



City of Powell, Ohio

COUNCIL MINUTES

MAY 15, 2007

A regular meeting of the Powell City Council was called to order at 7:43 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; Debra Miller, Finance Director; David Betz, Director of Development; Shea Alltmont, Community Affairs/Special Events Coordinator; Gene Hollins, Law Director; Susie Ross, City Clerk; interested parties and members of the Press.

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION

Mayor Grubbs opened the Citizen Participation session for items not listed on the agenda. Hearing none, Mayor Grubbs closed the session.

APPROVAL OF MINUTES

The minutes of May 1, 2007 were approved as submitted.

CONSENT AGENDA

| Item | Action Requested |
|--|--------------------------|
| Monthly Community Affairs/Events Report | <i>Receipt of Report</i> |
| Monthly Financial Report | <i>Receipt of Report</i> |
| Monthly Historic Downtown Powell, Inc. (HDPI) Report | <i>Receipt of Report</i> |
| Monthly Planning and Zoning Report | <i>Receipt of Report</i> |
| Monthly Police Report | <i>Receipt of Report</i> |

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

PROCLAMATION - EMERALD ASH BORER AWARENESS WEEK

Mayor Grubbs presented a proclamation to honor Emerald Ash Borer Awareness Week which will be held the week of May 20, 2007. David Betz, Director of Development, said the City hosted the Central Ohio Tree City USA Awards recently and he felt it was important that this issue be brought to the attention of the community. He said the borer has been found in a zone within three miles of the City. Mr. Betz said the City will be receiving signs from the Ohio Department of Agriculture which will identify ash trees within the downtown area.

PRESENTATION - DELAWARE GENERAL HEALTH DISTRICT "CLEAN RESTAURANT" AWARD

Mr. Jesse Carter, Delaware General Health District, was present to address City Council regarding the "Clean Restaurant" Awards. He introduced Jackie Ward, Delaware General Health District Program Manager for Food Protection and Public Safety. Ms. Ward presented information regarding local food establishments in the area which received awards due to their food safety knowledge, cleanliness, proper storage of food and chemicals, and staff knowledge. She said every eligible school in the Olentangy School District has received this award. Mr. Carter said they are up to over 500 licensed food establishments within Delaware County.

RESOLUTION 2007-07: A RESOLUTION CERTIFYING WEED CONTROL ASSESSMENTS TO THE COUNTY AUDITOR.

Steve Lutz, City Manager, said according to Codified Ordinances, the City has the authority to cut undesirable vegetation and noxious weeds if a property owner does not do so within the required time limit set by the City. He said City Staff had to cut the noxious weeds on the property in question and have not received payment, so pursuant to Ordinance, Staff is required to place a resolution before Council to authorize an assessment be placed against this property.

Mr. Lutz said in the future Staff will present modifications to the ordinance in order to streamline the process so each instance will not require Council approval. Councilman Cline asked for clarification on the actual invoice as the first two line totals were incorrect.

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

Councilman Cline said they would have to resolve the mathematical question before approving the ordinance. He suggested a modification to the invoice (Exhibit A) so the line totals and invoice total are correct. Mr. Hollins said that would work so it would not have to come before Council again.

MOTION: Councilman Cline moved to amend Exhibit A to Resolution 2007-07 in the following manner: 1) change Item 1 line total to \$16.78; 2) change Item 2 line total to \$16.78; 3) change subtotal and total to \$263.56. Councilman Counts seconded the motion. By unanimous consent, the amendment was approved.

MOTION: Councilman Cline moved to adopt Resolution 2007-07 as amended. Councilman Counts seconded the motion. By unanimous consent, Resolution 2007-07 was adopted as amended.

(Tabled from May 1, 2007)

SECOND READING: ORDINANCE 2007-21: AN ORDINANCE APPROVING A COMMUNICATIONS FACILITY SITE LEASE AGREEMENT FOR THE PREMISES KNOWN AS 463 SOUTH LIBERTY STREET, POWELL, OHIO WITH NEW CINGULAR WIRELESS PCS, LLC.

