



City of Powell, Ohio

COUNCIL MINUTES July 18, 2006

A regular meeting of the Powell City Council was called to order at 7:33 p.m. by Mayor Don Grubbs. City Council members present included Richard Cline, Tom Counts, Elmer Meider, and Art Schultz. Dan Wiencek was absent. Bill Morton arrived later in the meeting. Also present were Steve Lutz, City Manager; Debra Miller, Finance Director; David Betz, Director of Development; Robert Rice, City Engineer; Shea Allmont, Community Affairs/Special Events Coordinator; 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 July 5, 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 Planning and Zoning Report	<i>Receipt of Report</i>
Monthly Police Report	<i>Receipt of Report</i>
ORDINANCE 2006-44	<i>Adoption</i>
AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS OF GOLF VILLAGE SECTION 1, PHASE D SUBDIVISION AS THE SAME IS NUMBERED AND DELINEATED UPON THE PLAT THEREOF RECORDED IN CABINET 3, SLIDES 297 THRU 297A DELAWARE COUNTY, OHIO RECORDS.	

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

The motion carried.

RECOGNITION OF SERVICE

Mayor Grubbs recognized Ms. Chris Thomas for her service on the Parks & Recreation Advisory Board.

RESOLUTION 2006-28: A RESOLUTION TO AMEND THE CITY OF POWELL RULES OF CITY COUNCIL AND REPEAL RESOLUTION 98-17.

Steve Lutz, City Manager, stated the proposed rules were discussed at the last Council meeting. He said the previous rules were adopted 8 years ago and have been updated by the Operations Committee. He said at the last meeting Council expressed their desire to review the rules and make any desired modifications at this meeting.

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

Councilman Cline discussed a needed verbiage change on page 5, item 2. He also asked if something should be included in the rules which states that the materials are public records and open for inspection. Councilman Cline said in the area regarding suspension of the rules, the wording does not reflect the intent of Council. Ken Molnar, Law Director clarified that this is regarding the suspension of the rule of practice of Council, not the suspension of rules for legislation.

Councilman Counts asked for what purpose it would be necessary to include a statement regarding the materials as public record. He said he assumed that is the law and everyone believes anything presented to Council is public record. Councilman Cline said it would help the public understand that the written materials are available to them equally and would advise those submitting information it will become public record.

Mr. Molnar stated that it would not be necessary but could be included if Council desires. Councilman Counts said that neither the practice of Staff or of Council is contrary to that. He said the rules are provided to cover those areas which are not covered and the law is very clear as to what needs to be provided to the public. He said the wording is not really necessary.

Mayor Grubbs said at the last meeting there was discussion regarding the length of time for citizen participation for items on the agenda. He asked if it would be appropriate to amend Section F, Item 2, second paragraph, second sentence, to read: "While citizen participation for items on the agenda should not exceed fifteen minutes for each individual item and no more than three minutes per individual speaker, the presiding officer will review the list of people who have indicated a desire to address Council regarding any item on the agenda and determine whether to extend the time for citizen participation from this review." The members of Council approved of the change.

Councilman Schultz asked if there was previous discussion which suggested a time limit for discussion by Council members. He suggested a limit of no more than five minutes on a single topic unless a majority of Council agrees to extend the time. Discussion continued and it was determined that the rule should not be amended.

MOTION: Councilman Cline moved to amend Resolution 2006-28 as follows: amend Section F, Section 2, first paragraph, first line to strike the fifth word "for", and Section F, Section 2, second paragraph, fourth line, insert before the comma "and no more than three minutes per individual speaker". Councilman Counts seconded the motion. The motion carried.

MOTION: Councilman Cline moved to adopt Resolution 2006-28. Councilman Counts seconded the motion. The motion carried.

RESOLUTION 2006-29: A RESOLUTION TO AMEND THE CITY OF POWELL INVESTMENT POLICY AND REPEAL RESOLUTION 96-22.

Mr. Lutz said this Investment Policy has been prepared by the Finance Committee to provide a much more comprehensive policy to replace the previous policy which is now ten years old. He said it has been reviewed by the GFOA.

