



## City of Powell, Ohio

### COUNCIL MINUTES

MARCH 6, 2007

A regular meeting of the Powell City Council was called to order at 7:30 p.m. by Mayor Don Grubbs. City Council members present included Richard Cline, Tom Counts, Elmer Meider, Bill Morton, Art Schultz and Dan Wiencek. Also present were Steve Lutz, City Manager; Shea Allmont, Community Affairs/Special Events Coordinator; Gene Hollins, Law Director; Susie Ross, City Clerk; interested parties and members of the Press.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Lyndsay Johnson, March 2007 Powell Mayor's Kid Citizen of the Month.

### CITIZEN PARTICIPATION

Mayor Grubbs opened the citizen participation session.

Tom Coffey, Design Committee Chairperson, HDPI, Inc. addressed Council. He described the purpose of the organization. He said in 2004 the City of Powell received recommendations from DART regarding the downtown. He said their study recommended protecting historic areas within Downtown Powell to make sure the historic identity is preserved. He said they also recommended working on the rehabilitation plans for two buildings at Liberty and Powell Road. Mr. Coffey said the study stated that the gazebo at the southeast corner of the intersection adds nothing and should be a prime location for more compatible development.

Mr. Coffey said additional pass-through traffic will detract from walking or riding bikes downtown and the HDPI is fearful that the addition of turning lanes will encourage more traffic into the area. He detailed the history of the building at 8 North Liberty Street and said the Powell-Liberty Historical Society voted to oppose demolition of this building. He said the current owner's renovation plans have been approved by the HDAC and the Planning & Zoning Commission. Mr. Coffey quoted the DART assessment meeting where the audience was told to "Hug this building. It is the cornerstone of your history". He said alternative options include to not impose turn lanes and leave the building in place or to impose turn lanes but access the land on the southeast corner. He said the Committee believes alternate traffic plans such as the Murphy Parkway extension should be considered.

Mr. Coffey said the Design Committee of HDPI implores the members of City Council to consider alternatives. He said the conservation of 8 North Liberty is not negotiable and they steadfastly recommend the preservation of this building as it is fundamental to Powell's heritage.

Mayor Grubbs asked that Mr. Coffey and the members of the Committee continue to participate in the ongoing debate about this subject.

Steve Lutz, City Manager, encouraged Mr. Coffey and the Committee members to attend the March 20<sup>th</sup> Council meeting where EMH&T will present the results of the Downtown Traffic Study.

Mayor Grubbs closed the public comment session.

### APPROVAL OF MINUTES

The minutes of February 20, 2007 were approved as submitted.

### MAYOR'S KID CITIZEN OF THE MONTH FOR MARCH - LYNDSAY JOHNSON

Mayor Grubbs presented the March 2007 Powell Mayor's Kid Citizen of the Month Award to Lyndsay Johnson. Lyndsay was recognized for her good works and service to the community as a volunteer at the Delaware Free Store, the Powell United Methodist Church and her elementary school. Mayor Grubbs said

Lyndsay is currently studying local government in her 3<sup>rd</sup> grade class and she was nominated because she sets a good example for all kids.

**RESOLUTION 2007-03: A RESOLUTION APPOINTING DON GRUBBS AS THE CITY OF POWELL REPRESENTATIVE TO THE BOARD OF DIRECTORS OF HISTORIC DOWNTOWN POWELL, INC., A NOT FOR PROFIT ORGANIZATION.**

Mr. Lutz said the Historic Downtown Powell, Inc. organization will be founded later this month and according to their Articles and Bylaws one of their Board of Directors members is required to be appointed by Powell City Council. He said this resolution would appoint Don Grubbs as the City's representative to the Board.

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

**MOTION: Councilman Cline moved to adopt Resolution 2007-03. Councilman Counts seconded the motion.**

**By unanimous consent, Resolution 2007-03 was approved.**

**SECOND 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.**

Mr. Lutz said there was lengthy discussion on this item at the last Council meeting. He said this legislation authorizes the City to roll over notes which were issued in connection with the Golf Village Financing Authority.

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

**MOTION: Councilman Cline moved to adopt Ordinance 2007-13. Councilman Counts seconded the motion.**

**VOTE:            Y   7              N   0**

**SECOND 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 this item was also discussed at the last meeting. He said the City is fortunate that the Golf Village development has occurred quicker than forecasted so they are able to convert some of the GEO Issue Debt to Revenue Bonds through this legislation.

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

**MOTION: Councilman Cline moved to adopt Ordinance 2007-13. Councilman Counts seconded the motion.**

**VOTE: Y 7 N 0**

**FIRST READING: ORDINANCE 2007-15: 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 each summer, as a part of the mandatory Sidewalk Repair Program, the City focuses on certain sections of the City. He said Staff inspects the sidewalks according to established standards and determines if the sidewalk needs repairs. He said they notify the residents that they may make the repairs or the City may make the repairs and charge them for the work. Mr. Lutz said the work was completed last fall and the residents are being notified of the actual cost of repairs. He said on February 20<sup>th</sup> a letter was sent to the residents involved and they can now pay the City directly within 30 days or a special assessment will be placed on their property. Mr. Lutz said this evening is the public hearing where residents may present questions about the cost or assessment.

Councilman Wiencek asked if any residents received a bill which was significantly higher than the engineer's estimate. Mr. Lutz said the work should be within the estimate they were expecting.

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

Councilman Cline noted this program serves as a benefit to the residents because of the City's buying power and the guarantee that the work will be done in an acceptable manner.

