



**City of Powell, Ohio**

**COUNCIL MINUTES  
FEBRUARY 20, 2007**

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, Bill Morton, Art Schultz and Dan Wienczek. Elmer Meider was absent. Also present were Steve Lutz, City Manager; Debra Miller, Finance Director; Rob Rice, City Engineer; Gary Vest, Powell Police Chief; Gene Hollins, Law Director; Susie Ross, City Clerk; interested parties and members of the Press.

**PLEDGE OF ALLEGIANCE**

A moment of silence was observed in honor of the passing of Joshua Moore, son of Delaware City Council member Jim Moore.

**CITIZEN PARTICIPATION**

There was none.

**APPROVAL OF MINUTES**

The minutes of February 12, 2007 were amended and approved.

**CONSENT AGENDA**

<b>Item</b>	<b>Action Requested</b>
<b>RESOLUTION 2007-02</b>	<i>Adoption</i>
A RESOLUTION TO CONDITIONALLY ACCEPT AND BEGIN THE REQUIRED, MINIMUM TWO-YEAR MAINTENANCE PERIOD FOR THE PUBLIC IMPROVEMENTS IN THE JUNIA GLEN SUBDIVISION AS THE SAME IS NUMBERED AND DELINEATED UPON THE PLAT THEREOF RECORDED IN CABINET 3, SLIDE 793, DELAWARE COUNTY, OHIO RECORDS.	
<b>Monthly Community Affairs/Events Report</b>	<i>Receipt of Report</i>
<b>Monthly Financial Report</b>	<i>Receipt of Report</i>
<b>Monthly Historic Downtown Powell, Inc. (HDPI) Report</b>	<i>Receipt of Report</i>
<b>Monthly Planning and Zoning Report</b>	<i>Receipt of Report</i>
<b>Monthly Police Report</b>	<i>Receipt of Report</i>

**MOTION: Councilman Cline moved to approve the Consent Agenda. Councilman Counts seconded the motion. By unanimous consent, the Consent Agenda was approved.**

**LIQUOR LICENSE REQUEST**

**Mike Costanzo, Sedeo Café**

Steve Lutz, City Manager, said this is a request for the transfer of a current liquor license for a restaurant in Liberty Plaza Shopping Center. He said the owner of the center maintains liquor licenses for the establishments and this restaurant is changing its name. He said there have not been problems at this establishment in the past. Mr. Lutz asked if Council would like to request a hearing before the Ohio Division of Liquor Control for this transfer. The members of Council waived their right to request a hearing.

Mayor Grubbs moved Items 8 and 9 forward on the agenda and proposed they be discussed together.

**FIRST READING: ORDINANCE 2007-13: AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED \$6,900,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF ACQUIRING STREETS, UTILITY LINES, DRAINAGE FACILITIES AND OTHER PUBLIC INFRASTRUCTURE IMPROVEMENTS FROM THE LIBERTY COMMUNITY INFRASTRUCTURE FINANCING AUTHORITY, AND RETIRING NOTES PREVIOUSLY ISSUED FOR SUCH PURPOSE, AND APPROVING A NOTE PURCHASE AGREEMENT APPROPRIATE FOR THE SALE OF THE NOTES.**

**FIRST READING: ORDINANCE 2007-14: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$12,000,000 OF PUBLIC INFRASTRUCTURE REVENUE BONDS, SERIES 2007, OF THE CITY OF POWELL, OHIO, UNDER ARTICLE XVIII, SECTION 3 OF THE OHIO CONSTITUTION, FOR THE PURPOSE OF ADVANCE REFUNDING A CERTAIN PORTION OF ITS \$10,915,000 VARIOUS PURPOSE BONDS, SERIES 2002, DATED OCTOBER 15, 2002, AND PREVIOUSLY ISSUED FOR THE PURPOSE OF ACQUIRING STREETS, UTILITY LINES, DRAINAGE FACILITIES AND OTHER PUBLIC INFRASTRUCTURE IMPROVEMENTS FROM THE LIBERTY COMMUNITY INFRASTRUCTURE FINANCING AUTHORITY; AUTHORIZING A TRUST INDENTURE TO SECURE SUCH BONDS AND ADDITIONAL PARITY BONDS HEREAFTER AUTHORIZED, WHICH INDENTURE SHALL PLEDGE THE COMMUNITY DEVELOPMENT CHARGES PAID BY CERTAIN PROPERTY OWNERS RESIDING WITHIN THE TERRITORY OF THE LIBERTY COMMUNITY INFRASTRUCTURE AUTHORITY; AUTHORIZING THE PURCHASE OF MUNICIPAL BOND INSURANCE OR OTHER FORM OF CREDIT ENHANCEMENT, IF NECESSARY, IN CONNECTION THEREWITH; AND AUTHORIZING A BOND PURCHASE AGREEMENT, A FEDERAL INCOME TAX COMPLIANCE AGREEMENT, AN ESCROW AGREEMENT, AND AN OFFICIAL STATEMENT APPROPRIATE FOR THE OFFERING AND SALE OF SUCH BONDS.**

Mr. Lutz said Council discussed this matter late last fall. He the Golf Village debt is paid for through the Community Infrastructure Authority charge which is assessed to each property within Golf Village. He said the development growth will allow a portion of the debt to be refinanced as revenue bonds, moving the responsibility for the GEO debt away from the City. Mr. Lutz said some of the debt will also be refinanced into short term notes and that gives the City flexibility in the future as Golf Village continues to develop.