Debra Miller, Finance Director, stated almost if not all of the items within the previous policy are included in the proposed policy but have been made more "user friendly". She said provided a summary of items which have been added such as a new investment vehicle (CDARS), maximum life of investments, portfolio diversification, and performance measures.

Mayor Grubbs asked for a definition of a "repurchase agreement". Ms. Miller described it as agreements on second-hand market. She said there is a little more risk because there is not the same type of collateral and backing. She said the policy provided limits as it is a legal but volatile investment. She said there may be times in the future when a financial advisor may suggest that having a 30-day investment might be prudent and worth the risk. Mayor Grubbs asked about the limits within the Portfolio Diversification section. Ms. Miller described an example of a repurchase agreement and how the policy would limit the percentage to be held by a specific institution.

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

Councilman Meider asked if Repurchase Agreements would be ranked at the top risk-wise. Ms. Miller said Banker's Acceptance and paper notes would be the two highest risks. She said they are insured by the FDIC, but only for the first \$100,000. Mr. Lutz stated that in looking at the whole spectrum of available options in the financial world, the financial instruments within the policy are all considered quite safe.

Councilman Meider asked how the City would ensure that a financial advisor would have the training to evaluate these items. Ms. Miller said the Finance Committee will have a list of the investments which have been done and would help evaluate. Councilman Cline said the Committee also operates as an audit committee for the City and they would have the fiduciary responsibility to evaluate and use Staff or an

investment advisor. He said they would not have authority to take action but would report to Council if there was an issue. He commended Ms. Miller and Councilman Counts for their hard work in developing the policy.

Councilman Counts said this policy is for short-term investments and intended to be for safe, secure, and liquid investments. He said this is a significant improvement over the previous policy which was vague and created unrealistic expectations and this policy gives the Finance Director a lot more direction. Councilman Counts said he recommends adoption of this policy.

Mayor Grubbs thanked Staff and the Finance Committee for their hard work.

MOTION: Councilman Cline moved to adopt Resolution 2006-29. Councilman Counts seconded the motion.

The motion carried.

FIRST READING: ORDINANCE 2006-43: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2006.

Ms. Miller reviewed in detail the modifications to appropriations as listed within the ordinance. She also noted that the Parks and Recreation Department has already received 130% of their budgeted revenue.

Councilman Counts asked if changes to the Flexible Benefits fund will be something which will be ongoing. Miller said their agency funds or trust dollars are appropriated so it will always be placed before Council. She said since this is a new fund, there is no known history of qualifying events. She said she anticipates this will level out in the future.

Mayor Grubbs asked for clarification about the Powell Festival transfer. Ms. Miller said the festival received a donation to fund the personnel costs to man the children's booth. She said in the budget there is a line for Park Support for Special Events and that usually pays for manpower for special events. She said because this sponsorship was available, those salary dollars will be moved to the Powell Festival. Mayor Grubbs said he wants to tell the public that, thanks to the generosity of sponsors, no tax dollars were spent on the Powell Festival. Mr. Lutz said the only expense the City directly pays for from the General Fund is the Powell Police officers. Shea Allmont, Community Affairs/Special Events Coordinator, stated that because the Parks and Recreation Department is self-supporting, she had to budget and pay for Parks and Rec Staff to work at the Powell Festival. She said she received sponsorship dollars to cover the expense of the staff.

Mayor Grubbs said it would be nice to be able to tell people that their tax dollars are not being used for the festival except for the security. Mr. Lutz said the security is paid for with sponsorship dollars but the Police Department manpower is not. Ms. Miller said Council would have the option of using volunteers to man the children's booth rather than trained parks and rec personnel.

Councilman Counts said that Ms. Allmont's salary is paid by the City and her time on the Powell Festival is part of her job. Mr. Lutz said she does not receive any overtime or additional compensation. Councilman Schultz asked if the police are paid overtime. Mr. Lutz said their work at the festival includes all of the 12 police officers working at once.

