



**City of Powell, Ohio**  
City Council

**MEETING MINUTES  
NOVEMBER 20, 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 Tom Counts, Elmer Meider, Bill Morton, Art Schultz and Dan Wiencek. Richard Cline arrived at 7:55 p.m. Also present were Steve Lutz, City Manager; Debra Miller, Finance Director; David Betz, Director of Development; Gary Vest, Powell Police Chief; 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**

The Pledge of Allegiance was led by Austin Richards, November Powell Mayor's Kid Citizen.

**CITIZEN PARTICIPATION**

Mayor Grubbs opened the Citizen Participation session for items not listed on the agenda.

Anna Steck, Executive Director, Historic Downtown Powell, Inc. introduced the 2007 HDPI Board of Directors. She said a dedicated group of people came together 5 years ago to try to find a way to invigorate the downtown area. She said the City of Powell Downtown Committee was developed and eventually HDPI was created as a MainStreet program. Ms. Steck stated originally City Council approved the Committee's recommended funding amounts for 2007 and 2008. She said Mr. Betz has written two different recommendations to the Finance Committee proposing funding in the amount of \$45k for 2008. She said their Board of Directors feels the full funding of \$45k is paramount. Ms. Steck said citizen activists and downtown business owners cannot do it on their own and HDPI is a partner with the City in economic growth.

Councilman Wiencek asked how HDPI intends to make up the difference in the proposed decrease in funding. Ms. Steck noted the sources of funding and said the HDPI has taken great strides to fund themselves outside of the monies of the City. Mayor Grubbs said discussion will continue later in the meeting as a part of the review of the proposed City budget.

Mayor Grubbs closed the citizen participation session.

**APPROVAL OF MINUTES**

The minutes of November 7, 2007 were approved as submitted.

**NOVEMBER POWELL MAYOR'S KID CITIZEN OF THE MONTH - AUSTIN RICHARDS**

Mayor Grubbs honored Austin Richards, a student at Liberty Middle School, as the November Kid Citizen of the Month. He read the nomination by Austin's sister, who described his qualities as caring, cooperative, and helpful.

**LIQUOR LICENSE DISCUSSION**

**GIV2GET dba Parkway Pub**

Susie Ross, City Clerk, reviewed the details regarding the request for a D-3A license.

John Ubbing, applicant and owner, Parkway Pub, said the upgrade brings the other permits to the same hours as the outgoing D-5 permit.

**Annual Renewal of Liquor Licenses within the City of Powell**

Ms. Ross said each year the Ohio Division of Liquor Control sends notice and City Council may request hearings on renewal of any liquor licenses within the City. She referred questions regarding violations to Chief Vest. Police Chief Gary Vest stated there are no concerns regarding licenses within the City.

City Council did not take action to request hearings on the discussion items.

### CONSENT AGENDA

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

**Councilman Counts moved to adopt the Consent Agenda. Councilman Wiencek seconded the motion. By unanimous consent, the Consent Agenda was adopted. The monthly reports were received.**

### **RESOLUTION 2007-25: A RESOLUTION ADOPTING THE 2008 SCHEDULE OF REGULAR MEETING DATES AND TIMES FOR THE COUNCIL AND CERTAIN BOARDS AND COMMISSIONS OF THE CITY OF POWELL.**

Steve Lutz, City Manager, said Staff is preparing for next year and the City Clerk has prepared a calendar of Council, Planning and Zoning Commission, and Historic Downtown Advisory Commission meetings for 2008. He noted the meeting dates which will change due to holidays and Election Day.

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

**MOTION: Councilman Counts moved to adopt Resolution 2007-25. Councilman Wiencek seconded the motion. By unanimous consent, Resolution 2007-25 was adopted.**

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

Mr. Lutz said this is the second reading regarding proposed changes to the Fee Schedule. He said Council questioned whether political signs fall under the temporary sign removal fees within the fee schedule. Mr. Lutz said Staff will need to investigate further to determine freedom of speech issues as political signs are treated in a different manner than commercial signs. He said another issue for Council to consider is typically the candidates are not the ones actually installing signs within the community. He said a local business sign would be placed by that business. He said candidates could be getting hefty fines because of the placement of signs by other people.

