



**City of Powell, Ohio**  
City Council

**MEETING MINUTES**  
**JUNE 3, 2008**

A regular meeting of the Powell City Council was called to order at 7:41 p.m. by Mayor Tom Counts. City Council members present included Richard Cline, Don Grubbs, Jim Hrivnak, Elmer Meider, and Dan Wiencek. Art Schultz arrived at 8:00 p.m. Also present were Steve Lutz, City Manager; Debra Miller, Finance Director; 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 for items not listed on the agenda. Hearing none, he closed the Citizen Participation session.

**APPROVAL OF MINUTES**

**MOTION: Councilman Cline moved to adopt the minutes of May 20, 2008 as amended. Councilman Grubbs seconded the motion. By unanimous consent, the minutes were adopted.**

**OATH OF OFFICE - City Council Appointee Jim Hrivnak**

Mayor Tom Counts issued the Oath of Office of City Council Member to Jim Hrivnak.

**RESOLUTION 2008-09: A RESOLUTION OF COMMENDATION TO THE GREATER POWELL VETERANS' MEMORIAL FOUNDATION, INC. BOARD OF TRUSTEES AND ACCEPTANCE OF THE VETERANS' MEMORIAL IN VILLAGE GREEN PARK.**

Steve Lutz, City Manager, said the City of Powell was very pleased to have the dedication of the Veterans' Memorial take place on Memorial Day. He said this is a beautiful enhancement to the park. He commended the Memorial Committee on their work over the past four years in regards to location selection, design, fund-raising, and construction of the Memorial. Mr. Lutz said the Veterans' Memorial represents the spirit which means so much to all of us who live in this free country. He said it fits so well into the park it looks like it was meant to be there from the beginning. He thanked the Committee for their tireless efforts.

Kathryn Gerke, Foundation Member, said they cannot thank the City and Council enough for their support. She said their mantra has been "It takes one person to dream but it takes many people to make a dream a reality." She said the members of the Committee have been tireless throughout this process. Ms. Gerke said over \$100k in-kind donations were received. She said this is a wonderful attraction for the City and a great place for learning, conversation, and honor for the Veterans. Mr. Lutz said the senior class at Liberty HS was in the park last Thursday for their senior picnic and it was interesting to see their respectful, solemn manner when visiting the Memorial. Mrs. Gerke said Olentangy High School students passed out letters to Veterans on Memorial Day and she has heard some Veterans are now writing to those students.

Mayor Counts said it is nice that this park now has attractions for all ages. He said it is a wonderful addition that is so different than anything else that is going on in the park. Councilman Cline thanked the Committee for their leadership and work. He asked if the fundraising effort is still ongoing. Mrs. Gerke said they will keep the Foundation running through the end of 2008 and then they will turn it over completely to the City. She said there is one more bench available for sponsorship and it is their hope and expectation that bricks would always be available for purchase. Councilman Cline said it would be good if interested persons could visit their website to purchase bricks. Ms. Gerke said she has received more than 20 orders for bricks since Memorial Day.

Tom Lennon, Committee Member, said there is a good opportunity for the City to continue the

fundraising effort during the next few years. He said that would help offset maintenance costs and allow improvements in the future.

Gary Vest, Committee Member, said it would be good to set up a fund to accept donations so items such as lighting could be completed. Mayor Counts said it is ironic that the City of Powell was able to complete a Veterans' Memorial before the City of Dublin and that it was accomplished without any major corporate gifts.

Councilman Grubbs asked if this resolution states that the City will take over the responsibility for the Memorial. He said the Foundation is still in place as a non-profit organization and it would behoove the City to discuss how the Foundation could stay in place. Ms. Gerke said she is compiling information which will be passed on to the City and they have some loose ends to tie up in order to empty their accounts. She said the City can take over the Foundation website and connect it to the City website. She said she would like to discuss this but they hope to disband the Foundation by the end of 2008. Councilman Grubbs said the City is very proud of their parks and this feature is no exception. He said he appreciated the opportunity to have his son speak with a WWII Veteran at the dedication. He said the Memorial will be a place of great conversations.

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

**MOTION: Councilman Cline moved to adopt Resolution 2008-09. Councilman Grubbs seconded the motion. By unanimous consent, Resolution 2008-09 was adopted.**

**FIRST READING: ORDINANCE 2008-16: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2008.**

Debra Miller, Finance Director, reviewed the modifications within the ordinance.

- A FEMA Grant for \$19,883.65 was awarded to the City and once received it will be placed in the FEMA Snow Removal Grant Fund. Ms. Miller said this appropriation allows the City to transfer monies to the Street Maintenance and Repair Fund (to reimburse salt purchases) and the General Fund (to reimburse overtime). She said the FEMA Grant reimburses 75% of what the City spent for that 48 hour snow emergency.

- Monies to be transferred from Contingency Balance and General Fund:  
\$10k to pay for a contracted building inspector to cover a staff inspector who was on health leave.  
\$7500 to cover electronic fingerprinting fees which exceed what staff anticipated.  
\$2786 to utilize the Education Tuition Program which is offered to non-union employees.  
\$6k to pay for additional Court Reporter costs as the BZA Hearings have exhausted the current fund.  
She said it is possible they will have to come back in the future for additional funds for this account.

Councilman Meider asked what triggers a FEMA Grant. Ms. Miller said the County must be declared a National Disaster and it is typically limited to a certain window of time.