Mayor Grubbs asked for clarification on changes within the Parks & Rec Program Fund. Ms. Miller said they have collected the monies but now must ask permission to spend it. He asked if this is an indication that the department is on their way to being self-sufficient. Ms. Miller said she can see that in the future. She said at this time the monies allocated for transfer for operating expenses is still in the general fund. Mr. Lutz said they moving in the right direction. Councilman Cline said conceptually by appropriating this money they are recognizing the fact it has been received and it then becomes available to be spent.

Mayor Grubbs expressed concern about the monies to be used for a court reporter in relation to the McDonald's issues before the Planning and Zoning Commission. He said the body has certain practices and standards and someone pursuing something outside of those practices should do it "on their own nickel". He said it is his understanding that the minutes that are taken are sufficient under the City Charter. He asked why the taxpayers should pay for something over and above that which is required for official proceedings. Mr. Molnar said the Triangle case has brought this to a head and they have been directed to file a transcript. He said in order to create a transcript, someone has to pay for it and that may come out in the wash in the court costs but it must be prepared by the governmental agency. He said if

the City did not file the transcript the alternative would be to go to trial. He said the goal of an Administrative Hearing is to not have a trial and a "no" vote when you get in court. He said it is desirable to relegate everything before that point.

Mayor Grubbs said if someone comes to a body and wants to preserve their right of appeal, it behooves them to make the best record possible. Mr. Molnar said he is not saying they need a Court Reporter at every Planning and Zoning function. Mayor Grubbs asked how they should decide. Mr. Molnar said he has spoken with Mr. Lutz and they will put together a checklist for when and where they need a Court Reporter. He said in the case which was just filed, they are in the process of putting together a transcript. He said this is under the Administrative Proceedings Act which says the first thing the opponent does is file a praecipe for a transcript. He said they do need to go through the various types of hearings to determine when to use a reporter. Mr. Molnar said ideally the application costs should cover the anticipated costs of a court reporter.

Mayor Grubbs said it causes him concern because he does not feel that as a matter of policy, the next applicant may receive an adverse ruling and they will be faced with who should pay for the transcript. Mr. Molnar said the two situations are different. He said one was an Administrative Hearing. He said the second one is a lot less clear and the status is unknown. He said it is his experience that once those transactions are identified, there should be a filing fee to offset the cost. Mayor Grubbs said they could also be required to have their own transcription made. Mr. Molnar said there is no question that they are obligated to file a record for the Triangle case but they will look at some types of guidelines for future hearings.

Mayor Grubbs 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 2006-43. Councilman Counts seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2006-43. Councilman Counts seconded the motion.

VOTE: Y 5 N 0

DISCUSSION: FUNDING TEMPORARY PART-TIME DOWNTOWN COORDINATOR POSITION

Mr. Lutz said the Downtown Committee has been working on a variety of items and as a result of their work they bring this recommendation before Council for discussion. He said representatives for the committee are present.

Mayor Grubbs said City Council formed the Downtown Committee in 2004 with the idea of the committee working toward implementing the recommendations of the Kinzelman Kline study. He said one of the recommendations was to explore the creation of a separate non-profit entity to follow the model of the Main Street USA program. He said that entity would work to develop, promote, market and organize the downtown area. He said the Downtown Committee has focused on creating this entity and has developed a mission statement, initial marketing and tag line, and conceptual bylaws and regulations.

Mayor Grubbs the coverage area has also been addressed in the handouts, as suggested by the Downtown Committee. Councilman Cline asked how this overlays with the TIF area. Mayor Grubbs said the TIF area extends beyond the conceptual coverage area into some residential areas. He said this model is most effective when it is not associated or connected with the City. He said a separate group, with the involvement of the City, is the best way to promote the downtown. He said if the entity is formed it would make decisions about name and mission statement. Mayor Grubbs said the funding will be addressed by the Finance Subcommittee of the Downtown Committee. He said there is a proposed conceptual budget supplied in the information from the committee.

