

City of Powell, Ohio
City Council

MEETING MINUTES
DECEMBER 4, 2007

A regular meeting of the Powell City Council was called to order on December 4, 2007 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; Debra Miller, Finance Director; Gary Vest, Powell Police Chief; 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.

DECEMBER POWELL MAYOR'S KID CITIZEN OF THE MONTH - ADAM HEFFELFINGER

The presentation of the award will be made at the next regularly scheduled meeting of Council.

APPROVAL OF MINUTES

The minutes of November 20, 2007 were approved as submitted.

FIRST READING: ORDINANCE 2007-62: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2007.

Debra Miller, Finance Director, said Staff is requesting an additional \$25k to be taken from the contingency fund balance to be transferred to the Building Department. She said the commercial permits have been quite high this year and funds are needed for additional plan reviews and contracted electrical inspector fees.

Councilman Counts asked if there are permit fees that pay for the contracted plan reviews and inspections. Ms. Miller said that is true.

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 2007-62. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Cline moved to adopt Ordinance 2007-62. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

SECOND 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 there was a lengthy presentation and discussion regarding the proposed budget at the last City Council meeting. He said there were two items which Council wanted to review more fully: a contribution to HDPI and the addition of pedestrian crossings at Sawmill Parkway and Rutherford Road. He said when looking into the crossing, it was noted that a similar situation occurs just north of the intersection at Sawmill Parkway and O'Connell Street. He said the City may want to also consider the addition of ped-heads at that intersection.

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

Councilman Cline congratulated Ms. Miller and Mr. Lutz for the award to the City of the Certificate of Excellence in Financing Reporting for the 2006 Comprehensive Annual Financial Report (CAFR). He said this was the first time the City has attempted to meet the standards necessary to achieve the award which is presented by the Government Finance Officers Association. He said it is a daunting task and they did an outstanding job presenting the information on behalf of the City. Councilman Cline said this document was awarded the certificate in part because it fosters the level of transparency they have tried to achieve. Councilman Schultz asked if the CAFR is available on the City website. Ms. Miller said the 2006 CAFR has been on the website since August.

Councilman Schultz said he believes they should install ped-heads at Rutherford Road in 2008 and they should consider the addition of ped-heads at the other intersection as well. Councilman Cline asked if there is significant economy of scale by doing these projects together. Rob Rice, City Engineer, said there would be a relatively small savings but nothing significant. Councilman Schultz said they should ask the developer for financial assistance. Mr. Rice said the pedestrian heads will require accessibility to the push buttons and they should go in simultaneously with installation of the pathways. He said they must be ADA accessible and they would not be within compliance if there are no pathways. Gene Hollins, Law Director, said when they install the ped-heads they will need the approach which is within ADA standards. He said what exists at Rutherford does not meet those standards and the developer will need to take care of that. He said it is a timing issue which should be solved in the spring of 2008.

Mayor Grubbs clarified that the crossing items are not currently included in the proposed budget. Councilman Wiencek said it makes sense to include both projects in the budget for 2008 in anticipation of their installation. Councilman Schultz said they either risk not spending the money or risk having an additional ordinance to adopt. Councilman Cline said both issues are relatively small numbers in relationship to the entire budget. He suggested Council pass the budget as it exists and if either eventualities come to pass, they will have the capacity to do that next year. He said they can allocate the funding for the ped-heads when they are ready to install them and they will know better if the developer will participate. Councilman Schultz said this will allow them time to go out to bid on the ped-heads and have actual numbers for cost. Councilman Meider agreed.

Mayor Grubbs asked if it makes sense to include the crossing amount in the budget or ask for an appropriation ordinance after the first of the year. Ms. Miller said it would be easier to adopt an appropriation ordinance after the first of the year. She said a small change to the budget would make many changes to the actual budget document. Councilman Counts asked if the ped-heads would come out of the General Fund. Mr. Lutz said it would come out of one of the Capital Funds.

Mayor Grubbs asked the members of Council to consider carefully the requested amount of \$45k for HDPI. He said the 2008 budget for HDPI was provided and a surplus is forecasted in 2008. He said some amounts are projected membership dues, and some are projected City and County funds. He said projected expenses are roughly equal to the current contribution by the City. He said the budget request submitted by HDPI would cover those expenses.

