



City of Powell, Ohio

COUNCIL MINUTES JUNE 19, 2007

A regular meeting of the Powell City Council was called to order at 7:36 p.m. by Mayor Don Grubbs. City Council members present included Richard Cline, Tom Counts, Elmer Meider, and Dan Wiencek. Art Schultz was absent. Bill Morton arrived at 8:05 p.m. Also present were Steve Lutz, City Manager; Debra Miller, Finance Director; David Betz, Director of Development; Rob Rice, City Engineer; Shea Allmont, Community Affairs/Special Events Coordinator; Mike Close, Associate for the Law Director; Anne Vogel, Secretary/Receptionist; 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.

Michael Mockler, 447 Nathan Drive, said a coyote attacked his 30 lb. dog in his backyard on Friday morning. He described his pet's injuries. He said he notified the neighborhood as they are concerned for the children and pets. Mr. Mockler said he filed a police report on this incident. He said the members of his neighborhood would like this addressed and the coyotes eliminated.

Gary Thompson, 427 Nathan Drive, said his dog discovered the hindquarters of a fawn deer in their back yard and behind his pine trees there were 5-8 coyotes and an area where they had fed. He said he called the police and the Parks and Rec Director. He said most of the discussion was on disposal of the carcass and nothing has been done to address the coyotes. He said he is very concerned and his family is afraid to be in the back yard. He said there is no place for predators in the community and he would like action taken to remove the coyotes.

Dan Gonzalez, 382 Nathan Drive, said he is also a concerned neighbor as there have been daylight sightings in their area. He said a domestic cat was killed and Mr. Mockler's dog was attacked. He said there have been sightings in Olentangy Ridge as well. He provided written information regarding coyotes in suburban neighborhoods and how their behavior escalates with time.

Dean Vickers, Humane Society of the United States, Director for the State of Ohio, P. O. Box 14403, Columbus, presented information on coyote behavior. He said if they kill the few that are present, more will just come back. He said attacks on humans are rare and easily prevented. He said predators are valuable to the ecosystems as they keep populations of rodents, rabbits and geese down in urban areas. Mr. Vickers said coyotes are nocturnal by nature. He said there are preventative steps to keep them from coming into the neighborhoods: do not put out garbage the night before, watch grill drippings, keep children and small pets supervised after dusk, keep pet food inside, use electric fencing or motion sensors where allowed. He said cats should never be left outside by themselves. Mr. Vickers said if humans feed coyotes they become loyal and content to depend upon humans for a food source. He said coyotes are here to stay and humans must find a way to co-exist with them. He said he is willing to work with the community to find a humane means of approach.

Michael Marchiondo, 450 Keisel Court, said he is the President of the Ashmoore HOA. He said he has had many phone calls about this issue. He said they would like help for this problem and feels that the coyotes are coming through Meadow View Park which is City property. He said there is not evidence of animals in their garbage. He said he feels the residents should be able to be allowed to let their pets out at night.

Colleen Harter, 458 Wooten Court S., said she is concerned about the immediate issues with coyotes. She said she is also concerned because her yard backs up to Meadow View Park woods and there is an overpopulation of deer. She said there is an abundance of wildlife including feral cats, raccoons, possums, and a coyote. She said when it is allowed to grow out of control that is when they have issues.

Gary Vest, Powell Police Chief, said they have received these calls in the past and it is the City's policy that if a wild animal is on an owner's property, it is the owner's responsibility to remove the animal. He said in the past there was an issue with foxes in Olentangy Ridge and the police contracted with an animal removal company but were unable to remove them. He said he has been in contact with the Chief Law Enforcement Office for the ODNR and the only control in place is for dogs through the County Animal Shelter. Chief Vest said the ODNR said this problem is so large statewide that they will not respond unless this problem involved a school or a place where children play. He said ODNR believes the coyotes are here because it is so dry and the animals are forced closer to homes. Chief Vest said they must determine when this is the City's responsibility and when it is the homeowner responsibility. He said he asked for a proposal from a company which would capture and euthanize the animals. He said coyotes may not be relocated.

Councilman Meider asked which group oversees this type of issue. Chief Vest said the ODNR takes care of anything having to do with wildlife.

Mayor Grubbs said once they receive the proposal they will meet to determine the best way to resolve this problem.

Mayor Grubbs closed the Citizen Participation session.

APPROVAL OF MINUTES

The minutes of June 5, 2007 were amended and approved.

CONSENT AGENDA

Item

Action Requested

ORDINANCE 2007-29

Adoption of Ordinance

AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS OF GOLF VILLAGE, SECTION 6, PHASE B, PART II SUBDIVISION AS THE SAME IS NUMBERED AND DELINEATED UPON THE AMENDED PLAT THEREOF RECORDED IN CABINET 3, SLIDES 397 AND 397A, DELAWARE COUNTY, OHIO RECORDS.