Mayor Grubbs said the Subcommittee and the Downtown Committee have come to Council to receive input from the City regarding a part-time temporary Downtown Coordinator position. He said such an entity would require someone's focused attention to develop the organization. He said this part-time person would start off as a City employee and eventually move to be an employee of the foundation.

Kathleen Quirk-Kaiser, 1964 Jewett Road, Downtown Powell property owner, provided background regarding their 20-member subcommittee. She said in the past four months they have looked at what money will be needed and where it could come from. She said the numbers in the conceptual budget have been developed after looking at ten other Main Street programs with similarities to Powell. She said they are proposing a position which would be part-time with a \$25,000 salary and no benefits offered. She said the proposed annual budget of \$54,000 is what would be needed once the organization is on its own. Ms. Quirk-Kaiser said that would be different than when the coordinator is an employee of the City. She said one-time start-up expenses are estimated to be \$15k. She said assumptions have been made that stakeholders will make donations to support the foundation.

Ms. Quirk-Kaiser said the income for the foundation would be generated by dues from members. She said they looked at other member-based non-profit organizations in the area and these are achievable numbers. She said a "Prime Member" would be a property owner which had a bigger stake than a business owner. She said they would need to get "buy-in" from the residents, so hopefully all of the HOA's would be members. She said they are assuming there would be 10 prime members and 5 business members. She said the stakeholders who have served on these committees would support the organization as well.

Ms. Quirk-Kaiser said in studying other Main Street organizations, the amount donated by the City ranges from 9% to 53%. She said they are assuming that the City will donate 47% which would be an expenditure of \$25k. She said they feel they can raise 30% in membership dues and use fundraisers for another \$5k. She said they anticipate another 14% or \$7,500 in contributions from other government. Ms. Quirk-Kaiser said the organizations they contacted had actually received some sort of county funding. She said they are requesting the following from the City:

Year 1: Start up monies of \$14.8k, plus the base amount of \$25k, for a total of \$39,800.

Year 2: The base amount of \$25k.

Year 3: The base amount of \$20k.

Ms. Quirk-Kaiser said the assumption is that at Year 3 of the organization, if money and membership is not coming in and there is not the appropriate fundraising, they should revisit the issue.

Mayor Grubbs asked if, of the ten organizations studied, there were any which used a City employee to jump-start the organization. Ms. Quirk-Kaiser said she has not seen that but that is something the Steering Committee decided upon in order to move forward. She said she believes that City support of this part-time position indicates to all of the businesses and residents that the City is willing and committed and stands behind this. She said it would be a 12 – 18 month commitment by the City.

Councilman Cline asked if it is conceptually correct to say the budget for this Part-Time Coordinator should be viewed as separate from the one to three year commitments. He said they could be looking at a City commitment of \$40k in year one, \$25k in year two, and \$20k in year three, which totals \$85k. Mayor Grubbs said the City would not be asked for a commitment of all of this money at once and this would be an annual decision by Council to commit monies. He said as a matter of concept they have to agree with the formation of the organization and then commit on an annual basis.

Councilman Cline said he did not intend to imply that the temporary employee is the equivalent of appropriating \$100k. He said his concern is that there is no logical way to separate the two. He said it would be foolish to appropriate money to hire this coordinator, give that person the task of creating the opportunity and then not support the opportunity when it presents itself. Councilman Cline said it is a \$120k decision and it is not a decision based solely on hiring this person. He said he cannot justify hiring a person and ignore the work product that person creates. Mayor Grubbs said it is a policy question: does Council want to commit taxpayer dollars for support of this separate entity. He said if the answer is "no", they are done, but if the answer is "yes, but I need more information" the City should commit to be in for some percentage for four years. Councilman Cline said he appreciates that this is more helpful information than they usually see this early in a concept.

Mayor Grubbs said the first concrete question is whether they should bring to Council an ordinance to establish this part-time position. Councilman Cline asked if they explored the concept of a person who is not a City employee. He asked if they had thought of a person being hired who would be supported by a grant from the City, and the entity would take care of everything else. Ms. Quirk-Kaiser said they did not explore that as they felt the two concepts were equal.

Councilman Morton arrived at 9:10 p.m.