Councilman Cline arrived at 7:55 p.m.

Mayor Grubbs asked if the fee schedule, as written, include political signs. Mr. Lutz said he understands Staff's intent, but he is unsure about that issue.

Councilman Wiencek said Planning and Zoning Commission is reviewing the temporary sign code at this time and if the Law Director determines they should explicitly make an exception for political signs, they will.

Gene Hollins, Law Director, said he has discussed this with Mr. Fischer and they want to have a basis for assessing a fee for temporary signage posted improperly. He said he will make sure Mr. Fischer knows political signs are dealt with in a different manner from an enforcement/discretion standpoint.

Councilman Counts said there are two different issues, one to charge a violation fee and the other to actually remove the signs. He said in the past, signs have been removed within the right-of-way. Mr. Hollins said signs within the right-of-way will still be removed, whether commercial or political, because Staff can keep signs out of that area. He said they are typically returned to the Municipal Building so the owners may collect them. Councilman Schultz said they may want to disallow the return of signs which have been collected from the right-of-way. He said the City is under no obligation to return the signs. He said the policy could be changed so everyone follows the same rules.

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

Councilman Cline said political speech needs to be treated differently than other signage even though they may be among the most problematic. He said they should continue discussion on the subject in the future but should approve this ordinance at this time.

Mayor Grubbs said he likes Councilman Schultz's comments regarding retrieval of signs. He suggested Staff contact future candidates to advise they will not be permitted to retrieve improperly placed political signs. He said it was helpful when Mr. Fischer educated all Council candidates of the proper placement of signs prior to the election.

**MOTION: Councilman Cline moved to adopt Ordinance 2007-57. Councilman Counts seconded the motion.**

**VOTE:            Y   7              N   0**

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

David Betz, Director of Development, noted the location of the proposed annexation and the area which abuts the City boundary. He said the owner of the property will come forth in the future with a plan for a church on this site and a church is a permitted use for this area. Pastor David Minnear was present to answer questions.

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

**MOTION: Councilman Cline moved to adopt Ordinance 2007-58. Councilman Counts seconded the motion.**

**VOTE:            Y   7              N   0**

**FIRST READING: ORDINANCE 2007-61: AN ORDINANCE TO ACCEPT THE PROPOSED BUDGET; TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF POWELL, DELAWARE COUNTY, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2008.**

***Public Hearing***

Mr. Lutz said a summary of the proposed budget will be presented. He said the proposed budget was reviewed by the Finance Committee at their previous two meetings. He said amendments may be made to the proposed budget during this meeting and the budget hearings would be completed at the next Council meeting. Mr. Lutz said if changes are made at the December 4th meeting, it will require re-advertisement of the budget and an additional hearing will be required at the December 18th Council meeting.

Debra Miller, Finance Director, provided an overview of the key points of the proposed 2008 Budget. She highlighted several new features included in the proposed budget. She said overall revenue should remain constant in the next two years. Councilman Wiencek said development revenue declined significantly this year and he asked if they anticipate further reductions. Ms. Miller said further reductions have been projected. She highlighted the sources of revenue and described growth. Mr. Lutz said in 2007, 83 single family dwelling unit permits have been issued. He said although residential development fees have been reduced, commercial activity has been very strong and that is reflected in this year's revenues.

Ms. Miller reviewed projected revenues and expenditures for the City. She described operating versus non-operating expenditures.

Mr. Lutz noted the two additional staff members requested: an additional police officer and a graphics/marketing specialist. He said they were both justified but not supported by revenues so they were not funded. He said \$100k will go into the Contingency Fund and \$50k will go to the General Fund Reserve. He said no Capital Improvement Projects are planned within the proposed budget.