Matt Stout, Bond Counsel, Bricker and Eckler, said the first ordinance concerns the General Obligation Notes which were originally issued in 2002. He said they come due April 30, 2007 and the revenues for the Community Authority will not be sufficient to take the general obligation notes out as revenue debt so the notes will be renewed. Mr. Stout said this is the fifth time the City has rolled these notes.

Mr. Stout said the second ordinance concerns an advance refunding ordinance for the GEO bonds issued in 2002 in the amount of \$10,915.00. He said at this point in time revenues are adequate to take those bonds out with revenue bonds. He said that originally \$22mil was issued in debt with the City taking \$16mil and \$6mil was taken by the developer. Councilman Cline asked about the length of the term for the revenue bonds. Mr. Stout said there is no fixed term since it is revenue debt and it is typically a 20-30 year issue.

Mr. Lutz said both Ordinance 2007-13 and 2007-14 require two readings.

Mayor Grubbs opened the two items for public comment. Hearing none, he closed the public comment session.

Councilman Schultz asked if Mr. Stout would be present for the second reading. It was determined that his presence would not be necessary.

**SECOND READING: ORDINANCE 2007-06: AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE 2001-19 AS IT RELATES TO REMOVING THE BARRICADE ON MURPHY PARKWAY.**

Mr. Lutz said the Public Hearing on this ordinance was held at the last meeting of Council to discuss the possible removal of the barricade on Murphy Parkway. He said there have been several amendments to the Ordinance suggested. He said Staff does not have any further comments but is present to answer questions.

Mayor Grubbs said he had a note that in addition to the original 11 items in the Ordinance, there was a proposal for lowering the speed limit on Murphy Parkway and a timing issue regarding the opening of Winter Hill and Murphy Parkway. Mr. Lutz said at the last meeting it was determined to have simultaneous opening of the two streets. Mr. Hollins suggested a review of page 8 of the minutes from the February 12<sup>th</sup> meeting.

Councilman Cline asked for feedback from Staff about a traffic study. Mr. Lutz said they spoke with a traffic engineer who recommends conducting both a pre-count and post-count study. He said they could

then establish a baseline so they may compare the magnitude of the traffic increase. He said the traffic engineer recommends that traffic pre-counts be conducted on Presidential Parkway east of Salisbury and also on Tree Haven between the Murphy and Grandshire subdivisions before the barricades are removed. He said they recommend a post-count study 90 days after the barricades are removed which includes counts at those two locations as well as at Winter Hill and Murphy Parkway. Mr. Lutz said this would provide information about the volume of traffic, some speed data and discussion regarding acceptable traffic volumes on local streets.

Rob Rice, City Engineer, indicated the two locations of the pre-count and the additional locations. An unknown audience member asked the purpose of doing a pre-count study for traffic for that portion of Grandshire when there is only local traffic there. Mayor Grubbs said that is a good question and said there will be a time later for questions from the public. He asked if some of the areas would be studied because they are currently open to traffic. Mr. Rice said that is correct. He said the area referred to by the resident would be studied because a large magnitude of the traffic in that segment would be generated by this (indicated) portion. He said within a reasonable amount of time after the barricades have been removed, when motorists eventually discover their way through, the City will do a study to determine where the traffic is going. Mayor Grubbs said it may indicate that there are people not living in the neighborhood that are now using the road.

Councilman Schultz said in other studies there is a calibration or normalization which takes into consideration seasonal changes or the like. He said he would like to see the counts done as close as possible before the barricades come down. Mr. Rice said things will be relative and during the summer there may be events which cause changes in traffic. He said they can ask the engineer if some variables such as seasonal factors may apply. Councilman Schultz said 90 days after the removal may not be long enough. Councilman Cline said there needs to be time for the area to stabilize. Councilman Schultz said the study also needs to be over a span of time which is long enough that a school event will not show as a huge spike in traffic.