Councilman Cline said his initial reaction is that it should not be a City employee but he has not thought it through. Councilman Counts asked if there was discussion about control, in that if the City is putting up the money there will be greater control over some return on their dollars. He said if the organization does not make it, they would have all of the development effort produced by that the person. Mayor Grubbs said in regards to the control aspect, it was thought that they should put their money where they can see it work. Councilman Meider said it conveys a little more commitment by the City if it is a City employee. He said as he has become more involved, he has determined it makes a good deal of sense. He said it should be reviewed and there needs to be a time commitment with a review timeline so there is a back-out provision. He said there needs to be some incentive that progress is being made.

Mayor Grubbs asked if anyone was present to speak regarding this discussion item. Hearing none, he closed the public comment session.

Councilman Cline asked if it is correct that this position's contract would be completed before they begin Year One on the conceptual operating income. Councilman Schultz said they are trying to determine the projected costs for the City. Mayor Grubbs said the initial salary in Year Zero would be \$25k per year and that would be the real dollar initial commitment. He said that person would create the organization within that time.

Ms. Quirk-Kaiser said the employee would be hired in Year Zero and the salary, office space and equipment would be provided by the City. She said the day the organization starts would start Year One. She said that may not correspond with the budget year of the City. Councilman Schultz clarified that the Year One budget would not include the salary of the position.

Councilman Counts asked about the likelihood of being able to hire someone with this skill set at this rate of pay. Ms. Quirk-Kaiser said it is possible. He said it looks like the anticipated tenure is about two years and he asked if they have addressed this with other organizations. Ms. Quirk-Kaiser said people in non-profit organizations do not earn the same level of pay of other organizations. She said when looking at other Main Street organizations the start-up person usually stays two years and the proposed salary range is realistic. She said in her studies she looked at areas similar to Powell. Councilman Schultz asked if the turnover of two years works for them. She said it does.

Councilman Schultz asked if as this entity grows, does it take on some responsibilities of the Chamber of Commerce and will businesses feel they are paying twice for the same services. Ms. Quirk-Kaiser said the Business Association's intent is to not compete for members, but eventually fold into this foundation. She said the Chamber is different than this and provides different services to its members. Mayor Grubbs said it has been discussed with the Chamber of Commerce and they have tried to work it out to make the most of both organizations.

Mayor Grubbs asked Council how they would like to proceed and said he would like to see them plan another discussion session and then have formal legislation regarding this presentation. Councilman Meider said they should discuss and specify time frames as well. Councilman Cline said he agrees they should have another discussion session. He said he has initial resistance to the concept of a City employee and some resistance to the concept at all. Councilman Schultz said he strongly supports this, the investment is modest and by design it slowly reduces the amount of City dollars involved. He said a lot of effort has been put into this and the Main Street program has lots of experience. He said eventually volunteers become exhausted and at some time the Council needs to move forward on this. Councilman Schultz said there is support from the residents and not a huge amount of risk. He said this is appropriate for the City to undertake as it will attract more people and show their commitment. He said it gives the City a little more control at the beginning. Councilman Counts said as a concept it is something worth pursuing but he believes the City will need to make some sort of investment if this is going to happen. He said he is mostly concerned that they get return on the dollars they put into it. Councilman Morton said he likes the concept of using a successful group like Main Street as a model. He said he agrees with the volunteer versus paid involvement comments. He said he supports the idea but another discussion session would be helpful.

It was the consensus of Council to schedule further discussion at the next Council meeting and move the discussion of the Capital Budget to the second meeting in August. Mayor Grubbs encouraged members to ask any questions before the next meeting so they may be addresses in the discussion.

COMMITTEE REPORTS

Development Committee: No report. Next Meeting: To be determined.

Finance Committee: Councilman Cline said they received the Auditor's report which was very favorable and included no significant items. He said the management comments have been addressed but could still show up in next year's reports. He said it was their first experience where they used a private audit company as allowed by a new program of the Auditor of State. He said that was a pleasant experience. Councilman Counts said there was discussion on the Investment Policy. He said they also reviewed the City's first CAFR, which is a great overview of the City's finances. He said they are still trying to develop reports from the RITA data. Mayor Grubbs commended Staff on their extensive work on the CAFR. Next Meeting: August 8th, 7:30 p.m.

