



City of Powell, Ohio

COUNCIL MINUTES SEPTEMBER 19, 2006

A regular meeting of the Powell City Council was called to order at 7:30 p.m. by Tom Counts, Vice President of Council. City Council members present included Richard Cline, Elmer Meider, Art Schultz, and Dan Wiencek. Mayor Don Grubbs and Bill Morton were absent. Also present were Steve Lutz, City Manager; Robert Rice, City Engineer; Ken Molnar, Law Director; Susie Ross, City Clerk; interested parties and members of the press.

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION

Steve Hedge, Executive Director of the Delaware-Morrow Mental Health & Recovery Services Board made a presentation regarding their assistance to the community. He said they provide a safety network of services which currently includes twelve service providers which assist residents of Delaware County. He said their only source of local funds is those they receive from a one mil, 5 year property tax levy which represents 40% of their total resources. He said 94 cents of every dollar allocated goes toward service provision. Mr. Hedge said on November 7th a replacement levy is on the ballot.

George Kaitsa, 120 Olentangy Ridge Place, stated he is the co-chair of the levy campaign. He said he has had the opportunity to serve on two of the Board of Trustees of the organizations which are supported by the levy: the Central Ohio Mental Health Center and Maryhaven. He said both organizations are exceptionally well managed and fiscally responsible and they rely on the levy dollars to provide needed services. Mr. Kaitsa asked for Council's support in passage of the levy in November.

Councilman Schultz said it is great they are considering an office in Powell and he is not sure the residents are aware of their services. He said they may go through other networks for assistance. Steve Lutz, City Manager, said the organization has a close working relationship with the Powell Police Department. He said they are looking at locating in one of the commercial parks off of Liberty Street. Mr. Hedge said they work closely with Chief Vest and have worked together to train officers as they are often first responders.

Vice President Counts closed the citizen participation session.

PROCLAMATION

Vice President Counts read a proclamation honoring Louis "Louie" Huffman for his legacy within the Powell community.

APPROVAL OF MINUTES

The minutes of September 5, 2006 were approved as submitted.

CONSENT AGENDA

Item

RESOLUTION 2006-32

A RESOLUTION TO CONDITIONALLY ACCEPT AND BEGIN THE REQUIRED, MINIMUM TWO-YEAR MAINTENANCE PERIOD FOR THE PUBLIC IMPROVEMENTS IN THE GOLF VILLAGE SECTION 6, PHASE B, PART III SUBDIVISION AS THE SAME IS NUMBERED AND DELINEATED UPON THE PLAT THEREOF RECORDED IN CABINET 3, SLIDES 645 THRU 645B, DELAWARE COUNTY, OHIO RECORDS.

ORDINANCE 2006-55

AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS OF GOLF VILLAGE SECTION 1, PHASE B, SUBDIVISION AS THE SAME IS NUMBERED AND DELINEATED UPON THE PLAT THEREOF RECORDED IN CABINET 3, SLIDE 79, DELAWARE COUNTY, OHIO RECORDS.

Action Requested

Adoption

Adoption

ORDINANCE 2006-56

AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS OF MURPHY PARK SECTION 1, SUBDIVISION AS THE SAME IS NUMBERED AND DELINEATED UPON THE PLAT THEREOF RECORDED IN CABINET 2, SLIDES 647 THRU 647C, DELAWARE COUNTY, OHIO RECORDS.

- Monthly Community Affairs/Events Report**
- Monthly Financial Report**
- Monthly Planning and Zoning Report**
- Monthly Police Report**

- Adoption*
- Receipt of Report*
- Receipt of Report*
- Receipt of Report*
- Receipt of Report*

MOTION: Councilman Cline moved to adopt the Consent Agenda. Councilman Wiencek seconded the motion. By unanimous consent, the Consent Agenda was adopted as submitted.

LIQUOR LICENSE REQUEST – PARKWAY PUB

Mr. Lutz said there was discussion at the last Council meeting and it appears this license will provide duplicate permits at the same location which is not permitted.

Ken Molnar, Director of Law, said he provided a letter to Staff advising that he was concerned that this would provide multiple permits at the same site and after research he has found that there is no code which says that is not allowed. He said he would advise that it is wise to file an appeal as he is positive the applicant will not be able to keep a D-5 as well as the new permits requested. He said the D-1, D-2, and D-3 are new licenses and he suggests that Council request a hearing on all three with the hope that they are withdrawn.

MOTION: Councilman Cline moved to direct the Clerk to request a hearing on all of the license requests. Councilman Wiencek seconded the motion. By unanimous consent, the motion was approved.

FIRST READING: ORDINANCE 2006-57: AN ORDINANCE RATIFYING THE LEASE AGREEMENT FOR THE PREMISES KNOWN AS 44 NORTH LIBERTY STREET, POWELL, OHIO WITH THE RIVER OF LIFE ASSEMBLY OF GOD.

Mr. Lutz said the City and Liberty Township had a land swap where the City acquired the old fire station located at 44 North Liberty Street. He said the River of Life Church was leasing that property from the Township and continues to operate out of the building. Mr. Lutz said the City is not currently using the facility and this allows the City to receive monthly rental income. He said the Township received \$1395 in rent per month and they are now finalizing the lease between the City and the church and the terms are nearly identical to those terms of lease with Township. He said it is a 90-day lease which is automatically renewed for 90 days and can be terminated at any time by either party. He said there is also a 60-day provision where the City can change the terms and conditions of the lease if they so desire. He said there is a change within the body of the lease; it should say that the Lessor agrees to mow the grass and remove the snow. He said Staff will review this at the first of the year and may recommend adjustment once per year.