Councilman Schultz said some people may be advocating a reduction in the HDPI portion of the budget in 2008. He said one option would be for Council to let it go and allow HDPI to come back for more funding. He asked how that scenario would affect the HDPI. Mayor Grubbs said the organization has the Farmer's Market and Street Fairs but they are not large fundraising projects. He said in 2008 the Director hopes to put together a signature fundraising event. Councilman Schultz asked if the new event would be reduced if the funding is not provided in the budget. Mayor Grubbs said they should add the money to the budget if they know the money is needed.

Councilman Cline said the HDPI is an important asset to the City and it needs to be properly funded. He noted that Mr. Betz's memo outlines the budgeting in 2007 and 2008. He said the organization realistically needs a three-year commitment but Mr. Betz suggests one proposal for a five-year initial and another for a perpetual commitment. He said he is not in opposition to properly funding HDPI but it is not cost efficient to amend the budget at this late date. He said if HDPI needs to come back in 2008 and asks for additional funding to complete a fund-raising event, Council will not have a problem doing that.

Mayor Grubbs asked for clarification regarding the proposed amounts in the budget for HDPI. Ms. Miller said the amount in question was her recommendation to the Finance Committee. She said after the Finance Committee met, that amount was revised. Mayor Grubbs said in Mr. Betz's memo the four-year commitment is the same total amount but the outlay per year is different. Councilman Counts asked how Ms. Miller anticipates the contribution will be paid out to HDPI. Ms. Miller said it has not been discussed but she anticipates payments at the beginning of each quarter. Councilman Counts said he very much supports HDPI but he is concerned about this proposed budget. He said he realizes the actual numbers may actually be different, but if the organization believes this is a good projection, he is hard pressed to say they need the additional funds. He said if in fact their projected income is different that what is shown, he would be very sympathetic to a request for additional funds. He said the City tries to stay within its budget and they have done very well in not expending funds unless it was necessary. He said he is concerned that the Council would not have any control should they give the additional funds right now as that does not make much sense for the City.

Councilman Wiencek said the HDPI benefits the City in the way it distills pride within the area and this will show itself in fostering a good business environment. He said it is appropriate that HDPI be budgeted within the Development Department and he is comfortable that the City fund the organization in perpetuity. He said he is supportive of the budget request but procedurally he recommends Council deals with this next year. Councilman Wiencek said he believes Council should commit to the additional funds in the beginning of 2008 so the budget process is smoother and support is shown for the organization.

Councilman Morton said the organization has been successful so far and has leadership which has done well. He said he wrestles with the concept of a budget number that is higher than actual spending for the past year. He said it raises the question of why the budgeted amount should be raised when there will be a surplus at the end of the year. Councilman Morton said changing the budget at this point does not make sense; they should stay with it as it is and they should deal with any proposed increase after the beginning of the year.

Councilman Meider said he is supportive of HDPI. He said when the organization was formed Council agreed the funding would be provided on a declining basis. He said he is very willing to revisit the additional funding on an as needed basis. He said he is against committing funding when they do not know what this special event will be and how much it will cost. He said that should be reviewed later on. Councilman Schultz said he wants HDPI to know that they should come back to Council if they are running short when they approach the time of their special event. He said the City always budgets conservatively and it makes sense to tighten down where they can. Councilman Counts said if HDPI takes in \$92k Council is somewhat foolish, given their situation, if they increase their contribution by \$9k. He said he realizes that may not happen and he also recognizes the City may have to ante up some additional dollars to help HDPI realize their vision.

Mayor Grubbs urged that the budget commitment of the City to HDPI be paid early and in full. Councilman Cline if they receive it at that time, the organization can use the money as an investment and as proof of their viability. Mayor Grubbs said it is a testament and a credit to Ms. Steck and the HDPI Treasurer that they were honest about the surplus funding and they should not be penalized for that. He said he is encouraged to hear the support of the members of City Council for HDPI.

MOTION: Councilman Cline moved to adopt Ordinance 2007-61, the 2008 Proposed Budget for the City of Powell. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

COMMITTEE REPORTS

Development Committee: No report. Next Meeting: January 15th, 6:30 p.m.

Finance Committee: Councilman Cline said they will not meet in December. He said they intend to finalize the data collection and send a recommendation to Council soon regarding Capital funding. Next Meeting: January 15, 7:30 p.m.

Operations Committee: No report. Next Meeting: January 7th

CITY MANAGER'S REPORT

Mr. Lutz said the past Saturday the Holidays in Powell event was held and there was a wonderful community turnout. He recognized Ms. Allmont for her hard work and effort put towards this event. He also thanked Susie and Rick Ross for their assistance.

