



**City of Powell, Ohio**  
City Council

**MEETING MINUTES**  
**MAY 20, 2008**

A regular meeting of the Powell City Council was called to order at 6:30 p.m. by Mayor Tom Counts. City Council members present included Richard Cline, Don Grubbs, Elmer Meider, Art Schultz and Dan Wienczek.

**MOTION: Councilman Cline moved at 6:30 p.m. to adjourn to Executive Session in accordance with ORC Section 121.22 (G) (1) to discuss Personnel Matters (City Council appointment). Councilman Grubbs seconded the motion.**

**VOTE: Y 6 N 0**

**MOTION: Councilman Cline moved to adjourn from Executive Session at 8:55 p.m. Councilman Grubbs seconded the motion.**

**VOTE: Y 6 N 0**

**MOTION: Councilman Cline moved to reconvene in Regular Open Session at 9:00 p.m. Councilman Grubbs seconded the motion.**

**VOTE: Y 6 N 0**

Present during Open Session were Steve Lutz, City Manager; Debra Miller, Finance Director; David Betz, Director of Development; Robert Rice, City Engineer; 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 Counts opened the Citizen Participation Session. Hearing none, he closed the Citizen Participation Session.

**APPROVAL OF MINUTES**

**MOTION: Councilman Cline moved to adopt the minutes of May 6, 2008 as submitted. Councilman Grubbs seconded the motion. By unanimous consent, the minutes were approved.**

**CONSENT AGENDA**

Item	Action Requested
Monthly Financial Report	Receipt of Electronic Report
Monthly Historic Downtown Powell, Inc. (HDPI) Report	Receipt of Electronic Report
Monthly Planning and Zoning Report	Receipt of Electronic Report
Monthly Police Report	Receipt of Electronic Report

**MOTION: Councilman Cline moved to adopt the Consent Agenda. Councilman Grubbs seconded the motion. By unanimous consent, the Consent Agenda was adopted and the Monthly Reports were received.**

**RESOLUTION 2008-08: A RESOLUTION DETERMINING THE NECESSITY TO REPAIR OR REPLACE SIDEWALKS IN THE CITY OF POWELL.**

Steve Lutz, City Manager, said this is the second reading of this resolution. He said by this resolution, Council will determine what sidewalks will be part of the annual sidewalk repair program. He said at the last Council meeting residents had questions regarding inspection fees and paying for repair on work which was part of a prior City street improvement. Mr. Lutz said photographs of the sidewalk sections in question and summary information about inspection costs were included in Council Packets. He said the residents also requested an extension to the time period for "opt-out."

Councilman Grubbs asked for clarification regarding the inspection costs. Mr. Lutz said the ordinance requires that residents who "opt out" pay a permit fee of \$25 and inspection fee of \$50 per the current fee schedule. He said in the past the City absorbs the inspection and bid advertising costs for those residents within the City run program. He explained the permit process.

Rob Rice, City Engineer, said "opt out" inspections have been conducted by City staff. He said they complete pre- and post-pour inspections. Mr. Lutz said within the City run program the outside inspectors come review the work at one time. He said the "opt outs" are done at different times and it is not cost effective to use an outside inspector. Councilman Grubbs asked how many residents have chosen to "opt out" in past years. Mr. Rice said when the program first started there were fewer "opt outs" but as the years have passed the numbers have increased. Councilman Meider asked if they have come forward as individuals or in groups. Mr. Rice said the first year there were many contractors involved but they are now seeing contractors performing work at several sites because of word of mouth or customer contact on their part. Councilman Cline asked if the inspection fees are agency fees or general revenue fund fees. Mr. Lutz said the fees go into the general fund.

Mr. Rice clarified that the intersection which was the topic of discussion at the last meeting was reconstructed by the City in 2001. He said Staff finds there was nothing inherently wrong with the work that was done and the blocks in that area which require repair or replacement as a part of this year's program are being displaced by trees.