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

Mr. Lutz said they may suspend the rules tonight. Vice President Counts said there is nothing within the lease which speaks to real estate taxes. He asked if the property is exempt because the City owns it or is it exempt if the church uses it. Mr. Molnar said it should not be exempt on the City's part because they gain revenue from it. He said they may be able to file as exempt because of church's occupancy but that will require further investigation. Mr. Molnar said it was not exempt when the City acquired the property.

MOTION: Councilman Cline moved to amend the attachment to Ordinance 2006-57 on page one, sub-paragraph four, fifth line from the bottom to read "The Lessor agrees to mow the grass and remove the snow from the premises." Councilman Wiencek seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Cline moved to suspend the rules in regards to Ordinance 2006-57. Councilman Wiencek seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2006-57. Councilman Wiencek seconded the motion.

VOTE: Y 5 N 0

FIRST READING: ORDINANCE 2006-58: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2006.

Mr. Lutz said this appropriation is for two items. He said one is for the first principal and interest payment for the construction of the Police Station/Public Restrooms/Municipal Building Façade Improvements. He said they completed the General Obligation Debt earlier this year and had anticipated the first debt payment due in January 2007. He said the way the debt is structured, the first payment is now due in December 2006. Mr. Lutz said the second item goes back to 1998 when this site was acquired and developed for the municipal facility. He said at that time one of the easements acquired along 47 South Liberty Street for storm sewer line went across a property. He said it was brought to their attention that their paperwork was never finalized and the payment was not made. He provided a copy of the survey for the easement and appraisal done. Mr. Lutz said this item has slipped through the cracks for the past eight years.

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

Councilman Cline asked if this allows them the opportunity to recoup funds from bond proceeds. Mr. Lutz said Ms. Miller will be providing follow up legislation to allow that.

MOTION: Councilman Cline moved to suspend the rules in regards to Ordinance 2006-58. Councilman Wiencek seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2006-58. Councilman Wiencek seconded the motion.

VOTE: Y 5 N 0

COMMITTEE REPORTS

Development Committee: No report. Councilman Schultz said the meeting had to be rescheduled to next month. (Next Meeting: October 17th, 6:30 p.m.)

Finance Committee: Councilman Cline said they discussed the Capital Improvements Budget and will be asking Council to rank order their thoughts to find natural marks of demarcation. He said they are looking for one combined response and they will have results by the next Council Meeting. (Next Meeting: October 10th, 7:30 p.m.)

Operations Committee: Vice President Counts said they had a meeting to look at the Law Director proposals. He said they received 16 proposals and are in the process of going through to determine the number to be interviewed. (Next Meeting: October 2nd, 6:30 p.m.)

Downtown Committee: Councilman Meider said they discussed various signage issues for parking. He said they will have a display sample of the Downtown Parking signs. Councilman Wiencek asked if the signage will be within graphic standards. Mr. Lutz said they are like the park signs only much smaller. Councilman Meider asked if Staff has an update on applications for the Downtown Coordinator position. Mr. Lutz said the deadline is within the next week and they have had a strong response of over 25 applications. He said a Committee has been formed and they will report back to Council. (Next Meeting: October 11th, 6:30 p.m.)

CITY MANAGER'S REPORT

Mr. Lutz said next Wednesday there will be a meeting of the City of Powell/Liberty Township Sawmill Parkway Beautification Committee at 7 p.m. at the Municipal Building. He said at the next Council meeting there will be an issue which has been reviewed by the Operations Committee regarding AT&T and their interest in bringing new technology to the area which provides competition for cable services. He said the City is interested in having a cable company bring competitive service to the residents. Councilman Wiencek stated his concern about these types of services and the damage caused when the City allows access. He said he wants assurances to make sure the City does not have to pay for any damages if there are cuts in the roadway. Mr. Lutz said that within the City they require directional boring in almost all circumstances and permit very few open cuts. He said 99.9% of circumstances

require boring under the street. Vice President Counts said they will also adopt uniform legislation to identify rules and regulations and compensation to use City right-of-ways. Mr. Lutz said that legislation will follow.

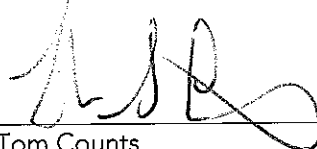
OTHER COUNCIL MATTERS

Councilman Schultz said there will be a ceremony in Liberty Township this Friday for the opening of their new handicap accessible playground.

ADJOURNMENT

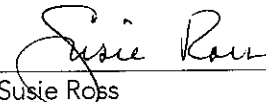
MOTION: Councilman Cline moved to adjourn from Regular Open Session 8:13 p.m. Councilman Wiencek seconded the motion. By unanimous consent, the motion was approved.

DATE MINUTES APPROVED: OCTOBER 3, 2006



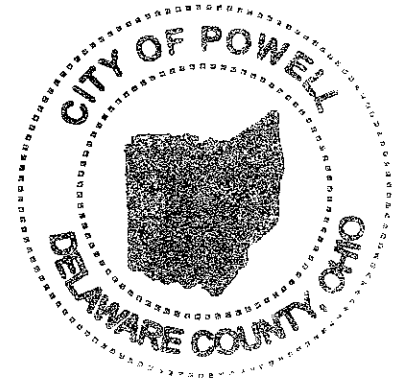
Tom Counts
Vice President of Council

10/17/06
Date



Susie Ross
City Clerk

10/4/06
Date



City Council

Don Grubbs, Mayor

Richard Cline

Tom Counts

Elmer Meider

Bill Morton

Art Schultz

Dan Wiencek