Councilman Hrivnak asked if the fingerprinting is a fee based service. Ms. Miller said that is correct. She said she may collect as much as she wants but she must have authority from Council to spend the revenue to reimburse expenses for the fingerprinting.

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 2008-16. Councilman Grubbs seconded the motion.**

**VOTE: Y 7 N 0**

**MOTION: Councilman Cline moved to adopt Ordinance 2008-16. Councilman Grubbs seconded the motion.**

**VOTE: Y 7 N 0**

**FIRST READING: ORDINANCE 2008-17: AN ORDINANCE AMENDING SECTION 1115.03 OF THE CODIFIED ORDINANCES OF THE CITY OF POWELL RELATING TO DEPOSITS OF INSPECTION FEES FOR IMPROVEMENTS ON PRIVATE PROPERTY.**

Mr. Lutz said this item has been discussed at the Finance Committee. He said when the City takes in inspection fees on public improvements installed by developers the City provides the opportunity to refund any inspection fees which have not been utilized. He said Staff received a request last fall from an individual who made private site improvements. Mr. Lutz said they reviewed the ordinance and it was not available to provide refunds for private site improvements. He said the Finance Committee and Staff felt it was appropriate to allow individuals to request and receive refunds of unutilized funds.

Councilman Wiencek asked if the City has a formal notification method. Mr. Lutz said there was a lot of discussion about the City sending out letters but they will just make an addition to the permit form to remind the applicant that they may request a refund of unused inspection fees upon completion of the work.

Councilman Hrivnak asked if there has been an event when the actual cost exceeded the estimate. Mr. Lutz said there is a triggering mechanism and an ordinance in place which allows the City to collect additional funds to cover actual expenses.

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

Councilman Wiencek asked if this ordinance ties in to the discussion regarding inspection fees for sidewalks. Mr. Lutz said it does not.

**MOTION: Councilman Cline moved to suspend the rules in regards to Ordinance 2008-17. Councilman Grubbs seconded the motion.**

**VOTE: Y 7 N 0**

**MOTION: Councilman Cline moved to adopt Ordinance 2008-17. Councilman Grubbs seconded the motion.**

**VOTE: Y 7 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:** Councilman Grubbs said they met earlier this evening. He said they discussed and approved the use of Meadowview Park for a neighborhood block party. He said they continued discussion on the Sidewalk Repair Program and identified the issues of fees, standards, and repairs in the intersection areas. He said there was participation from several residents who are affected by the current program. Councilman Grubbs said the Committee recommended that the fees (permit and inspection) for opt-outs be waived this year since those in the City-run program do not pay these fees. He said they recommended to not delay the completion of repairs in the area identified for this year and to continue to use the standards as set. Councilman Grubbs said the Operations Committee will continue to look at all of those issues to make them equitable, fair and reasonable. Councilman Wiencek asked if permits will be required but the fees waived. Councilman Grubbs said that is correct. Mr. Lutz said they will need to prepare legislation and bring it forward at the next meeting. Councilman Grubbs said they also worked out an accommodation for two homeowners regarding some slabs adjacent to the intersection work. Councilman Schultz said he spoke with the opt-out group on the way out and they were satisfied with the results of the meeting. He said the Committee should discuss in the future whether the quarter inch spec is appropriate and whether this is the appropriate mechanism. He said they should decide if they should do larger sections in the City, not scrutinize so much, and go after defects that are more obvious. Councilman Schultz said they also discussed suspending the program for this year but all seemed content with this solution. Councilman Cline asked if the legislation will authorize a refund of all persons who have paid a permit or inspection fee. Mr. Lutz said it will. Next Meeting: tba

**CITY MANAGERS REPORT**

Mr. Lutz said the Council meeting scheduled for Tuesday, August 5, 2008 will need to be rescheduled due to the Special Election. It was decided to wait until closer to that date to determine either a rescheduled date or cancellation of the meeting.

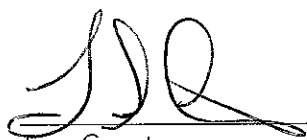
**OTHER COUNCIL MATTERS**

Mayor Counts said he has agreed to be present at the Powell Festival to answer questions from the community. He said he is making an effort to communicate and be more accessible.

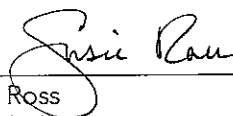
**MOTION: Councilman Cline moved to adjourn from Regular Open Session at 8:17 p.m. Councilman Grubbs seconded the motion.**

**VOTE: Y 7 N 0**

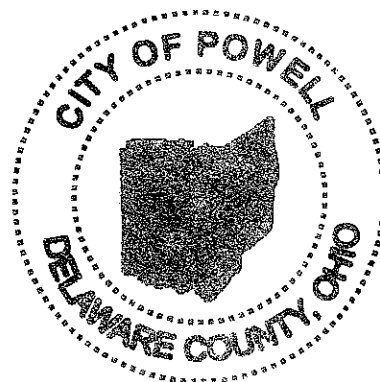
**DATE MINUTES APPROVED: June 17, 2008**

  
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Tom Counts  
Mayor

6/30/08  
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Date

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

7/2/08  
\_\_\_\_\_  
Date



**City Council**

Tom Counts, Mayor

Richard Cline

Don Grubbs

Jim Hrivnak

Elmer Meider

Art Schultz

Dan Wiencek