Mr. Lutz said this item was tabled at the last meeting because Staff was still working out details regarding compensation issues. He said Staff would like to table this ordinance again until the June 5, 2007 Council meeting.

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

Councilman Wiencek asked the applicant to be prepared to talk at the next meeting about the alternative position at the Lechler Building.

MOTION: Councilman Cline moved to table Ordinance 2007-21 to the next regularly scheduled City Council meeting on June 5, 2007. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2007-23: AN ORDINANCE TO AUTHORIZE AND DIRECT THE CITY MANAGER TO ENTER INTO A LOAN AGREEMENT WITH THE GREATER POWELL VETERANS MEMORIAL FOUNDATION, INC. FOR FUNDING FOR THE VETERANS MEMORIAL.

Mr. Lutz said the Greater Powell Veterans Memorial Foundation gave a presentation to Council regarding their fundraising efforts to build a Veterans Memorial at the Village Green. He said during those discussions the Foundation spoke about the need for additional funding and the City spoke about making a contribution to help fully fund this opportunity. Mr. Lutz said there was concern that if the City granted money to the project it may place it in a position where they would have to pay prevailing wage to construct the Memorial. He asked the members of the Foundation to address Council.

Mike Crites, Foundation President, said they have canvassed the outstanding pledges and they have a firm \$125-\$130k in funds. He said they attempted to address the issue of prevailing wage as the ramification would impact their budget. He said he had a conference call with the Mayor, Law Director, and Mr. Lutz and research indicated that a 501C3 that receives public funds must meet prevailing wage requirements. He said as a result they have downsized the project so they will only need \$140k to complete the project and they will only need to raise another \$10k. Mr. Crites provided copies of the proposed project.

Ed White, Board of Trustees Member, presented elevation drawings and described the manner in which the project will change. He said they propose to eliminate the paver walkway areas and extruded curb which binds the bricks. He said they would leave the monument itself including the concrete footings to support the granite and the pentagonal inlay of bricks that are the core of the Memorial. Mr. White said

they are requesting City Council's approval to proceed so they may break ground on Memorial Day with a completion goal of Veteran's Day. He said the Foundation does not have reason to believe they can raise the required money for the original plan but the City may want to consider supplementing the Memorial at some time in the future.

Mr. Crites described the rendering which will have the five monoliths, six benches, flag pole, and pentagon base. He said they made a commitment to those who purchased the memorial bricks and they can meet that commitment by placing the bricks within the pentagon area. Mr. Crites said he is confident this can be completed for \$140k and the Foundation can raise that amount on their own without assistance from the City. He said at the appropriate time the Foundation will ask that any application and inspection fees be waived by the City.

Councilman Counts asked what will go in place of the paver walkway. Mr. White said it will be returned to the existing conditions. Councilman Counts asked if the Foundation was able to raise enough money to complete the paver walkway would they continue with that. Mr. Crites said they would. He said they would like to dissolve the 501C3 at the end of 2007 and any money raised would go to the City for upkeep and maintenance of the Memorial. He asked that the City continue to fundraise to sell memorial bricks at Memorial Day and Veterans Day. Mr. Crites said there is a great commitment from the members of the Foundation Board and they will not back away once the Memorial is constructed.

Councilman Morton asked how far they will be by the time of the Powell Festival. Mr. White said there will not be a need to break ground until 60 days before the placement. He said the benches will be supported with concrete footings. Councilman Morton asked if they had considered putting a paver area around each bench. Mr. White said they are "counting nickels" at this point in time and additional bricks add to the cost of the project.

Councilman Cline asked if the Foundation will donate the Memorial to the City when the 501C3 organization ceases to exist. Mr. Crites said that it true. Councilman Cline asked if the City could choose to fund the addition of brick pavers and walkway once the Foundation turns the Memorial over to the City. Mr. Hollins said that would be appropriate. Mr. Crites said they are not trying to circumvent prevailing wage laws but instead are trying to produce the best Memorial they may for the funds they have. Councilman Cline said if the funds are available, the members of Council would like to see the walkway happen. Councilman Schultz asked if they are going to continue to attempt to collect donations to try to do the rest of the walkway. Mr. Crites said this group has worked together very hard over the past three years and they have realized there is no way in these times they will be able to raise the funds to complete that portion of the project. He said they have a lot of pride in what they are doing but they have had to assess how they can still provide a quality project for the funding they have on hand.

