the retainage information in the contract. Mr. Lutz said he will look into it. Councilman Cline asked if Staff feels it is desirable to suspend rules and pass the ordinance tonight so they may act on it before the next Council meeting. Mr. Lutz said if Council feels comfortable doing so, it would be beneficial. He said he will get the information out to Council as soon as possible and if there are no objections he will feel comfortable executing the contract. Councilman Cline said he is comfortable that the City Manager understands the issues they have identified.

MOTION: Councilman Cline moved to suspend rules in regards to Ordinance 2006-27. Councilman Wiencek seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2006-27. Councilman Wiencek seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2006-30: AN ORDINANCE TO ESTABLISH THE OHIO DEPARTMENT OF NATURAL RESOURCES GRANT FUND AND MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2006.

Mr. Lutz said the Parks and Recreation Department received a \$500 grant from the Ohio Department of Natural Resources for fish which have been deposited to stock City ponds. He said this ordinance establishes a fund to receive the grant monies.

Vice President Counts opened this item for public comment. Hearing none, he closed the public comment session.

MOTION: Councilman Cline moved to suspend the rules in regards to Ordinance 2006-30. Councilman Meider seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2006-30. Councilman Meider seconded the motion.

VOTE: Y 6 N 0

COMMITTEE REPORTS

Development Committee: No report. (Next Meeting: TBD)

Finance Committee: No report. (Next Meeting: May 9th, 7:30 p.m.)

Operations Committee: Mr. Counts said the committee met on Monday morning and will have a recommendation for Council at the next meeting. (Next Meeting: TBD)

Downtown Committee: Mr. Lutz said at the next meeting they will be discussing parking signs for the business district. (Next Meeting: May 10th, 6:30 p.m.)

CITY MANAGER'S REPORT

Mr. Lutz stated there will be a groundbreaking ceremony for the Police Station at 7:15 p.m. prior to the next Council meeting.

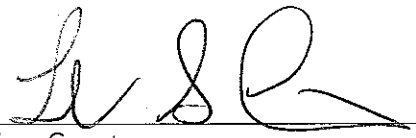
OTHER COUNCIL MATTERS

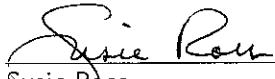
There were none.

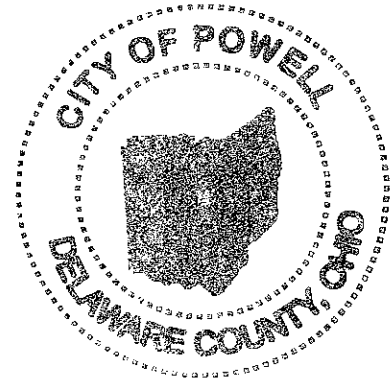
ADJOURNMENT

The meeting was adjourned at 7:59 p.m.

DATE MINUTES APPROVED: May 16, 2006


Tom Counts
Vice President
6/5/06
Date


Susie Ross
City Clerk
6/5/06
Date



City Council

Don Grubbs, Mayor

Richard Cline

Tom Counts

Elmer Meider

Bill Morton

Art Schultz

Dan Wiencek