



City of Powell, Ohio
City Council

MEETING MINUTES
NOVEMBER 7, 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 Alltmont, Community Affairs/Special Events Coordinator; Corey Colombo, Associate to the 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.

Dale Miller, 60 Sanderling Avenue, asked about the setback for the South Liberty Street development as he said it seems that the building should be farther back from the road. He said it also looks as though the parking spaces are at an angle and the drainage will run into the street.

Mayor Grubbs said the development was approved a couple of years ago and within the downtown area buildings tend to be closer to the street to facilitate walking. He said the development is not quite finished but Staff will check it out. Councilman Wiencek suggested Mr. Miller contact the Director of Development. He said there is a retention pond in the back of the lot and it is designed so the drainage will run toward that area. Mr. Miller said the parking on the street is the subject of his concern. Steve Lutz, City Manager, said once it is completed the parking will look very similar to the on-street parking on Olentangy Street.

Mayor Grubbs closed the Citizen Participation session

APPROVAL OF MINUTES

The minutes of October 16, 2007 were approved as submitted.
The minutes of October 18, 2007 were amended and approved.

RESOLUTION 2007-24: A RESOLUTION TO AMEND THE CITY OF POWELL LIGHT POLE BANNER POLICY AND REPEAL RESOLUTION 2002-29.

Mr. Lutz said banner holders were added to City light poles in the downtown so various groups may hang banners throughout the year. He said there is a tremendous amount of interest in using the banner holders and Ms. Alltmont is recommending changes to the policy so more groups may make use of the banners. He outlined the proposed changes to the policy.

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

Councilman Morton said Item 11 addresses damaged banners and he suggested it may be appropriate to allow a group to replace a damaged banner. Mr. Lutz said sometimes groups go with very inexpensive banners and they do not hold up after a storm. He said they have instituted this rule so they do not have City employees out on a daily basis replacing damaged banners.

Shea Alltmont, Community Affairs/Special Events Coordinator, said they did have one instance when the program first started where a user provided inexpensive banners and they would not stay on the poles. She said in that instance she made recommendations to the sign maker and the banners were replaced after repairs were made. She said she now informs users to use a specific type of banner and the public service crews work to make sure the banners will hang.

Councilman Wiencek asked if Staff should be able to authorize exceptions to the policy so banners may be allowed during open times. Ms. Allmont said Staff hangs City banners when there is "down" time and that offers consistency as well. Councilman Schultz asked if Staff is reluctant to bump other users if there is an upcoming City event. Ms. Allmont said the City has done that in the past and has a calendar of events which blocks out certain weeks. Councilman Schultz asked if the HDPI would be permitted to place banners more than twice per year. Ms. Allmont said she takes any such requests to Mr. Lutz for his approval.

Mayor Grubbs suggested the Kiwanis Club of Powell be added to the list under Item 6 (B). He asked for clarification regarding the use by charitable organizations not based in Powell such as the Delaware County Red Cross. Ms. Allmont said in the past the Red Cross has been included under 6 (B) as a County user. She said the General Health District is charged in the same manner.

MOTION: Councilman Cline moved to amend Exhibit A to Resolution 2007-24 in the following manner: paragraph 4 shall read "No group or organization may rent banner space more than two times within a calendar year. This will allow other groups the opportunity to rent the banner poles throughout the year." Councilman Counts seconded the motion. By unanimous consent, Resolution 2007-24 was amended.

MOTION: Councilman Cline moved to amend Exhibit A to Resolution 2007-24 in the following manner: paragraph 6 (B) shall have the "Kiwanis Club of Powell" added to the list of Examples. Councilman Counts seconded the motion. By unanimous consent, Resolution 2007-24 was amended.

MOTION: Councilman Cline moved to adopt Resolution 2007-24 as amended. Councilman Counts seconded the motion. By unanimous consent, Resolution 2007-24 was adopted as amended.

FIRST READING: ORDINANCE 2007-57: AN ORDINANCE AUTHORIZING AMENDMENT TO THE FEE SCHEDULE OF THE CITY OF POWELL.

Mr. Lutz said this item was reviewed by the Finance Committee as a part of the budget review process. He reviewed the proposed changes to the Fee Schedule.

Councilman Cline asked if the per acre charges noted in the changes to Engineering fees is pro-rated for areas less than an acre. Mr. Lutz said it is. Mayor Grubbs said it is not clear whether political signs are included in the area specifying sign removal fees. Mr. Lutz said he will have Legal Counsel review it so it may be discussed at the second reading of this item. Councilman Wiencek said the Planning and Zoning Commission is close to having something to bring forward to Council regarding Temporary Sign code. He said this addition to the Fee Schedule is based on the recommendations made by the Commission.