Mr. Lutz said the follow-up Traffic Study performed after the removal of the Murphy Parkway barricades was included in packets. He said the Traffic Engineer noted the counts fall within the typical numbers for residential streets and there was not a significant increase or decrease in traffic. Mr. Rice said no complaints were received after the barricades were removed. Mayor Grubbs asked that Staff mail the results of the study to the HOA organizations.

Mr. Lutz said a response has been distributed regarding the public notification of upcoming Board of Zoning Appeals meetings. He said this response was also distributed to the Press. He said they identified that the 12/5/07 BZA meeting is not a public hearing as defined by the City ordinances as it is a Special Meeting called to allow the Board to publicly deliberate regarding the standing of various parties that filed appeals regarding the Target development. Councilman Schultz asked if it was true that before that date was set that there was a lot of discussion between the Legal Counsels to try to set a date. Mr. Lutz said they did try to coordinate their calendars. He said continuations of meetings are not required to be advertised. Councilman Schultz said although it may have appeared that there was "short" notice, it is important to note that there was significant effort to coordinate with the schedules of all legal counsel. Councilman Cline commended Mr. Lutz for addressing the concern in a pro-active manner. He said he is pleased that the complaint was heard and resolved and the complaint and its resolution were also communicated to Council members.

Mayor Grubbs asked to make a generalized statement to the public. He said the question of notice of the Special Meeting was raised by two citizens on Monday. He said an immediate knee-jerk response to the concern was not given because it was a legal question which needed to be addressed by the appropriate legal advisor. He said the response was given as accurately and quickly as possible within a day's time. He said the complaining citizens were relentless and he has noted with increasing dismay the tenor and verbiage being used by certain citizens in their communications with members of Council, the City Clerk and the Development Director. He said he has seen the tenor of these emails and he thinks they are highly inappropriate. He said there has been a lot of "heat" generated in this proceeding, some of it rightfully as it is a controversial matter and a decision that raises passion. Mayor Grubbs said he believes the entire public needs to be aware that from where he sits, the City and Staff directly involved have acted professionally, with the appropriate hesitation, and with the appropriate verbiage in their responses to what he views as rather personal, mean spirited and often rather invective attacks which have no basis in fact. Mayor Grubbs said he is not dismayed that there are citizens that are concerned or that they feel the need to advise as many people as possible about their opinions as it is important for them to do that. He said he is dismayed with what have become rather inappropriate type comments. He said this is an important decision in our City and it is being handled professionally by Council and Staff. He said there are no hidden agendas and he can assure the public everyone at the City is trying to do their utmost to make sure this issue is dealt with appropriately and fairly for everyone concerned. Mayor Grubbs said this is an important message that must not be lost in the process. He said certain people are unable to stand up and fight or defend themselves in this matter. He said he hopes that they continue to hear from the public but he also hopes the level of respect and civility improves. Mayor Grubbs commended Staff and the members of Council for their appropriateness of response to date.

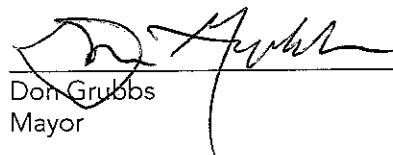
OTHER COUNCIL MATTERS

Mayor Grubbs noted receipts of a review of the Public Records law changes. He asked that it be distributed to the members of Council. He advised there will be an executive session at the end of the next meeting to conduct the annual review of the City Manager.

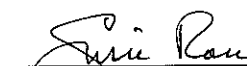
ADJOURNMENT

The meeting was adjourned at 8:45 p.m.

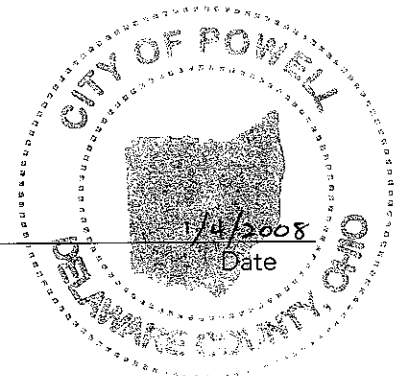
DATE MINUTES APPROVED: December 18, 2007

 12-28-07

Don Grubbs
Mayor

 1/4/2008

Susie Ross
City Clerk



City Council

Don Grubbs, Mayor

Richard Cline

Tom Counts

Elmer Meider

Bill Morton

Art Schultz

Dan Wienczek