Councilman Schultz asked if there is any reason to believe that the cost for City labor for inspections would be cheaper than that of an outside firm. Mr. Rice said it is probably not extraordinarily different unless an outside inspector has to travel out to inspect blocks individually. Councilman Cline asked if it is possible for a contractor to take out a single permit that covers more than one lot. Mr. Rice deferred to the Law Director, but said if a housing company was building multiple homes and hired a contractor to form up and prepare sidewalks on several properties for a single "pour" they would be required to pull separate permits for each of the properties. Mr. Hollins said it is likely that a single permit covering multiple sites would not be permitted if for no other reason than for tracking purposes.

Mayor Counts asked if the inspection fees are waived for those who have the work done through the City run program. Mr. Lutz said typically the inspection and administrative costs are absorbed by the City because the cost for the work is higher than if they opted out. He said the program was initiated to make it as easy and cost-effective as possible for the residents involved. Mayor Counts said he understands the accommodations but he is not sure why the decision was made to absorb the inspection fees. He asked if that is part of the ordinance or an administrative decision. Mr. Lutz said the wording within the ordinance is fairly loose to interpretation.

Mr. Rice said there is also a matter where the removal of tree roots to prevent further sidewalk damage has required the removal of the entire tree. He said that is a significant cost which has happened on a couple of occasions and the City has absorbed the cost.

Mayor Counts asked if it is appropriate that Council consider inspection fees as a part of this resolution. He asked if another resolution or ordinance is the correct device if Council chooses to make changes. Mr. Hollins said the fees were originally set by ordinance and it would be more permanent in nature. Councilman Grubbs asked if there is a practical reason the City cannot have an outside inspector perform the "opt out" inspections. Mr. Hollins said the forms may not be ready for inspection at the same time and it would not be practical. Mr. Rice said inspectors within the City program perform a pre- and post-pour inspections as well as work to determine if the proper blocks are removed, collateral damage is limited, and repair work is coordinated.

Mayor Counts opened this item to public comment.

Bob DiBenedetto, 117 Forest Ridge Court, said all of the numbers of slabs listed by property are incorrect. He said they believe slabs will be charged to the incorrect property owner. He said he contacted the City to ask how that could be fixed and they said they did not know. Mayor Counts asked whom they spoke with. Mr. DiBenedetto said he doesn't have a name. He said he understands they are right on the line but City staff should know. Councilman Cline asked for clarification about Mr. DiBenedetto's concern. Mr. DiBenedetto said when his letter was sent it said he had five slabs and one of those was his neighbor's so that means two estimates are incorrect. He said the scope is probably not

that large but our records are wrong. He said if he hadn't questioned it he would have paid for someone else's slab. Mr. DiBenedetto said his address was not even correct on the notice. He asked if Council had made a decision on the \$75 charge. He said the residents have heard nothing about what will be done about the repairs around the handicap ramps.

Mike Hadra, 168 Meadow Ridge Court, said they opted out, paid the fees and are set to go. He said they happen to be doing their driveway as part of the job and this resolution is stopping the work. He asked what will happen if Council does not approve this resolution. Mr. Lutz said he assumes their contractor has recently submitted a permit application to the City and it is awaiting approval. Mr. Hadra said the permit cannot be issued because the resolution is pending. Mr. Rice said this permit, along with several others, were just received and he was waiting until tonight to see if there will be a waiving of fees.

Mr. Hadra said he paid for the permit after the first meeting and he should have been told there would be a delay. He noted several issues with what he sees as a flawed process. Councilman Schultz said it would be better to know but the contractor would not be able to start work until the permit is received. Mr. Hadra said they may have made mistakes in expecting certain things. He said he has a torn up driveway and he may not finish the work because there is not a permit. He said he really does not realize the need for a permit to do repair work. Mayor Counts said there should not be any further delay in issuing this permit. Mr. Rice said it was not their intention to delay these permits. Councilman Grubbs said Mr. Hadra's email is before Council this evening and it makes many other points.

Mel Walden, 54 Forest Ridge Court, said nearly twenty houses in their area have worked together to have a single contractor perform their work. He said Council has addressed individual concerns through the "opt out" process. He said in their case, an inspector can come out to all of their properties at once so they are looking for some sort of reduction in cost for that kind of effort. Mr. Walden said they are hoping Council will consider a reduction in their inspection fees. He said he understands the need for individual permits but the inspections fees are a different matter.

