



**City of Powell, Ohio**  
City Council

**MEETING MINUTES**  
**AUGUST 7, 2007**

A regular meeting of the Powell City Council was called to order at 7:31 p.m. by Mayor Don Grubbs. City Council members present included Tom Counts, Elmer Meider, Bill Morton, Art Schultz and Dan Wiencek. Richard Cline was absent. Also present were Steve Lutz, City Manager; David Betz, Director of Development; 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, he closed the Citizen Participation session.

**APPROVAL OF MINUTES**

The minutes of July 17, 2007 were amended and approved.

**AUGUST 2007 POWELL MAYOR'S KID CITIZENS OF THE MONTH - ANA GOBORA, HAYLEY MEYER, AND CARSON MEYER**

Mayor Grubbs noted the presentation for the August Mayor's Kid Citizens will take place at the next City Council meeting because one of the awardees was unable to attend this evening.

**RESOLUTION 2007-11: A RESOLUTION TO ESTABLISH THE ESTIMATED REVENUES FOR THE CITY OF POWELL FOR THE FISCAL YEAR ENDING DECEMBER 31, 2008.**

Steve Lutz, City Manager, said this resolution is required each year by State Law. He said the County establishes the millage for governmental units and the Auditor requires estimated revenues. He said the City submits the revenues forecasted in the 2007 budget and it does not lock the City into any future revenues.

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

**MOTION: Councilman Counts moved to adopt Resolution 2007-11. Councilman Wiencek seconded the motion. By unanimous consent, Resolution 2007-11 was adopted.**

**SECOND READING: ORDINANCE 2007-37: AN ORDINANCE AMENDING THE INCOME TAX CODE FOR THE CITY OF POWELL FOR THE PURPOSES OF CONSOLIDATING THE CODE AND STANDARDIZING THE CODE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STATE OF OHIO AND INTERNAL REVENUE SERVICE.**

Mr. Lutz said this item was reviewed in detail at the last Council meeting. He said the Finance Committee spent months reviewing the City Tax Code and updating it so is more user-friendly and consistent with current laws. He said this does not change the tax or credit rate.

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

**MOTION: Councilman Counts moved to adopt Ordinance 2007-37. Councilman Schultz seconded the motion.**

**VOTE:            Y   6              N   0**

Mayor Grubbs said it would be appropriate to discuss the next two ordinances together as they are related.

**FIRST READING: ORDINANCE 2007-39: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO AWARD A BID TO TRUCCO CONSTRUCTION CO., INC. IN THE AMOUNT OF \$254,982.00 FOR THE 2007 CITY OF POWELL STREET MAINTENANCE AND REPAIR PROGRAM CONTRACT "A", AND DECLARING AN EMERGENCY.**

**FIRST READING: ORDINANCE 2007-40: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO AWARD A BID TO SCODELLER CONSTRUCTION IN THE AMOUNT OF \$120,709.94 FOR THE 2007 CITY OF POWELL STREET MAINTENANCE AND REPAIR PROGRAM CONTRACT "B", AND DECLARING AN EMERGENCY.**

Mr. Lutz said the bids were opened last week for this year's Street Maintenance Program. He said the intent is for the contractors to begin work within 30 days and complete the work by the end of this construction season. He said Contract A includes upgrading 4 intersection improvements in Olentangy Ridge, reconstruction of streets, traffic paint along Sawmill Parkway, and full depth spot replacements throughout SR 750. Mr. Lutz said 5 contractors bid on this project: the low bidder was Trucco in the amount of \$254,982 and the high bidder was \$330,820. He said Staff recommends awarding Contract A to Trucco Construction.

Mr. Lutz said Contract B is for crack sealing of City streets. He said two bids were received: the low bid was in the amount of \$120,709.94 and the second bid was in the amount of \$137,852.18. He said Staff recommends awarding Contract B to Scodeller Construction.

Councilman Wiencek asked if this is a different type of crack seal than that used on Liberty. Mr. Lutz said it is a non-issue because there is no overlay involved in the crack sealing.

Mayor Grubbs opened Ordinances 2007-39 and 2007-40 to public comment. Hearing none, he closed the public comment session.