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

Councilman Cline said the Finance Committee discussed that Fee Schedule revisions will be brought to Council at this time each year so the changes may be effective January 1st and be in effect for an entire year. He said they are attempting to normalize the process.

This item was taken to a second reading.

FIRST READING: ORDINANCE 2007-58: AN ORDINANCE ACCEPTING THE ANNEXATION OF A 9.575 ACRE TRACT, MORE OR LESS TO THE CITY OF POWELL.

Mr. Lutz said previously City Council passed a Resolution of Services stating that if annexed, the City would provide services to this land which is located on the southwest corner of Home Road and Steitz Road. He said this will be the future home site of the River of Life Church. Mr. Lutz said the congregation has outgrown their meeting place in downtown Powell and are meeting in the Dublin area on a temporary basis. He stated Pastor David Minnear is present to answer any questions.

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

Councilman Wiencek said a development plan is typically required concurrent with annexation. He asked

if they know where they are with respect to the plans.

Dave Minnear, Pastor, River of Life Church, said they are still in preliminary stages of design. He said they are still waiting on sewer access. Councilman Wiencek said that requirement is to ensure they know what is going in but in this case they clearly know what will be built even if they do not know the exact design.

Mr. Lutz asked when the fundraising will be completed and they hope to break ground. Pastor Minnear said the fundraising is completed and if the weather holds up they will begin as soon as possible. He said it could be next spring.

Councilman Schultz welcomed Pastor Minnear and the Church back to the City of Powell.

This item was taken to a second reading.

FIRST READING: ORDINANCE 2007-59: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO COMPLETE THE DISTRICT SIX URBAN PAVING PROJECT WITHIN THE CITY LIMITS, AND DECLARING AN EMERGENCY.

Mr. Lutz said under State law, each municipality is responsible for the maintenance and upkeep of state routes which run through its community. He said State Route 750 runs east/west throughout Powell and ODOT has notified the City they are interested in completing a mill and overlay of the road. He said the work is scheduled for 2009 and they propose the City share in the cost of the work. Mr. Lutz said the City's share will be \$65k, which is a tremendous bargain for the City.

Mr. Lutz said as part of the agreement, in 2008 the City will be responsible to make sure all handicap accessible sidewalk ramps which abut State Route 750 are in compliance with state and federal laws. He said that has already been programmed into the Street Maintenance Program for 2008.

Councilman Cline asked if there is any information regarding a change in the grade at the intersection of State Route 750 and 315. Mr. Lutz said that section is outside of the City limit and he does not think there are any changes proposed.

Mayor Grubbs asked about the sections of State Route 750 which are currently being repaired. Mr. Lutz said this year's Street Maintenance Program is being completed and Trucco is now cutting out the bad sections of pavement and reinforcing them. He said the repair was contracted to be done at night so it does not interfere with the majority of traffic in the area.

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 2007-59. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2007-59. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2007-60: AN ORDINANCE DESIGNATING A FOUR WAY STOP AT THE INTERSECTIONS OF VILLAGE PARK DRIVE AND BOVEE LANE AND MIDDLEBURY WAY AND BOVEE LANE AND REQUIRING THE CITY ENGINEER TO PLACE TRAFFIC CONTROL DEVICES AT THE INTERSECTION.

Mr. Lutz said this matter was brought forward to the Development Committee at their last meeting and has now been forwarded to City Council for discussion. He said the City has a stop sign policy which states when the City is petitioned by a group of residents for additional stop signs, the City will perform a traffic study to determine whether the signs are warranted under the Ohio Manual. He said Staff informed the Development Committee that the locations where signs have been requested will not meet the warrant because of traffic counts. Mr. Lutz said policy states that if five Council members vote for a stop sign, regardless of whether it meets warrants or not, stop signs can be installed.

Bob Carpenter, 772 Bovee Lane, indicated the location of stop signs and said they will be making two-way stops into four-way stops. He said they circulated a petition within the subdivision and support for the stop signs was unanimous among the residents on the affected streets.

Councilman Morton asked if there are bus stops on these streets. Mr. Carpenter said he is not aware of the location of the bus stops. Councilman Schultz asked how far they distributed the petition. Mr. Carpenter said they covered the areas near the proposed four-way stops. He said they were met with no opposition to the petition so they felt they did not need to go further.

Mayor Grubbs opened this item to public comment.

Dale Miller, 60 Sanderling Avenue, said he lives in Middlebury Estates and the stop signs in that area need to be replaced. He said there is a bus stop at the one intersection involved and there are a significant number of children at that bus stop.

Mayor Grubbs closed the public comment session.