Mayor Counts asked if Mr. Walden would suggest an appropriate reduction in fees. Mr. Walden said their group believes as a project they should receive a 50% reduction in inspection fees because it will be done as a unit. Mayor Counts asked if it is appropriate that the inspection fee cover the costs. Mr. Walden said they should be responsible to cover the costs but he believes their group effort will actually cost less than inspections done on an individual basis.

Pal Vaghy, 121 Olentangy Ridge Place, said he believes it does not make sense to receive a letter saying that he is responsible for making repairs and then he is required to ask for permission and pay to make those repairs. He said the 2001 intersection improvements were done incorrectly and no one told him at that time he would be responsible for the work in the future. He said this work was wrong from the beginning. He noted that not all trees on his property have damaged the walk. Mr. Vaghy asked Council to consider how many blocks he should be required to repair.

Kristin Sullivan, 171 Meadow Ridge Court, said she and the other residents on her court got together and found a contractor who will perform the work for half of the cost estimated in the program. She said they have paid for their permits and are awaiting their approval. Ms. Sullivan said they would like to get the work started and completed in a timely manner to meet various personal needs. She said Council can then adjust the fee schedule and pass that information along to the residents later. Mr. Rice said he will approve the permits tomorrow.

Mayor Counts closed the public comment session.

Councilman Schultz asked for clarification regarding the determination of who owns sections of sidewalk. Mr. Rice said the Staff Engineer makes an inspection of the runs of sidewalk and then returns again with records to find property pins. He said every attempt is made to allocate the blocks to the correct properties. He said if Staff is made aware of a mistake they will make an adjustment. Councilman Schultz asked who pays for trimming roots within the City program. Mr. Rice said that is included in the cost of the contract when there is a sidewalk replacement. Councilman Cline said it sounds as though Staff has taken steps to correctly allocate the blocks to property owners. He asked if Mr. Rice is willing to sit down with residents if they believe the allocation is incorrect. Mr. Rice said he is. Councilman Cline said they should address the issue regarding fees by another ordinance and should not delay this resolution. He said if they have charged too much in fees they may be refunded at a later date.

Councilman Grubbs said Exhibit "A" includes many who have opted out. He asked if the bid sent out should reflect the most accurate information. Mr. Rice said the bid documents include the most updated information. Councilman Grubbs said he believes everyone should pay the permit fee, including those within the City run program. Councilman Meider said he agreed and asked for recommendations regarding a fair reduction in fees for economy of scale. He said there should be a minimum number of properties required to receive a reduction. Councilman Cline said it is fair to change the current ordinance to reflect the requirement of a permit fee and payment of the actual cost of inspections divided by the number of properties involved. He said it may or may not save the residents money. Councilman Schultz said he does not want anyone to walk away from this meeting believing this will get them a 50% reduction in cost when the memo regarding past inspection fees shows that the typical fee costs \$67 per lot. Mr. Walden said fair is fair and everyone should be charged for inspections, whether in the program or "opting out".

Councilman Grubbs said the concept of fairness bothers him. He said the residents within the City run program have not had permit or inspection fees passed along to them. Mr. Lutz said the City program involves one contract and typically the City is not charged permit fees. Councilman Meider said they all seem to have the notion that residents should be charged the actual cost of inspections. Councilman Cline said they need to revisit the entire program within the future as these are legitimate questions. He said they should make the commitment tonight to these residents that the worst they will pay is the actual cost.

Councilman Wiencek said the City is not allowed to charge any more than the actual cost and the permit fee and inspection fee are the City's current best estimate as to what those charges cost. He said he is comfortable charging \$50 per lot if that is how it works out and less if it is a group but the City always collects fees in advance. He said they should collect the fees they currently charge and they can rebate accordingly. Councilman Wiencek said he is afraid they are creating an administrative nightmare. He agreed that the actual cost of inspections should be assessed to residents within the program as they go forward. He detailed the reasoning for the timing within the initial ordinance.

Mayor Counts summarized that City Council agreed to look at the fee structure and review the entire sidewalk ordinance.