Councilman Counts asked if Staff had engineer cost estimates on these projects. Councilman Schultz asked if Council would have to proceed differently if it was not within the estimates. Gene Hollins, Law Director, said standard practice would be to recommend rejecting all bids and rebidding. Mr. Lutz said the bids are within the estimates of \$273,070.25 for Contract A and \$135,709.30 for Contract B.

**MOTION: Councilman Counts moved to suspend the rules in regards to Ordinance 2007-39. Councilman Wiencek seconded the motion.**

**VOTE: Y 6 N 0**

**MOTION: Councilman Counts moved to adopt Ordinance 2007-39. Councilman Wiencek seconded the motion.**

**VOTE: Y 6 N 0**

**MOTION: Councilman Counts moved to suspend the rules in regards to Ordinance 2007-40. Councilman Wiencek seconded the motion.**

**VOTE: Y 6 N 0**

**MOTION: Councilman Counts moved to adopt Ordinance 2007-40. Councilman Wiencek seconded the motion.**

**VOTE: Y 6 N 0**

**FIRST READING: ORDINANCE 2007-41: AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR BRAD YATES/MANOR HOMES FOR SOLIHULL/AIRPORT LLC FOR AN OFFICE BUILDING CONTAINING 7,722 SQ. FT. IN THE PC, PLANNED COMMERCIAL DISTRICT, AT 60 CLAIRE DAN DRIVE.**

David Betz, Development Director, reviewed the location of the site and surrounding uses. He said all site planning standards and landscape requirements are met. He said this is an office condominium building which is similar to other uses in the area. Mr. Betz identified the materials and said the Planning & Zoning Commission thoroughly reviewed the plan and recommended approval with no conditions. He said the applicant will be present at the second reading as it will be the advertised Public Hearing.

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

session.

Councilman Counts asked if there are any variances associated with this proposal. Mr. Betz said there are no variances necessary. This item was taken to a second reading.

**FIRST READING: ORDINANCE 2007-42: AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR TRADITIONS OF POWELL, LLC FOR A 9,000 SQ. FT. RETAIL DEVELOPMENT IN THE DB, DOWNTOWN BUSINESS DISTRICT, ALSO WITHIN THE HD, HISTORIC DISTRICT OVERLAY DISTRICT, AT 180 WEST OLENTANGY STREET.**

Mr. Betz reviewed the location of the site and surrounding uses. He said the proposal is for two buildings: a front building of 3k sq. ft. and a rear building of 6k sq. ft. He identified the parking areas on the site. He said the applicant has submitted extensive landscaping plans showing the perimeter landscaping around the front building, buffer, parking area landscaping, and street trees along Traditions Way. Mr. Betz said there is a variance requesting a reduction of the 70% requirement for perimeter landscaping whereas there is little ability to place landscaping directly in front of the rear building. He said the number of plants around the remainder of the building meets the overall requirement. Mr. Betz presented elevation plans and said the plans were reviewed heavily by the HDAC and the Planning & Zoning Commission. He said attention to detail is placed at the front and rear of the building which faces the condominiums. He said this application was recommended for approval by the Planning & Zoning Commission with the five conditions listed within the ordinance. Mr. Betz said the advertised public hearing will be at the next meeting.

Chris Meyers, Meyers/Welsh Architects, said they worked closely with the HDAC and the Planning & Zoning Commission. Councilman Wiencek noted that Mr. Meyers is the Architectural Advisor for the Commission and said he is intimately familiar with the requirements of both Commissions. Mr. Meyers said he did not review this. Councilman Counts asked if the clear story is real. Mr. Meyers said it will be real windows with real glass but it will look into an unoccupied space. Mayor Grubbs asked if this site is within the Powell CIFA. Mr. Betz said it is and it is within the TIF district.

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

Councilman Morton asked for the construction timeline.

Todd Farris, Farris Landscape Design, said the construction would start this fall or next spring. Mayor Grubbs asked if tenants have been identified. Mr. Meyers said none are identified at this time. This item was taken to a second reading.