Operations Committee: Councilman Counts said they toured the Building Department, learned how they function and how they do great work in a less than great space. He said the goal is to find ways to perform performance and improve relationships between the department and the public. Next Meeting: August 7th, 7:30 a.m.

Downtown Committee: No report. Next Meeting: To be determined.

CITY MANAGER'S REPORT

Mr. Lutz noted the Family Concert Series will begin Sunday, July 30th. He said Monday, July 24th there will be a joint meeting with the Liberty Township Trustees. He said the agenda will be provided via email later in the week. Mr. Lutz provided handouts for items which will be discussed, including Sawmill Parkway Beautification and Bike Path Connections.

OTHER COUNCIL MATTERS

Councilman Schultz said they has been working with Liberty Township to create a Joint Economic Development District (JEDD), where it allows cities and townships to work together to create a district where additional services may be provided and infrastructure improvements made, and in return tax the area as if it was in the City. He said they started talking about it a few months ago to look for possible opportunities and they are close to finding a location where they can approach the developer. He said it is a "Win, Win, Win" proposition. He said the City would provide police for an area that is near the city and in the Township and would in turn collect taxes and share in the proceeds. He said it is a great example of what can happen when everyone is looking for ways to work together. Councilman Schultz said as more details are received he will bring it to Council for discussion. He said a Developer can not only recognize the additional benefits of Powell Police service but would be helping the residents by allowing the City to collect revenue in support of community services and improvements without tax increase.

Mayor Grubbs said this is a very preliminary discussion and that is why Council has not heard much about the issue. He said Trustee Curt Sybert has taken the lead and facilitated moving this forward and Art Schultz has been providing input from the City side. He said they will look at the issues and see if this will work but it is all possibilities at this time. Mayor Grubbs said it is a matter of services versus costs versus benefits and it must be approved by all entities.

Mayor Grubbs said the citizen comment at the last meeting has been addressed by Staff and more background information is known. He also commended Shea Allmont on the Powell Festival Survey. He suggested members of Council provide feedback as well.

EXECUTIVE SESSION

MOTION: Councilman Cline moved to adjourn into Executive Session in accordance with ORC Section 121.22(G)(2), Land Acquisition; at 9:52 p.m. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Schultz moved to adjourn from Executive Session at 11:10 p.m. Councilman Cline seconded the motion.

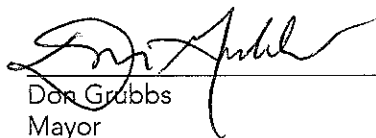
The motion carried.

MOTION: Councilman Schultz moved to reconvene in Regular Open Session at 11:10 p.m. Councilman Cline seconded the motion.

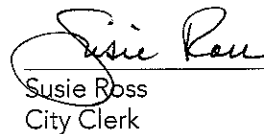
The motion carried.

MOTION: Councilman Schultz moved to adjourn from Regular Open Session 11:10 p.m.
Councilman Cline seconded the motion.
The motion carried.

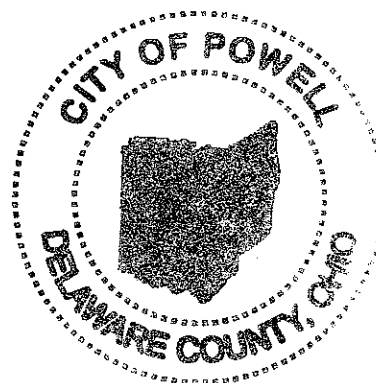
DATE MINUTES APPROVED: August 1, 2006


Don Grubbs
Mayor

8-12-06
Date


Susie Ross
City Clerk

8/12/06
Date



City Council

Don Grubbs, Mayor

Richard Cline

Tom Counts

Elmer Meider

Bill Morton

Art Schultz

Dan Wienczek