Councilman Cline said he continues to be opposed to imposing stop signs that are not justified by a traffic warrant. He said his policy has been to vote for the signs when residents in a residential area ask for them and there is no compelling reason to deny the request. He said he sees no reason to deny this request and there are reasons to approve it.

MOTION: Councilman Cline moved to suspend the rules in regards to Ordinance 2007-60. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2007-60. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

COMMITTEE REPORTS

Development Committee: Councilman Schultz said the Committee will continue discussion on the Golf Village Bike Paths. Next Meeting: November 20th, 6:30 p.m.

Finance Committee: Councilman Cline said the Committee will continue the discussion of the budget. Next Meeting: November 13th, 7:30 p.m.

Operations Committee: Councilman Counts said they have not met for a while but he, Mr. Lutz, Mr. Betz and Mayor Grubbs met with Julie Gilford, the Director of Economic Development for the City of Westerville to discuss Community Improvement Corporations. He said they discussed the function of a CIC in Westerville and how it could apply to the City of Powell. Councilman Counts said they learned this is a vehicle which would be helpful to have ready when the situation arrives as it would be a tool to spur economic development. He said a CIC could assist in more strategic ways as it would help smaller businesses provide improvements to particular structures. Next Meeting: TBD

CITY MANAGER'S REPORT

No report.

OTHER COUNCIL MATTERS

Councilman Schultz said in past years, Councilman Bill Nolan brought before Council the issue of communications. He said Mr. Nolan thought many of the situations the City dealt with related directly to the communication challenges the City faces. Councilman Schultz said in talking with residents he has noted the City needs to emphasize clear communication to the residents. He said there has been misconception regarding the Target/BZA process, where the City stands and how the process will move forward. He said there was also misunderstanding about Council's intentions in the matter of the recent qualification issue of Council candidates. Councilman Schultz said Staff should be proactive in giving notice regarding street repairs and other issues and he encouraged everyone to keep looking for opportunities for communication. He suggested the release of short press releases which provide explanations.

Councilman Schultz said items other than events details should be communicated. He said they should also try to correct any miscommunications which may have occurred through the local media. He asked

that the members of Council bring these types of items to the attention of Staff to assist in communication with City residents. He said they should try to express what Council intends to do about the issues facing residents.

Councilman Counts said he agrees this is something Council should focus on and he hopes they spend time on this during their January Goal Setting Session. Mayor Grubbs said there is not a Staff member whose job it is to communicate the intent of Council. Councilman Schultz said Council should identify issues which may cause conflict and direct Staff to provide a press release. He said a good example is the situation with the traffic signal at S.R. 315 and S.R. 750 and the traffic backups. He said it is important for the City to continue to communicate their efforts to work with ODOT to solve this problem for residents.

Councilman Wiencek said this could be a regular agenda item for the Operations Committee. He said this type of information could also be distributed through the City's list-serve newsletter. Councilman Counts said there are items which do not lend themselves to a Press Release so they may need to find a way to communicate that type of information. He noted the issue with tree trimming on Powell Road hill.

Mayor Grubbs said he would also like to have better communication with the Homeowners' Associations so they may distribute information to their neighborhoods.

Councilman Cline said if the City recognizes there is inaccurate information in the public domain, they should take steps to correct that information. He said whatever the City distributes should be a factually accurate summary of the facts or the City's position. Councilman Cline said if they approach it from that perspective the residents will appreciate and respect that service.

MOTION: Councilman Cline moved at 8:29 p.m. to adjourn to Executive Session in accordance with ORC Section 121.22 (G) (1) to discuss personnel matters and ORC Section 121.22 (G) (3) to discuss pending litigation. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to adjourn from Executive Session at 9:17 p.m. Councilman Counts seconded the motion.

VOTE: Y 7 N 0


MOTION: Councilman Cline moved to reconvene in Regular Open Session at 9:18 p.m. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

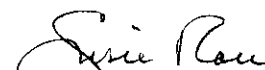
MOTION: Councilman Cline moved to adjourn from Regular Open Session at 9:20 p.m. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

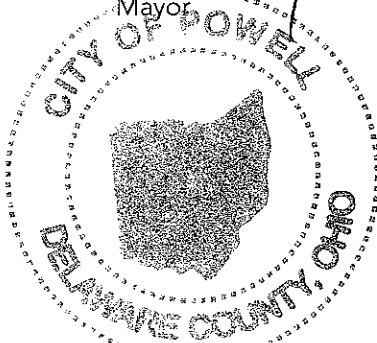
DATE MINUTES APPROVED: November 20, 2007



Don Grubbs
Mayor
12-3-07
Date



Susie Ross
City Clerk
12/4/07
Date



Richard Cline

Tom Counts

Elmer Meider

City Council
Don Grubbs, Mayor

Bill Morton

Art Schultz

Dan Wiencek