



City of Powell, Ohio
City Council

**MEETING MINUTES
DECEMBER 16, 2008**

A regular meeting of the Powell City Council was called to order on Tuesday, December 16, 2008 at 7:38 p.m. by Mayor Tom Counts. City Council members present included Richard Cline, Don Grubbs, Jim Hrivnak, Elmer Meider, Art Schultz and Dan Wiencek. Also present were Steve Lutz, City Manager; Jeff Robinson, Public Affairs Officer; Debra Miller, Finance 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, Mayor Counts closed the Citizen Participation session.

APPROVAL OF MINUTES

MOTION: Councilman Cline moved to approve the minutes of December 2, 2008 as submitted. Councilman Grubbs seconded the motion. By unanimous consent, the minutes were approved.

CONSENT AGENDA

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

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 2008-25: A RESOLUTION AMENDING AND RESTATING RESOLUTION 2006-41: A RESOLUTION AUTHORIZING THE CITY OF POWELL TO PICK UP THE STATUTORILY REQUIRED CONTRIBUTION TO THE POLICE AND FIREMAN'S DISABILITY AND PENSION FUND FOR THE EMPLOYEES OF THE CITY PURSUANT TO IRC SECTION 414 (H) (2).

Steve Lutz, City Manager, said the Powell police officers are covered by the Police and Fire state pension fund. He said under the fund employees are required to contribute 10% of their salary to the fund for future benefits. He said at the present time the officers pay 9% and the City pays the 1% pick-up. Mr. Lutz said as a part of the most recent police negotiations the officers gave up the pension pick-up by the City. He said starting January 4th the officers will go back to contributing the full percentage.

Councilman Cline asked if Section 1 is worded correctly because it reads that the City pays the full ten percent. He asked if they are saying that the employee is paying the full percentage and the City is just administering the payment through payroll deduction. Mr. Lutz said that is correct. He said this language seems a little odd but it was provided by the Pension Board. Councilman Wiencek said he agrees with Mr. Cline. He said Section 3 is in complete opposition to Section 1. Mr. Lutz said if the Pension Board needs them to pass more legislation, they will, but this is what they requested. Councilman Wiencek asked if Sections 4 & 5 should be more generic to say that the contributions will be handled according to the current Federal and State withholdings. Mayor Counts said that change is not necessary.

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

Councilman Cline said he knows the Pension Board provides wording but this does not read the way one would expect. He asked Ms. Miller for clarification. Debra Miller, Finance Director, said Mr. Hollins reviewed the wording. She said the Pension Board has worked with the IRS and the wording allows this to be tax deferred. Mr. Lutz said they have agreed contractually that the officers will pay the entire 10% as of January 4, 2009. Ms. Miller said Mr. Hollins spoke with a representative at the Pension Board and devised this wording. She said she understands that instead of the City paying one percent of the pension contributions, the employee will be paying the full 10%. Mayor Counts said the City will no longer pay any of the pick-up on behalf of the employee. Councilman Cline said their comments are construed as their intent, but this is the least clear resolution he has seen in a long time.

MOTION: Councilman Cline moved to adopt Resolution 2008-25. Councilman Schultz seconded the motion. By majority consent, Resolution 2008-25 was adopted.

RESOLUTION 2008-26: A RESOLUTION ADOPTING THE 2009 SCHEDULE OF REGULAR MEETING DATES AND TIMES FOR THE COUNCIL AND CERTAIN BOARDS AND COMMISSIONS OF THE CITY OF POWELL.

Mr. Lutz said each year the City Clerk is required to put together a schedule of the Board and Commission meeting dates. Councilman Cline asked if they should amend the exhibit to this resolution because there may not be sufficient agenda items to hold the Council meeting on January 6. Mr. Lutz recommended they adopt this schedule and then cancel any meeting they desire. Councilman Wiencek asked if the meeting dates within the calendar have been adjusted in concert with the Board of Elections schedule. Susie Ross, City Clerk, said it has. Councilman Hrivnak asked if the Wednesday dates on the schedule are because of those dates. Ms. Ross said they are. Councilman Hrivnak asked if there is an election in February as noted on the schedule. Ms. Ross said it is typically in March but she will recheck the exhibit if they would like to wait to adopt this resolution.