Mr. Lutz described Budget requests which were funded:

- \$2500 in funding for consulting services for graphics assistance in the Community Affairs Department
- funding for temporary/part-time employee to load archives in the electronic records retention system
- funding for part-time zoning/property maintenance code enforcement official for Development Department

- funding for Historic Downtown Powell Inc. in the amount of \$36,700
- \$6,000 in funding for the ongoing Wi-Fi project
- an additional \$19,800 in funding to pay for facility utilities. He said the increase has incorporated the addition of the new Police Station and rising utility costs.
- funding of \$35k for maintenance of turf and plantings in the parks and public spaces
- funding of a second full-time civilian Police Clerk
- an increase from \$22k to \$33k for the Public Service Department gas budget

Mr. Lutz said Staff just completed a comprehensive study of ash trees within the City limits. He said the report will be reviewed by a Council Committee and a plan of action will be identified. He said this item has not been funded in the proposed budget.

Mr. Lutz said the past 7-8 years the City has had a very aggressive Capital Improvement Plan and Council will continually look for possible future financing alternatives. He said the City has approximately \$450k in the Capital accounts and that could be used for Capital Improvement Projects this year. He said the Development Committee discussed the possible installation of a pedestrian crossing and ped-heads at the Sawmill Parkway/Rutherford Road traffic signal. Councilman Wiencek asked if any traffic signals are anticipated this year. Mr. Lutz said there are no monies appropriated for that use and if Council requests the installation of a signal, the funding of \$125k would need to come from the Capital Fund pool. Mayor Grubbs asked if the funding for the upgrades required of the City along S.R. 750 is included in another portion of the budget. Mr. Lutz said those are funded from one of the Special Revenue funds.

Councilman Counts noted there was a \$400k increase in expenditures between 2007 and 2008. He asked if it is correct that most of that increase is a general increase in salaries and benefits which they are obligated to do because of public employee contributions or labor contracts. Mr. Lutz said that is correct. Councilman Counts said most of the new items funded in the proposed budget are monies that were not spent in 2007 and are now being used to fund different items in 2008. Councilman Cline said in addition to contractually obligated increases and cost of living increases that come with health care and benefits, the cost of fuels has impacted every department. Councilman Schultz said as development fees decrease, some services such as outside inspection and consulting services will decrease. Ms. Miller said it is sometimes 2-3 years before this difference may be seen. Commissioner Wiencek asked if one of our Police officers is taken off of the road whenever there is a street project. Chief Vest said the company performing the work pays for the officer's special duty pay and cruiser.

Mayor Grubbs said it looks as though Staff budgeted down to the penny and there is not a discretionary fund for budgeting purposes. He confirmed that any changes to funding in the proposed budget will need to come from another area of the budget. Mr. Lutz said any changes would come out of the unappropriated balance. Ms. Miller said the fund balance would be reduced.

Councilman Morton asked about the \$200k increase in the 2007 budget for the Annual Street Maintenance Program. Ms. Miller said in 2006 there was a very small Street Maintenance Program and it was doubled in 2007 as the Public Service Director worked with EMH&T to devise a program. Councilman Morton asked about funding for the program in 2008. Ms. Miller said it has come down to the anticipated amount.

Mayor Grubbs opened this item to public comment.

Tom Ritchie, 230 Hopewell Court, noted there is no funding proposed in the budget for Murphy Parkway in 2008. He said a couple of studies have been done in the past and the subject appears to be dropped. He said it appears nothing has been proposed for its engineering or development. He asked if this project is a dead issue or how will it take place in the future. Mr. Ritchie also asked for the reasoning behind the request for an additional police officer when the number of residents has not increased.

Chief Vest said there has been an increase in crime and the number of officers has not grown in proportion to the population. He said he is happy to inform them that Powell is still a very safe city in which to live. He said they keep trying to work "smarter" with limited resources.

Mayor Grubbs said Murphy Parkway has not been forgotten. He said the extension will be a substantial dollar amount and it will require a funding analysis. He said that is why that has not been included in the 2008 budget. He said the Finance Committee is discussing funding for Capital Improvement Projects and hope to have some answers for those difficult questions early in 2008. Mayor Grubbs said they have not

decided not to make the connection nor have they been able to fund the project. Councilman Schultz said typically major road connections require a specific bond levy and Council has learned that they should not spend funds for engineering if they do not have funding for the project. Councilman Cline said the Finance Committee has been working on a comprehensive solution to all Capital Improvement project budgets. He said they will bring forth the plan to Council and ultimately the residents will vote on how to fund those projects. Mr. Ritchie asked if the projects will be grouped together. Councilman Cline said that is being contemplated now.