Kathryn Gerke, Foundation Vice President, said they have reached this point because they have partnered with the City. She said this Memorial has happened because of the care, love and respect for Veterans. She said this will be a huge addition and will be something that only improves the City. Ms. Gerke thanked the City for their support of the Memorial.

Councilman Cline asked about the process regarding this ordinance. Mr. Hollins said it would be appropriate to move to withdraw the ordinance and bring a different ordinance before Council in the future which addresses use and license agreement.

Mayor Grubbs opened this item to public comment.

Maureen Crites, Greater Powell Veterans Memorial Foundation, said she is passionate regarding the Veterans Memorial and as the mother of a daughter serving in the Persian Gulf, wife of a Veteran, daughter and daughter-in-law of Veterans she would like to see the Memorial completed. She read a letter from Ms. Jill King asking for the support of Council for the Memorial. Ms. Crites asked that Council approve the groundbreaking for the Veterans Memorial and that the City build the brick sidewalk in the future.

Tom Lennon, Foundation Board Member, said he is a Veteran and has a son who is currently on his second tour in Iraq. He asked for formal approval from Council to ceremonially break ground on Memorial Day.

John Dill, 7886 S. Old State Road, Lewis Center, said he is an Orange Township Resident and has lived in

the area twenty years. He spoke in support of the Memorial, stating he is a Veteran and there are many Veterans in his family. He said the Foundation has done a fantastic job raising funds for the Memorial and he thinks this is a win-win situation for the City. He said he would like to see a ceremonial ground breaking on Memorial Day.

Patrick Bowen, Foundation Board Member, said he is a Veteran and active serviceman in the Naval Reserves. He said he served a year in Iraq and he saw a lot of people who have given everything for what this Memorial stands for. Mr. Bowen said this Memorial means a lot to the Veterans and they have a great opportunity with a ground breaking at Memorial Day. He asked Council to do whatever is necessary to allow this to move forward so the Foundation may accomplish this goal.

Mayor Grubbs closed the public comment session.

Councilman Morton said he was pleased to hear the presentation and he appreciated the comments from the public. He said this is a worthy cause and he is looking forward to seeing this Memorial. He thanked those involved for their efforts and passion in making this happen. Councilman Wiencek said he feels they will have Council's support for the ceremonial ground breaking. Councilman Counts said he agrees there will be a groundswell of interest once the Memorial is built and the paved area will be completed. Councilman Schultz thanked the Foundation and the people who have spent their time to raise funds. Councilman Cline agreed. Councilman Meider commended the Foundation on a great job and said it is important for Powell to have this Memorial.

Mayor Grubbs thanked all involved and our Veterans and expressed that the City of Powell has an obligation to honor the Veterans in whatever way they can. He said the City named a park in that manner thinking that someday a memorial would happen but they were not able to find taxpayer dollars to do so. He thanked the Foundation members for doing something the City was not able to do. He said they will see a groundswell of additional support from others in the community and at the appropriate time the City government will step forward as well. Mayor Grubbs said they would like to add an appropriate ceremony at the end of the Memorial Day Parade and he asked that the members of the Foundation take steps to prepare for the groundbreaking. He thanked the Foundation for this great way of honoring past, present and future Veterans.

MOTION: Councilman Cline moved to withdraw Ordinance 2007-23 from consideration. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

DISCUSSION - CAPITAL IMPROVEMENT PRIORITIZATION

Mayor Grubbs said packets included the results of Council's ranking of the Capital Improvement items. He suggested they discuss the results and reorganize the Category B Items into three sections: Downtown Development, Traffic, and City Building, per Mr. Schultz's suggestion. Discussion continued and the items were reorganized into the sections but maintained their point ranking (see modified attachment).