**MOTION: Councilman Cline moved to amend Resolution 2008-08 as follows: in Section 1, delete the final period and insert the following phrase "minus any citizen who exercises his or her right to 'opt out' of the program." Councilman Grubbs seconded the motion. By unanimous consent, Resolution 2008-08 was amended.**

Councilman Schultz asked if there is still an open issue regarding payment of blocks replaced in the street program. Councilman Wiencek asked if the City Engineer has re-inspected those questionable blocks and it is the City's determination that it was not faulty construction and is the fault of the homeowner. Mr. Rice said he has. It was determined to move forward with the legislation.

**MOTION: Councilman Cline moved to adopt Resolution 2008-08 as amended. Councilman Grubbs seconded the motion. By unanimous consent, Resolution 2008-08 was adopted.**

Councilman Schultz said it is their understanding that there was no fault with the work but the roots were not cut and the ramp blocks were disrupted by the roots. Mr. Rice said there is nothing wrong with the handicap ramps at all and the City will always maintain that work. He said in his estimation there is nothing inherently wrong with the work that was done in 2001. He said he believes tree roots were trimmed at that time and now seven years later other tree roots have grown in there and lifted some of the blocks. Councilman Schultz asked if the photos provided in Council packets are of the blocks in question. Mr. Rice said they are. Councilman Schultz asked if he knew for a fact that the tree roots were cut. Mr. Rice said he believes that is the case. He said this intersection was reconstructed in 2001 because at that time it was in very poor condition.

Mr. Lutz suggested this item be referred to Operations Committee for review. He said Mr. Walden will be contacted so the group will know about the meeting. Councilman Schultz explained that the Committee will review this and if it is possible, a refund will be issued. Mr. DiBenedetto asked what requires a permit. Councilman Grubbs said when certain things are done at a property it triggers the permit process and he does not have the long list of items. Mr. DiBenedetto asked if the handicap ramp work is now a dead issue. Mayor Counts said it is not a dead issue but it will not be addressed tonight. Mr. Vaghy said if it is

the City's responsibility he does not want to touch it. Mr. DiBenedetto said they are in disagreement about the year the work was done and whether the roots were trimmed. Councilman Cline said the information will be verified and this discussion will occur within the Operations Committee. He said the residents will be notified so they can be a part of that discussion.

**SECOND READING: ORDINANCE 2008-13: AN ORDINANCE WAIVING CERTAIN DEVELOPMENT FEES RELATED TO THE CONSTRUCTION OF GOLF VILLAGE PUBLIC BIKE PATHS.**

David Betz, Director of Development, said at the last meeting they discussed that the developer is willing to build additional pathways beyond those which were required in the approved Development Plan. He indicated the areas of the proposed pathways. Mr. Betz said this ordinance would waive the engineering plan review and engineering inspection fees. He said they cannot provide a firm dollar amount because there may be minor changes to the plan. He said the ordinance attachment shows pathways proposed for completion by the developer, City funded improvements at the signal at Seldom Seen, and caution signage. Mr. Betz said the developer would like to complete these pathways in 2008. Councilman Schultz asked if the developer is considering completion of the connection marked in pink.

Todd Farris, representative for the Developer, said this has been discussed and that portion of the work will cost about \$40k. He said that amount is out of the realm of what the developer is willing to spend.

Councilman Wiencek asked if the developer has met the requirements of the development plan as approved by Liberty Township. Mr. Betz said they have and it was accepted by the City as a part of the annexation agreement. Councilman Wiencek asked if this is above and beyond what the developer agreed to do. Mr. Betz said they have already gone above and beyond what was approved up to this point as well. He said the original approval had a pathway along the west side of Sawmill Parkway, included overpass/underpasses, and tunnel under Rutherford. He said in the text of the plan it described the installation of pathways and overpass/underpasses and the map only showed those he explained. Mr. Betz said that was all that was done prior to the annexation and they were accepted by the County Engineer when Sawmill Parkway was opened. He said there were no other requirements and as a part of annexation discussions there were other pathways installed. He said one example is the one at Sawmill Parkway along the north side of Seldom Seen along the railroad tracks. He said as they discussed further annexation with C. V. Perry there was a pathway added along the north side of Rutherford Road by the builder.