Councilman Wiencek thanked Mr. Ritchie for taking time to provide citizen input regarding the budget.

Mayor Grubbs closed the public comment session.

Councilman Schultz asked Council to consider whether they want to modify the appropriation and decide by the next meeting. Mayor Grubbs said he will be pushing for an increase for HDPI and he encouraged the members of Council to review the documents provided by the group. Councilman Counts said as the Committee wrestled with that funding issue, they felt Council wanted to begin to wean the group away from funding by reducing rather than increasing their budget. He said HDPI produced a budget which showed an \$18k balance in their cash account at the end of 2007 and an additional surplus of \$28k at the end of 2008. He said they questioned whether there was the need for additional funding when they estimated such a large surplus.

### **COMMITTEE REPORTS**

**Development Committee:** Councilman Schultz said the Committee met earlier this evening and discussed the Golf Village Bike Paths. He said they discussed ways to connect every neighborhood in Golf Village to the existing Powell bike path system. He said the connections would be funded by the developer with the exception of the pedestrian crossing to be added at Rutherford Road. He said they discussed the concerns about pedestrians sharing the path with golf carts. He said the developer has agreed to add sections of new path in key spots so people can avoid sharing with golf carts. He said they will still have to determine how they want to handle the bridge and tunnels. He said pedestrians and bicycles would have the right-of-way over golf carts in those sections. He said they are getting close to a solution. Councilman Morton said they also spoke about signage on the paths and Mr. Betz will contact other golf courses who have paths which are shared with pedestrians. Councilman Schultz said they will contact Staff to see if there is an estimate for ped-heads for a crosswalk at Rutherford Road and Sawmill Parkway so that may be included in the proposed budget. Councilman Wiencek said the tunnel under the railroad tracks will go within twenty feet of the connection and they may want to find funding to complete that connection and add that to the budget. Next Meeting: November 20th, 6:30 p.m.

**Finance Committee:** No report. Next Meeting: December 11th, 7:30 p.m.

**Operations Committee:** No report. Next Meeting: TBD

### **CITY MANAGER'S REPORT**

Mr. Lutz provided a review of the Board of Zoning Appeals meeting which took place on Monday evening.

### **OTHER COUNCIL MATTERS**

Mayor Grubbs reviewed several matters:

- Keep Delaware County Beautiful Awards, December 6th
- Holidays in Powell, Saturday, December 1st
- "Can the Mayor" Food Drive, collected through December 14th

Councilman Schultz said a Press Release was issued in an attempt to explain the BZA process and he hopes this is just the beginning of a stream of information to the media. He said they will attempt to keep the information unbiased and hope the local media will utilize the information to help the Council communicate more clearly with City residents.

**MOTION: Councilman Cline moved at 9:00 p.m. to adjourn to Executive Session in accordance with ORC Section 121.22 (G) (1) to discuss personnel matters. Councilman Counts seconded the motion.**

**VOTE: Y 7 N 0**

MOTION: Councilman Cline moved to adjourn from Executive Session at 10:24 p.m. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to reconvene in Regular Open Session at 10:25 p.m. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to appoint the following Board and Commission members: appoint Marty Traver to the Personnel Board of Review for a term ending June 5, 2009; appoint John Randle to the Personnel Board of Review for a term ending June 5, 2009; and appoint Tim Gorrell to the Arbor Advisory Subcommittee for a term ending June 15, 2009. Councilman Schultz seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to adjourn from Regular Open Session at 10:27 p.m. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

DATE MINUTES APPROVED: December 4, 2007

\_\_\_\_\_  
Don Grubbs Date  
Mayor

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

**City Council**

Don Grubbs, Mayor

Richard Cline

Tom Counts

Elmer Meider

Bill Morton

Art Schultz

Dan Wiencek