ORDINANCE 2007-33

Adoption of Ordinance

AN ORDINANCE TO MAKE A TECHNICAL CORRECTION TO ORDINANCE 2007-25 REGARDING AMENDMENT TO THE FEE SCHEDULE OF THE CITY OF POWELL, AND DECLARING AN EMERGENCY.

Monthly Financial Report

Receipt of Report

Monthly Historic Downtown Powell, Inc. (HDPI) Report

Receipt of Report

Monthly Planning and Zoning Report

Receipt of Report

Monthly Police Report

Receipt of Report

MOTION: Councilman Cline moved to adopt the Consent Agenda. Councilman Counts seconded the motion. By unanimous consent, the Consent Agenda was adopted; Ordinance 2007-29 and 2007-33 were adopted and the Monthly Reports were received.

RESOLUTION 2007-09: A RESOLUTION SPECIFYING THE MUNICIPAL SERVICES TO BE FURNISHED TO 1.618 ACRES WHICH IS PENDING ANNEXATION TO THE CITY OF POWELL.

Steve Lutz, City Manager, said this annexation request has been submitted to the County Commissioners.

Brady Kessner, Adams, Babner & Gitlitz, 5003 Horizons Dr., Columbus, representative of the property owners, said this annexation was unanimously supported by the property owners.

David Betz, Director of Development, indicated the location which is pending annexation. He said the surrounding property on the east, west and south sides are within the City. He said the adjacent Golf Village Sub Area F is commercial area.

Councilman Wiencek asked if this annexation is being asked to facilitate the proposed Target development. Mr. Betz said that development will be handled completely on another lot. He said if this property is annexed they would ask for similar development standards to Golf Village Sub Area F. Councilman Wiencek asked if it would be correct to say this annexation is in anticipation of the Target development as both of these parcels would become outlots. Mr. Betz said there would be some sort of plan to develop this. Councilman Wiencek asked if this annexation would be subject to the pre-annexation agreement the City has for the land which surrounds it. Mr. Betz said that is correct.

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

Councilman Cline asked if this was advertised as a public hearing. Mr. Betz said this resolution of services is not required to have a Public Hearing. Councilman Wiencek said City Code requires that annexation come with a development plan and there is not one here. He asked if it would be forthcoming. Mr. Betz said a development plan will be submitted prior to the annexation ordinance several months from now.

MOTION: Councilman Cline moved to adopt Resolution 2007-09. Councilman Counts seconded the motion. By unanimous consent, Resolution 2007-09 was adopted.

FIRST READING: ORDINANCE 2007-30: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO AWARD A BID TO DECKER CONSTRUCTION COMPANY IN THE AMOUNT OF \$18,500 FOR THE 2007 SIDEWALK REPAIR AND REPLACEMENT PROGRAM.

Mr. Lutz said Decker Construction was the low bidder for this year's Sidewalk Repair and Replacement Program. He said estimates were sent to residents and the actual cost was \$50 per block less than what was estimated. He said the actual cost for leveling was \$71 less than estimated.

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 2007-30. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2007-30. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2007-31: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO AWARD A BID TO XXXXXXXXXX IN THE AMOUNT OF \$XXXXXX.XX FOR THE 2007 VILLAGE GREEN PARKING LOT IMPROVEMENTS AND DECLARING AN EMERGENCY.

Mr. Lutz said Staff went out to bid for the Village Green Parking Lot improvements and would like to begin construction in July so it may be completed before the end of the construction season. He said Staff was extremely pleased when the bids were opened and they were below the engineer's estimate. Mr. Lutz said Trucco Construction was the low bidder and Staff recommends awarding the base bid and the alternates for the paver walkway and expanded Police parking area. He said Trucco's bid was \$697,293.98.

Rob Rice, City Engineer, said Trucco Construction has made significant progress on the Olentangy Street Pathway and have done very good quality work. He said they have also been very good to work with.

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

Councilman Morton asked if there were any exceptions to the bid terms or conditions by either Trucco or the second lowest bidder. Mr. Rice said they did not submit any exceptions.