Mr. Rice said they will be mechanical counts and they will be charged per set up and location so they can leave them there for a span of time. Councilman Morton asked what they will do with the data they receive. He said he approves of benchmarking and he understands counting but how do they determine an acceptable number that would trigger activity. He asked if they would put the barricades back up at some point. Councilman Schultz said if they do a count and it shows an equitable resolution they would do nothing but if they do not do the count someone could say their street is getting all of the traffic. He said they cannot predict what they are going to do in the future but there are other measures they can take to balance things out. He said hopefully there will be no action taken because they will see that it is a pretty decent balance. Councilman Morton said he believes moving the barricades will not affect traffic that much on Tree Haven as people will continue to use it. He said it will be nice to have the counts so they may verify that. He said Council may also want to discuss and address the reckless driving in the area. Councilman Counts asked how much the traffic studies will cost. Mr. Rice said 6 total set ups and time to get the information organized and analyzed will be \$3500-\$4k.

Mayor Grubbs opened this item for public comment.

Mickey Hawk, 101 Presidential Parkway, said he encourages Council to do counts before they take down the barricades. He suggested they take counts on Salisbury and further down on Presidential Parkway to see where the traffic is traveling to. He said he spoke with Chief Vest after the last meeting and the traffic calming "platforms" work fairly well. He said he likes everything he sees beyond the fact that this street is opening in the first place. He said Council must not let this fade away after the 90 days. He said they may want more traffic counts further down the road because of subsequent changes in the future.

Councilman Schultz asked if Mr. Hawk prefers the 25 mph speed limit on Murphy Parkway. Mr. Hawk said he does.

Heidi Burns, 122 Presidential Parkway, said she recently drove through Tree Haven. She said it goes in a circle and turns must be made to make it to Murphy Parkway. She said she now understands it was requested to be opened in the first place because parents want to have a quicker way to get their children to school. She said once people understand that Murphy Parkway is open down to Presidential, traffic is going to come down off of Powell Road, down Murphy Parkway, and either to Grey Oaks, Donerail or Presidential. Ms. Burns said the shortest trip between two points is a straight line. She said this will be a completely different traffic flow. She said the speeding is neighbors but she is afraid that the

speeding on Murphy Parkway will not be neighbors. She said Wal-Mart may be built and they are the biggest east/west connector there is. She said if the barricades have to be removed she would like to see a 25 mph and a stop sign at the corner of Presidential and Donerail. She said one was just added at Vinwood and that has made an impact. Ms. Burns said a stop sign may inconvenience people.

Mayor Grubbs closed the public comment session.

Councilman Cline asked Mr. Rice when he would expect the Winter Hill barricade removed. Mr. Rice said he is contemplating removal of the barricade at any time. He clarified that those barricades were placed strictly because of construction ingress and egress and not for the same reasons as those at Murphy Parkway.

Councilman Cline asked if they authorize the traffic study, how long would the traffic engineer need to get the pre-count data. Mr. Rice said that could be initiated at any time and they would collect data for some number of days and watch any events which may skew the count. Councilman Cline asked if Council decided the barricades could come down April 1, would that allow them time. Mr. Lutz said they would need a 30-day period for referendum before the Ordinance would take effect. Councilman Schultz said a reasonable thing may be to open the roads at the same time as they should be confident there is not a large anomaly in data and they perform a post-count more than 90 days after opening so school is back in session. He said he is sure residents will notify the City if there are problems. He said he is also in support of changing the speed limit to 25 mph. Councilman Cline asked if the speed limit change should be in a separate ordinance. Mr. Hollins said it should be in ordinance form and Council may want to link it to these conditions.

Councilman Counts said he is in support of lowering the speed limit and the traffic count cost is insignificant enough that it should be done. Councilman Wiencek said the time for post-traffic count should be adjusted to more than 90 days. He said the other amendments suggested are appropriate.

Councilman Morton said he understands this is an attempt to gain equity in the area and he believes this will serve the community as a way of getting out of the area. He said the traffic survey should tell if there is a lot of excess traffic going through there. He said if someone is attempting to get south from Powell Road it may be easier to go down Sawmill than to wind through Murphy Parkway. Councilman Morton said there are issues with the schools, mail carriers, trash collection, fire and police and those are valid reasons to open it in the interest of safety. He said he is in favor of the amendments and the 25 mph speed limit on Murphy Parkway.

Mayor Grubbs said there is clear consensus that the Murphy Parkway barricade should come down. He said he agrees with the amendments to the Ordinance but also thinks the traffic pre-study should include weekdays and weekend days. Mr. Rice said it should be a week's worth of counts. Mayor Grubbs said the request for a stop sign makes a lot of sense. He asked if the traffic study at the location on Presidential between Donerail and Salisbury will tell how many cars come from each direction. Mr. Rice said there are three way stops at Salisbury and Presidential and also at Grandshire Avenue and Presidential. He said the one at Vinwood is now a four way stop. He asked if they are asking to have enough data to warrant a stop sign. He said in the past City Council has added stop signs regardless if they are warranted. Mayor Grubbs said he struggles with the need for a pre- and post-study. He said in order to make the information from the study useful, the counts should be taken at the intersection of the proposed stop sign. Mr. Rice said they would need to do a count at that intersection to get north and south counts. Mayor Grubbs said he would be in favor of a stop sign there because people could work up some speed by that point in the road. Councilman Morton agreed. Councilman Schultz said it balances what they have done on the other side to get children to school.