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

MOTION: Councilman Cline moved to adopt Resolution 2008-26. Councilman Grubbs seconded the motion. By unanimous consent, Resolution 2008-26 was adopted.

COMMITTEE REPORTS

Development Committee: Councilman Schultz said the Committee met tonight and many Council members participated. He said the Downtown Parking Plan was updated to 2008 conditions and Mr. Betz demonstrated there is ample parking in the downtown. He said the Committee noted they will need to watch the area northeast of Liberty Road as that quadrant develops. He said the Committee discussed the slope stabilization project on Route 315 and they felt the City should respond and encourage the State to continue to look at the addition of turn lanes at the intersection. He said the State does not have funding for the addition of turn lanes at this time. Councilman Meider said they felt simultaneous north-south and east-west turns should be allowed. Councilman Schultz said the Committee also discussed a concern about the speed of vehicles heading north on Liberty in the area of Ashmoore Drive. He said they will discuss that issue more in the future. Councilman Wiencek asked if the City has expressed a preference of one plan over another which the State proposes. Mr. Lutz said several City reps attended the meeting and several approaches for stabilization were proposed. He said those who attended from the City had no preference between the different proposals. He said the State will receive more information before they determine which plan will be most appropriate for the specific conditions in the area. **Next Meeting: January 20th, 6:30 p.m.**

Finance Committee: No report. Mayor Counts encouraged all to attend as they will discuss funding mechanisms for Capital Improvement Projects. **Next Meeting: January 13th, 7:30 p.m.**

Operations Committee: Councilman Grubbs said they met this morning and received a thorough presentation from Eric Fischer regarding the Community Survey results. He said Mr. Fischer has started to analyze the data and the trends and issues within three single family residential neighborhoods were identified and discussed. Councilman Grubbs said the same information will be identified for condominium owners City-wide and by quadrant. He said the information will be distributed to the three standing Committees within Council. Councilman Grubbs said Mr. Fischer can provide various types of information and he is looking for direction from Council. **Next Meeting: tbd**

CITY MANAGER'S REPORT

Mr. Lutz said the Thai Orchid Restaurant is relocating to the City of Powell on Sawmill Parkway within Golf

Village. He said the City was notified by the Ohio Division of Liquor Control regarding the license request and Council has the ability to request a hearing if they wish. He said the Police Chief has no concerns with the Thai Orchid's operations south of Powell and the Council has no reason to recommend a request. The members of Council did not request a hearing.

Mr. Lutz said there are no agenda items for the January 6th Council Meeting so Council may cancel the meeting if they so desire.

MOTION: Councilman Cline moved to cancel the regular meeting of Council scheduled for January 6, 2009. Councilman Grubbs seconded the motion. By unanimous consent, the meeting was cancelled.

OTHER COUNCIL MATTERS

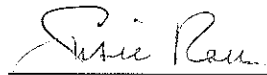
Mayor Counts said the Winter Powell Quarterly was distributed to Council members. He said the Powell Quarterly will be a beginning of the educational effort on the part of the City as there is an informational chart regarding tax rates on the front page. He said according to the community survey twenty-five percent of the respondents did not know what tax rate they pay to the City and another forty percent of those who responded did not know the correct tax rate they pay. Jeff Robinson, Public Information Officer, said the newsletter will go to press soon and will be on the web site and mailed to homes in early January. He asked that any changes come to his attention by this Friday. Councilman Wiencek asked when they will schedule the Council planning session. Mr. Lutz said they can utilize the second meeting in January if there is a light agenda.

DATE MINUTES APPROVED: January 20, 2009



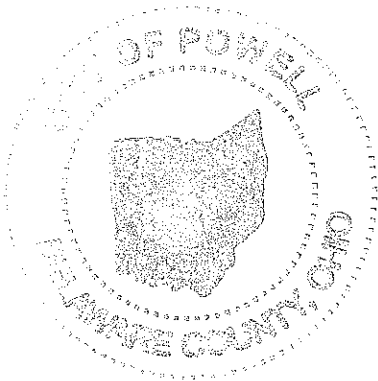
Tom Counts
Mayor

2/4/09
Date



Susie Ross
City Clerk

2/4/2009
Date



City Council

Tom Counts, Mayor

Richard Cline

Don Grubbs

Jim Hrivnak

Elmer Meider

Art Schultz

Dan Wiencek