Councilman Cline said the Finance Committee has been tasked to take the priorities within Category A, B, and C and distribute them amongst a calendar. He said the Committee would like to agree that the items can be accomplished within a 10 year time frame if they put together the funding. He suggested they allow Councilman Wiencek and Staff to accomplish that. Councilman Wiencek said he will take the listed priorities, roughly adhering to their ranking and logic, and provide a timeline for a realistic budget. Councilman Counts said moving the projects will also allow them to identify what may be paid for by cash and what may require bonding. Councilman Wiencek said they will also look at bundling projects. Councilman Cline said he likes this process because it allows them to look for economy of scale where it may exist and also allows them to look for funding mechanisms. He said it will allow them to have a target to shoot for and help identify a funding source. He said under the existing budget they will only build what they can afford.

Mayor Grubbs said he likes that Mr. Wiencek will look at timing in relation to the priorities they have set. Councilman Wiencek said the estimates are current dollar and they will look at that as well. Mayor Grubbs said they do have one dedicated source and he asked that they not lose sight of the TIF funding. Councilman Wiencek said they should be able to make a preliminary estimate of how much the TIF will fund. Councilman Schultz said Staff will help prioritize the list and their input will be helpful. Councilman

Cline said this task will provide a "reality check" against the numerical ranking and will provide a roadmap they may follow for the next ten years. Mr. Lutz said this helps Staff see the priorities of Council as well. Continued Capital Improvement Discussion will be placed on a future agenda once a timeline has been drafted.

COMMITTEE REPORTS

Development Committee: No report. Next Meeting: June 5th, 6:30 p.m.

Finance Committee: The Committee met prior to the evening's Council meeting. No Report. Next Meeting: June 12, 6:30 p.m.

Operations Committee: No report. Next Meeting: June 4th, 7:30 a.m.

CITY MANAGER'S REPORT

Mr. Lutz said the EPA has produced draft permit requirements for the Olentangy Watershed. He said this would affect multiple communities such as Powell, Liberty Township, City of Delaware, and Delaware County. He said the EPA is looking at establishing new regulations regarding setbacks and restrictions for stormwater control. He said the EPA is permitting a public comment period and Staff is currently working on comments to submit prior to the June 1st deadline.

Mr. Lutz also reminded the members of Council about the Memorial Day festivities. Shea Alltmont provided detailed information. Mayor Grubbs noted the full schedule included in packets. Ms. Alltmont said she already has 1400 participants expected in the parade this year.

Mr. Lutz said there is also an updated copy of the Elected and Appointed Officials Directory in packets. He asked Council members to advise the Clerk if there are any changes necessary. He said the Annual Report goes to be published at the end of the week and a draft will be emailed before that time. He asked Council to email their comments to Ms. Alltmont as soon as possible.

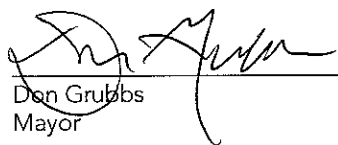
OTHER COUNCIL MATTERS

Councilman Morton asked if the Discovery Land fees had been waived. Councilman Cline said this issue was before the Committee at the last meeting as well as the meeting earlier this evening. He said they spoke with the applicant and the census of the Committee was to not recommend the waiver of those fees to the full Council. He said the applicant said he was not inclined to ask the full Council if that was the opinion of the Committee. Mayor Grubbs asked if there was another request before the Finance Committee. Councilman Wiencek said the Committee agreed to support the request and it will be before Council in the future.

ADJOURNMENT

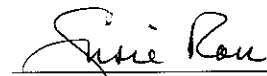
The meeting was adjourned at 9:18 p.m.

DATE MINUTES APPROVED: June 5, 2007



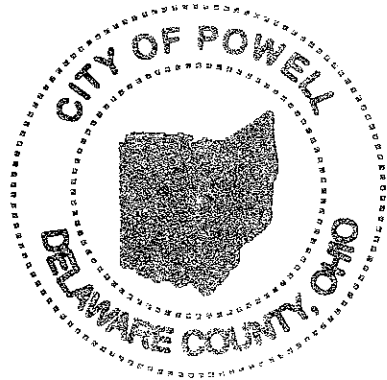
Don Grubbs
Mayor

6-17-07
Date



Susie Ross
City Clerk

6/20/07
Date



City Council
Don Grubbs, Mayor

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