Ordinance 2007-15 was taken a second reading.

**FIRST READING: ORDINANCE 2007-16: AN ORDINANCE DESIGNATING A THREE WAY STOP AT THE INTERSECTION OF PRESIDENTIAL PARKWAY AND DONERAIL AVENUE AND REQUIRING THE CITY ENGINEER TO PLACE TRAFFIC CONTROL DEVICES AT THE INTERSECTION.**

Mr. Lutz said this legislation is recommended in conjunction with the removal of the Murphy Parkway barricades.

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

**MOTION: Councilman Cline moved to suspend the rules in regards to Ordinance 2007-16. Councilman Counts seconded the motion.**

**VOTE: Y 7 N 0**

**MOTION: Councilman Cline moved to adopt Ordinance 2007-16. Councilman Counts seconded the motion.**

**VOTE: Y 7 N 0**

**FIRST READING: ORDINANCE 2007-17: AN ORDINANCE ENACTING SECTION 333.03.2 OF THE CODIFIED ORDINANCES TO ESTABLISH A SPEED LIMIT ON MURPHY PARKWAY OF 25 MPH.**

Mr. Lutz said this ordinance is also in conjunction with the removal of the Murphy Parkway barricades. He recommended amendments within the ordinance in regards to Section 1. Councilman Cline asked if the proposed amendments would change the current speed limits on East Case, Scioto, Depot or Hall Street.

Gene Hollins, Law Director, said in the prior ordinance the speed limits on the affected streets had not been codified. He said there was also a concern that the prior ordinance had two different speed limits listed within the text. He said by repeating and codifying this, it gives the Police a section of the codified ordinances to cite and it removes any confusion that may exist regarding the proper speed limit.

Mr. Lutz said the previous ordinance was from 1996. Councilman Cline asked if they need the amendments or should they leave it as is. Mr. Lutz said to disregard the proposed amendments. Councilman Meider asked if there are any other streets within the City where the speed limit is 10 mph. Mr. Lutz said this area in the Historic District would be the only location. Councilman Cline said he was on

Council when the previous ordinance was adopted and they had a tremendous amount of traffic attempting to avoid the four corners. He said once they adopted the 10 mph speed limit and limited left turns at the railroad tracks it ended the problem.

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

Councilman Wiencek suggested this ordinance be taken to a second reading so he may contact Chief Vest regarding the 10 mph speed limits. He said he is not a big fan of posting speed limits they are not going to enforce. Mr. Hollins said 15 miles an hour is prima facie on alley ways.

Ordinance 2007-17 was taken to a second reading.

**COMMITTEE REPORTS**

**Development Committee:** No report. Next Meeting: April 3rd, 6:30 p.m.

**Finance Committee:** Councilman Cline said the Committee will receive a presentation regarding tax collection issues at the next meeting. He said they will also continue to work on Capital Improvements. Next Meeting: March 13th, 7:30 p.m.

**Operations Committee:** Councilman Counts said they met and discussed the traffic issues around the Tyler Run Elementary School. He said representatives from the school district and Liberty Township were present. He said the crux of the issue is the number of parents who drive their children to school and the combination of that traffic with the children crossing Salisbury. He said there is also a vocal group of parents which make this issue known to the school. He said a traffic signal was discussed. Councilman Counts said there was no resolution to the issue but the group agreed to continue to look for potential devices to solve the problem. Next Meeting: April 2nd, 7:30 a.m.

**CITY MANAGER'S REPORT**

Mr. Lutz said at the next Council meeting there will be an Executive Session from 7:30-8:00 p.m. to discuss pending litigation matters. He said the open session of Council will begin at 8 p.m. and the main item on the agenda will be the EMH&T presentation on the Downtown Traffic Study.

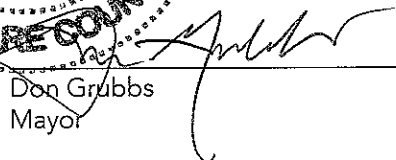
**OTHER COUNCIL MATTERS**


Councilman Meider said he attended the HDPI meeting. He said he was an observer rather than participant and he will continue to attend and present a report. He said there was a strong consensus of the group as voiced through the letter presented tonight.

Mayor Grubbs extended an invitation to A Day on the Oientangy sponsored by the Friends of the Oientangy Watershed. He also noted invitations to the Grand Opening for the First Merit Bank and the United Way of Delaware County Awards Luncheon. Mayor Grubbs said there was a letter in Council Packets from the City Engineer about the scheduled removal of the barricade in the Woods of Powell South subdivision. He asked if anyone wished to take action on this proposed action by the City Engineer. Councilman Cline said this type of item should be placed on the Consent Agenda as it can be marked received and removed from the Consent Agenda for discussion if needed. Councilman Wiencek said there is a Resolution which specifies which items may be addressed on the Consent Agenda. He said the Resolution will need to be amended. Mr. Lutz said he will take this item to the Operations Committee.

**ADJOURNMENT**  
Meeting was adjourned at 8:13 p.m.

**MINUTES APPROVED: MARCH 20, 2007**

  
Don Grubbs  
Mayor  
3-30-07  
Date

  
Susie Ross  
City Clerk  
3-30-07  
Date  
The petition has been posted in accordance with the City Charter on this date 4-4-07

  
Dan Wiencek  
Clark of Council

- City Council**  
Don Grubbs, Mayor  
Richard Cline      Tom Counts      Elmer Meider      Bill Morton      Art Schultz      Dan Wiencek