MOTION: Councilman Cline moved to amend Ordinance 2007-31 in the following particulars; the caption of the Ordinance shall read as follows: "AN ORDINANCE AUTHORIZING THE CITY MANAGER TO AWARD A BID TO TRUCCO CONSTRUCTION COMPANY IN THE AMOUNT OF \$697,293.98 FOR THE 2007 VILLAGE GREEN PARKING LOT IMPROVEMENTS, AND DECLARING AN EMERGENCY"; further amending the second "Whereas" clause of the Ordinance to read as follows: Council and Staff recommend Trucco Construction Company as the lowest responsive, responsible and best bidder for the above mentioned project"; further amending Section 1 to read as follows: "The Council hereby awards the bid for the 2007 Village Green Parking Lot improvements to Trucco Construction Company and authorizes the City Manager to enter into a contract on behalf of the City for the purpose of completing the above mentioned project pursuant to the contract documents." Councilman Counts seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved to suspend the rules in regards to Ordinance 2007-31. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2007-31. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2007-32: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2007.

Mr. Lutz said this appropriation will provide funding for the 2007 Village Green Parking Lot Improvements. He said Staff anticipated this project would cost approximately \$1.1 million and they are pleased at the low bid. He said they typically add 10% construction contingency to contracts so there is funding for change orders. Mr. Lutz said the funds, if not spent, are retained by the City. He said in this case Staff recommends they appropriate a 15% construction contingency because of the amount of unknown underground work involved. He said there will also be a \$50k appropriation to cover the inspection services during construction.

Debra Miller, Finance Director, described the modifications within the ordinance. She said they currently have money appropriated for the parking lot but it is not sufficient to cover the total cost of \$851,888.00. She described the funding (\$676,451.00) which is currently available. Ms. Miller recommended they appropriate an additional amount (\$175,437.00) in the Capital Improvement Projects Fund, Capital Outlay. She said the ordinance would need to be changed to reflect the recommendations. Ms. Miller said within the next month or two the Police Facility Fund will draw more interest and an additional appropriation on that fund will lessen what they will need for capital improvement projects.

Councilman Wiencek asked for clarification. Ms. Miller said item 2 will be removed. Mayor Grubbs asked if the City is done with their obligations on the Police Facility Construction. Ms. Miller said all obligations are encumbered so if they have over-encumbered it would only add to, rather than reduce, this amount. Councilman Cline asked for clarification regarding the appropriation amount. Ms. Miller said the appropriation will be \$851,888.00.

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

MOTION: Councilman Cline moved to amend Ordinance 2007-32 in the following particulars; under Section 1 under the section "Appropriate from the unappropriated fund balance: Item 1" strike the number "\$329,024.90" and in its place insert the number "\$175,437.00"; also strike Item 2 of Section 1; on the Exhibit attached to the Ordinance, under the heading "Additional appropriations: Item 1" strike the number "\$329,024.90" and in its place insert the number "\$175,437.00"; strike Item 2 in its entirety; and under the heading "Current appropriations plus requested appropriations - amount available for parking lot" strike the number "\$1,169,355.92" and in its place insert "\$851,888.00." Councilman Counts seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved to suspend the rules in regards to Ordinance 2007-32. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2007-32. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

COMMITTEE REPORTS

Development Committee: No Report. **Next Meeting:** July 10th, 6:30 p.m.

Finance Committee: No Report Ms. Miller said last week they worked on the Tax Policy and misc. items. **Next Meeting:** July 10th, 6:30 p.m.

Operations Committee: Councilman Counts said they met this evening and discussed provisions to the Professional Services procedures and a Proposal by Cadbury-Schwepps for vending machines in various

places around the City. He said they gave feedback saying they would like to see some wholesome kinds of beverages, juices and water in the machines. He said they also received an update on the website redesign and discussion on occupancy certificates for existing premises. **Next Meeting: June 19th, 6:30 p.m.**

CITY MANAGER'S REPORT

Mr. Lutz thanked Anne Vogel, City Secretary/Receptionist for filling in for the City Clerk who is ill. He also introduced Mike Close who attended in place of Gene Hollins, Law Director. He said the City Council customarily introduces one of the bands on Friday night and he asked those interested to be there at 8 p.m. Mr. Lutz reminded everyone that the next Council meeting will be Tuesday, July 10th.

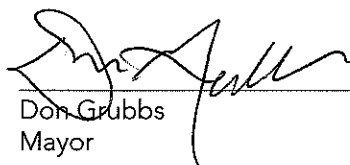
OTHER COUNCIL MATTERS

Councilman Cline complemented Ms. Miller and Staff for their hard work on the CAFR.

ADJOURNMENT

The meeting was adjourned at 8:37 p.m.

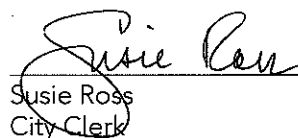
DATE MINUTES APPROVED: July 10, 2007



Don Grubbs
Mayor

7-16-07

Date



Susie Ross
City Clerk

7-16-07

Date