Councilman Grubbs said a letter containing conditions was included at the first reading of this ordinance. He asked if there will be additional things asked of the City before these paths are completed. Mr. Lutz said that letter contained comments by the developer and they plan to have the Law Director prepare the easement necessary to enact these improvements and utilize the language necessary so golf carts would be permitted on certain parts of these paths. He said the City has an ordinance which does not permit that at this time. Mayor Counts asked if any of these links help residents get from anywhere in the City to that property which is future parkland. Mr. Betz indicated that area and said they are attempting to make connections that are not currently there so pedestrians do not have to utilize subdivisions to get to areas. Councilman Schultz asked if this ordinance does anything other than waive certain fees. Mr. Betz said it only waives certain fees.

Mayor Counts opened this item to public comment.

Rob Donahue, 4604 Hickory Rock Drive, Vice Chairman of the LCIFA, said he was present at the last meeting. He said a letter was sent to Council requesting that they table this issue so the Board may have more time to review this. He said this ordinance does not speak directly to the construction of the paths but it is the final milestone which will serve as a catalyst for the start of construction. He said their Board is unsure of how to approach Council to get support for a joint effort to get Kinsale and the Developer to build appropriate, non shared use structures. Mr. Donahue said that some of the Board Members attended some of the Development Committee meetings and communicated that they are opposed to the shared use plan. He said they also reached out to the City Manager and this is now their third attempt at direct communication with City Council. He said they are trying to partner with everyone to find a resolution which is not a shared use. Mr. Donahue said Council should not view this as an opportunity to improve the bikepath system at no cost to the City. He said this issue is to rectify the fact that the developer took public money and built private infrastructure. He said the cost to rectify that should not be capped, the fees should not be waived and the developer should be forced to rectify an oversight of \$880k.

Mr. Donahue said in the application for the CIFA the developer said they would create pedestrian over and underpasses with the bond money. He said there was egregious oversight and now the developer is trying to distract the issue. He said this does not solve the problem because the bridge and underpasses were built for and meant for private golf course use with public monies. Mr. Donahue said the developer is trying to close the books on this issue when there really is a legal action here which needs to be rectified. He asked if the development plan called for "mixed use" or "pedestrian" over and underpasses. He said regardless of whom approved it, it was annexed by the City. Mr. Donahue asked if a private enterprise can tie their infrastructure into a City park. He said the sale of alcohol will take place on the public right-of-way components. He said these are some of the reasons the Board is asking City Council to table this ordinance until June 3 so they may come up with a plan to partner with the City, the developer and Kinsale to create additional structures which will not be mixed use and will give the golf course exclusive rights to those components which are meant for their exclusive rights. He said if this is not slowed they will lose their opportunity to keep the developer from spending this money to basically "bury" this issue. Mr. Donahue said the issue is not bikepaths; it is public money for private infrastructure.

Mayor Counts closed the public comment session.

Councilman Meider asked if these are really separate issues. Mr. Betz said this ordinance only relates to the waiving of fees. He said he believes Mr. Donahue is asking Council to delay their decision so they can come up with a proposal to show how the plan can be done better in regards to overpass and tunnels.

Councilman Cline expressed his appreciation to Mr. Donahue for his comments but he said he sees things differently. He said he does not accept Mr. Donahue's conclusion that approving this ordinance means that the developer is forever off the hook. He said he is not inclined to grant the request to table this legislation and this is not the time for a debate although he is willing to speak with him after the meeting. Mr. Donahue said he preferred to have the discussion held on the record.

Councilman Schultz said Mr. Donahue has shown up tonight without plans and he is concerned that in another two weeks that would not change. He said the developer is motivated to connect these bridges and tunnels because they said in the plan they will create multi-use paths. Councilman Schultz said he agrees that the developer has argued up to this point that only the golf carts may use the paths but the developer also realizes they have some responsibility. He said he does not think the developer will come back and build another bridge or tunnels.