Discussion continued regarding the manner in which the City initiates the installation of stop signs. Councilman Cline suggested the Law Director draft a separate ordinance to change the speed limit and add the stop sign. Mr. Hollins said a separate ordinance would be a good idea so it may be codified correctly. Mayor Grubbs said the barricade should not come down until those items are in place. Mr. Hollins said it can be conditioned in this ordinance.

**MOTION: Councilman Cline moved that Section 1 of Ordinance 2007-06 be amended as follows: Section 1, Subsection 4 of Ordinance 2001-19 be stricken in its entirety and in its place, the following subsection be inserted: "4. Traffic Barriers currently located on Murphy Parkway and Winter Hill Place shall be removed pursuant to the City Engineer's existing policy only upon the**

occurrence of two events: (1) that a traffic study is conducted, and (2) that City Council adopt a separate ordinance regulating the speed limit on Murphy Parkway and establishing stop signs at the intersection of Presidential Parkway and Donerail Avenue." Councilman Schultz seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved that Section 1 of Ordinance 2007-06 be amended as follows: As to Section 1, Subsection 5, strike the beginning phrase "That 90 days after" and replace that phrase with "That within 180 days of", and strike the phrase "to both the north and south," and replace that phrase with "to either the north or south,". Councilman Counts seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2007-06 as amended. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

**COMMITTEE REPORTS**

**Development Committee:** No report. Next Meeting: March 6th, 6:30 p.m.

**Finance Committee:** Councilman Cline said the Committee met this evening and talked about the Financial Reports for year-end 2006 and the Capital Improvements spreadsheet. He said at the next meeting the Committee will hear from a provider who will assist with a tax collection mechanism for those individuals who identify themselves as owing tax but have not paid it yet. He said there is a Subpoena Program but they are always looking for a ways to help encourage those people to meet their tax obligation. Councilman Cline said RITA has now received authorization to do a Federal Income Tax match process that allows them to identify individuals who are subject to City income tax and do not file income taxes. He said they will not see fruit of that system until 2008. Councilman Wiencek said in the past they have had the reverse problem and he asked if this process will allow the City to identify unnecessary payers. Ms. Miller said they hope to identify those people in all of their processes. Next Meeting: March 13th, 7:30 p.m.

**Operations Committee:** No report. Next Meeting: March 5, 7:30 a.m.

**CITY MANAGER'S REPORT**

Mr. Lutz said at the March 20<sup>th</sup> Council meeting EMH&T will be present to give their Downtown Traffic Presentation. He said the report will be distributed in packets prior to that meeting.

**OTHER COUNCIL MATTERS**

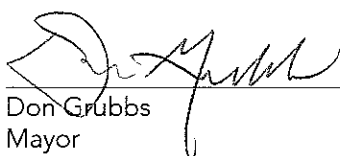
Mayor Grubbs asked about the Rumpke fee increase. Mr. Lutz said he needs to verify that Rumpke is charging residents the correct amount on their billing. He said it should be \$14.76 per household per month.

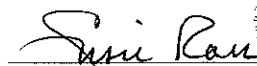
Mayor Grubbs said there is information in Council packets about the Columbus Monthly advertising which will feature the City of Powell. He said Powell business owners should be encouraged to advertise in this special issue. Mayor Grubbs provided information regarding the Ohio Municipal League luncheon on March 20<sup>th</sup>.

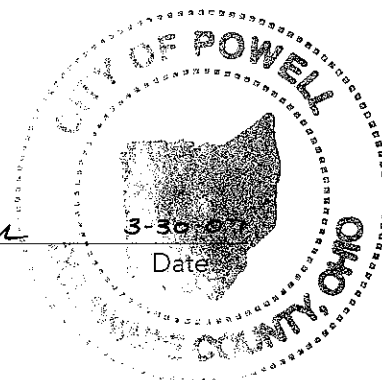
**ADJOURNMENT**

The meeting adjourned at 8:45 p.m.

**DATE MINUTES APPROVED: March 6, 2007**

  
Don Grubbs  
Mayor  
3-30-07  
Date

  
Susie Ross  
City Clerk  
3-30-07  
Date



**City Council**  
Don Grubbs, Mayor

Richard Cline      Tom Counts      Elmer Meider      Bill Morton      Art Schultz      Dan Wiencek