**FIRST READING: RESOLUTION 2007-12: A RESOLUTION SPECIFYING THE MUNICIPAL SERVICES TO BE FURNISHED TO 9.575 ACRES WHICH IS PENDING ANNEXATION TO THE CITY OF POWELL.**

Steve Lutz said the River of Life Church has been renting a building from the City for several years and they have outgrown that facility. He said they are currently meeting in a church in Dublin and they have acquired almost 10 acres of land at the southwest corner of Steitz and Home Roads for their church site. He said that site is adjacent to Golf Village and the church has petitioned the City for annexation.

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

Councilman Counts said he noted Mr. Hollins is the agent for the petitioner. Mr. Hollins said it is not uncommon for the municipality to offer the services of the Law Director to facilitate annexations. He said as Agent he will review the procedure and documents and attend the County Commissioner's hearing. He said it is a very simple procedure. Mayor Grubbs asked about the point of continuity with the City. Mr. Betz identified the area. Mr. Hollins said the area is slightly over the 5% statutory requirement.

**MOTION: Councilman Counts moved to adopt Resolution 2007-12. Councilman Wiencek seconded the motion. By unanimous consent, Resolution 2007-12 was adopted.**

**COMMITTEE REPORTS**

**Development Committee:** Councilman Schultz said the Committee met this evening and discussed general education and benefits of annexation. He said they will continue this conversation. Next Meeting: September 4th, 6:30 p.m.

**Finance Committee:** No report. Next Meeting: August 14th, 7:30 p.m.  
**Operations Committee:** No report. Next Meeting: August 21st, 7:00 p.m.

**CITY MANAGER'S REPORT**

Mr. Lutz said the Wildlife Committee met last Monday and he anticipates a report with recommendations from the Committee will be presented soon. He said the Annual Report was mailed to all residents and businesses last week and a copy was included in packets. Mr. Lutz said Anna Steck, Downtown Coordinator and Director of Downtown Powell, Inc., has announced her resignation. She has been hired as a full-time Police Officer with the City of Powell. He said the City is currently advertising to fill her position and she will assist Downtown Powell, Inc. during the transition period. Mr. Lutz noted the Annual CEDA Meeting with Liberty Township is scheduled for August 15th. He distributed a draft agenda.

**OTHER COUNCIL MATTERS**

There were none.

**MOTION:** Councilman Counts moved at 8:03 p.m. to adjourn to Executive Session under ORC Section 121.22 (G) (3) to discuss litigation. Councilman Wienczek seconded the motion.

**VOTE:** Y 6 N 0

Councilman Wienczek left prior to the conclusion of the discussion.

**MOTION:** Councilman Schultz moved to adjourn from Executive Session at 9:30 p.m. Councilman Meider seconded the motion.

**VOTE:** Y 5 N 0

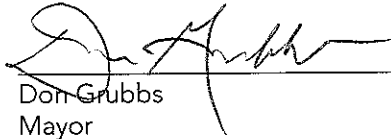
**MOTION:** Councilman Schultz moved to reconvene in Regular Open Session at 9:30 p.m. Councilman Meider seconded the motion.

**VOTE:** Y 5 N 0

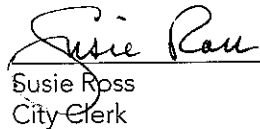
**MOTION:** Councilman Schultz moved to adjourn from Regular Open Session at 9:30 p.m. Councilman Meider seconded the motion.

**VOTE:** Y 5 N 0

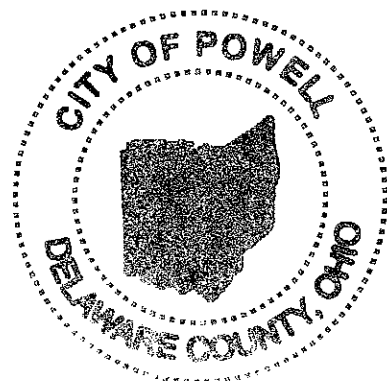
**DATE MINUTES APPROVED:** August 21, 2007

  
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Don Grubbs  
Mayor

9-1-07  
Date

  
\_\_\_\_\_  
Susie Ross  
City Clerk

9/1/07  
Date



**City Council**

Don Grubbs, Mayor

Richard Cline

Tom Counts

Elmer Meider

Bill Morton

Art Schultz

Dan Wienczek