Councilman Grubbs said this ordinance is not a "free pass" for the developer in any way. He said this ordinance is not the vehicle to do anything about the other issues. He encouraged Mr. Donahue to come to the Council meeting on June 3<sup>rd</sup> with a plan that calls for a partnership of action. Councilman Grubbs said he will not support this ordinance because he does not believe the developer has demonstrated a reason for the waiving of fees. He said he believes these paths are important and he appreciates that the developer is doing this but he does not see a reason to waive the fees. Mr. Donahue asked if they knew why the developer is doing this. Mayor Counts stated that Council is in discussion and the opportunity for comment has ended.

Councilman Wiencek asked the Law Director is it is the City's opinion that the bridge and underpasses are the City's property. Mr. Hollins said that is part of the public infrastructure and it is dedicated to public use. Councilman Wiencek asked if the City has an agreement with Kinsale that allows them to use these facilities. Mr. Hollins said there may be one and there may have been one with the Township but he has not seen one. He said there are other easements on the paths that are outside of the right-of-way. He said Council regulates the use of any of the elements within the right-of-way. He said Council would need to draft an ordinance for these particular pieces. Councilman Wiencek said these paths are going in to provide for public access to what is already public property so the City has potential action they could take to limit the use of these items to strictly public use. He asked the Law Director if that is the case and if there is anything in this ordinance which would preclude that right. Mr. Hollins said there is nothing to limit that right. Councilman Wiencek said he plans on voting against this because he has heard no compelling reason to waive the fees.

Councilman Cline said he believes that this ordinance in no way prejudices the rights of the LCIFA, the rights of the City or the rights of the applicant. He said the rationale for waiving the fees is that they have an applicant who is asking permission to donate \$110k worth of paths to the City and all they are asking in return is a waiver of these fees. He said from his perspective that is the compelling reason to waive the fees. Councilman Schultz said this developer is making the connections because there are paths that one

currently cannot get to. He said these paths need to be built in order to define their bridges as "multi-use" as there is no other way to get to them without some connection. He said there is no compelling reason for the waiver because the developer is doing something they really need to do.

Councilman Cline said Staff said the existing paths complied with all of the engineering and development requirements. Councilman Meider said that shows these are additional pathways. Councilman Cline said if that is an accurate summary of the facts, then shame on Liberty Township for not requiring the developer to connect the partial path structure to the multi-use tunnels and overpass. He said there is a question whether the City has the legal authority to require the developer to create the paths that are at issue in this ordinance. He said they can choose to litigate that issue and they might win, but they would probably spend \$110k to get that done. He suggested they accept the agreement to build the paths for \$110k, waive approximately \$11k in fees, and save the City the cost, time and uncertainty of litigation.

Councilman Schultz said there are all kinds of ways they can attempt to work with the developer to see these paths built. He said he started the evening in support of the waiver of fees but he is warming to the idea that tactically the developer is putting these paths in because they realize they defined these as multi-use paths and they have to build them.

Mayor Counts said Council has waived fees before when they had compelling reasons to do so. He said this issue has two sides and the question is whether they are so set in precedent that they need a compelling reason or is this a situation where this is an appropriate place to waive the fees. He suggested Council end discussion and move forward with a vote. Councilman Grubbs said his concern is that these paths should be built and the developer is offering to do so, but is that is conditional upon the waiver of fees. He said that has not been clarified. He said the Veterans' Memorial stated their reason clearly when they asked for a waiver. He said they should know where they stand with this developer and then act accordingly.

Mr. Farris said the developer committed \$110k to this project. He said if they do not receive a waiver of the \$11k in fees the developer will not add that to the \$110k. He said they will deduct that amount from the monies committed and build \$100k worth of paths. He said the developer is looking at a finite number of \$110k. Councilman Grubbs asked if Mr. Farris can tell him what part of the path would be eliminated. Mr. Farris said he would not know that information but he does know they are holding fast to that dollar amount.

**MOTION: Councilman Cline moved to adopt Ordinance 2008-13 as printed with the heading "Second Reading" which means it does not have the attachment from the first reading. Councilman Meider seconded the motion.**

**VOTE: Y 5 N 1 (Grubbs)**

Mayor Counts invited Mr. Donahue to come back to the next meeting with a plan. Mr. Donahue made comment. Mayor Counts said there is plenty of opportunity and at any point he may come back and is welcome to do so.

**FIRST READING: ORDINANCE 2008-15: AN ORDINANCE TO AUTHORIZE THE CITY MANAGER AND CHIEF OF POLICE TO ENTER INTO A MUTUAL AID AGREEMENT WITH THE CITY OF DELAWARE.**

Gary Vest, Powell Police Chief, said it is not uncommon for jurisdictions to have Mutual Aid Agreements. He said the Law Director advised that this be passed by City Council as an ordinance. He said this agreement enables officers to have the same authority within other jurisdictions.

Councilman Schultz asked if the officers are only allowed to have this authority if they are asked to by the City. Chief Vest said that is correct.

Mayor Counts 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 2008-15. Councilman Grubbs seconded the motion.**

**VOTE: Y 6 N 0**

**MOTION:** Councilman Cline moved to adopt Ordinance 2008-15. Councilman Grubbs seconded the motion.

**VOTE:** Y 6 N 0

**COMMITTEE REPORTS**

**Development Committee:** No Report. Next Meeting: June 17, 6:30 p.m.

**Finance Committee:** No Report. Next Meeting: June 10, 7:30 p.m.

**Operations Committee:** No Report. Next Meeting: To Be Determined

**CITY MANAGER'S REPORT**

Mr. Lutz said CSX announced the railroad crossing will open the next day. Councilman Schultz asked if the sidewalk connections at the tracks will be completed as well. Mr. Lutz said all of the work will be completed at once. Mr. Lutz also reminded the City Council members regarding the Memorial Day Parade.

**OTHER COUNCIL MATTERS**

Mayor Counts said the Powell 5K is looking for a "starter." Mr. Lutz said he has been contacted and will take care of it. Mayor Counts said he met with a State Representative who has undertaken a campaign to promote bicycling and children's health and wellness. He said they discussed what the City has done with bikepaths and the issue for the City is connectivity with other jurisdictions. Mayor Counts said it was a worthwhile and he is hopeful there will be action at the State level. Councilman Grubbs invited City Council to the Delaware County Red Cross Open House next Tuesday.

**MOTION:** Councilman Cline moved at 11:22 p.m. to adjourn to Executive Session in accordance with ORC Section 121.22 (G) (1) to discuss Personnel Matters (City Council appointment). Councilman Grubbs seconded the motion.

**VOTE:** Y 6 N 0

**MOTION:** Councilman Cline moved to adjourn from Executive Session at 11:53 p.m. Councilman Grubbs seconded the motion.

**VOTE:** Y 6 N 0

**MOTION:** Councilman Cline moved to reconvene in Regular Open Session at 11:54 p.m. Councilman Grubbs seconded the motion.

**VOTE:** Y 6 N 0

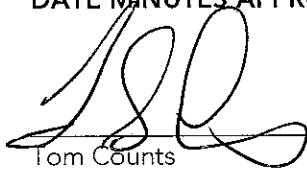
**MOTION:** Councilman Cline moved to appoint Jim Hrivnak to fill the vacant City Council position for a term ending December 31, 2009. Councilman Schultz seconded the motion.

**VOTE:** Y 6 N 0

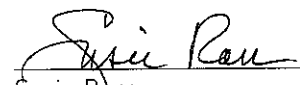
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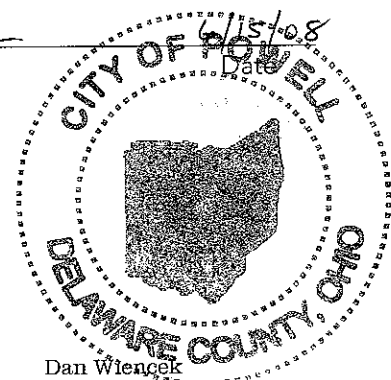
**VOTE:** Y 6 N 0

**DATE MINUTES APPROVED:** June 3, 2008

  
Tom Counts  
Mayor

6/15/08  
Date

  
Susie Ross  
City Clerk



Richard Cline      Don Grubbs      **City Council**  
Tom Counts, Mayor      Elmer Meider      Art Schultz      Dan Wienczek