



City of Powell, Ohio

City Council

MEETING MINUTES January 19, 2016

CALL TO ORDER/ROLL CALL

A regular meeting of the Powell City Council was called to order by Mayor Brian Lorenz on Tuesday, January 19, 2016 at 6:15 p.m. City Council members present included Jon Bennehoof, Frank Bertone, Tom Counts, Jim Hrivnak, Brian Lorenz, Brendan Newcomb and Daniel Swartwout. Also present were Eugene L. Hollins, Law Director; Steve Lutz, City Manager; Megan Canavan, Communications Director; David Betz, Development Director; Rocky Kambo, GIS Planner; Debra Miller, Finance Director; Chris Huber, City Engineer; Doug Wenzel, Chief Building Official; Jeff Snyder, Parks & Rec; Karen J. Mitchell, City Clerk, and interested parties.

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION

Mayor Lorenz opened the citizen participation session for items not on the agenda. Hearing none, he closed the public comment session.

APPROVAL OF MINUTES – January 5, 2016

One correction in the minutes was noted.

MOTION: Councilman Bertone moved to adopt the minutes of January 5, 2016 as amended. Councilman Bennehoof seconded the motion. By unanimous consent of the remaining members of Council, the minutes were approved.

CONSENT AGENDA

Item

- Monthly Reports – December 2015
- **ORDINANCE 2016-03:** AN ORDINANCE APPROVING THE SUBDIVISION PLAT FOR POWELL GRAND, BY SAWMILL SELDOM SEEN, LLC FOR THE PROPERTY SOUTH OF SELDOM SEEN ROAD WEST OF CSX RAILROAD. (EX A)

Action Requested

Receipt of Electronic Report

Adoption (~~Removed from Consent Agenda~~)

Councilman Newcomb requested to remove Ordinance 2016-03 from the Consent Agenda. The Mayor removed Ordinance 2016-03 and placed it on the Agenda before Item 6.

MOTION: Councilman Bennehoof moved to adopt the Consent Agenda as revised. Councilman Hrivnak seconded the motion. By unanimous consent the Consent Agenda was adopted as revised.

ORDINANCE 2016-03: AN ORDINANCE APPROVING THE SUBDIVISION PLAT FOR POWELL GRAND, BY SAWMILL SELDOM SEEN, LLC FOR THE PROPERTY SOUTH OF SELDOM SEEN ROAD WEST OF CSX RAILROAD.

Steve Lutz, City Manager: The plats are the legal mechanism which establishes the location of the roadways, the setback boundaries, etc. This is the plat that establishes the legal mechanism for the public infrastructure improvements associated with Powell Grand.

Councilman Counts: Gene, when it comes to subdivision plats, what is the authority and discretion that Council has for these kind of things?

Gene Hollins, Law Director: It's an administrative issue. We have existing ordinances in our Subdivision Code. When an application is received for a plat, residential or commercial, it goes through P&Z first, they apply the Subdivision Code, look at the compliance, and attach any conditions that are necessary to make it comply with the Code. On this, they've attached three conditions. It is forwarded to Council as an administrative item as to the compliance with the Code.

Councilman Counts: So as an administrative matter, it's not really a discretionary thing if it complies with the Code.

Mr. Hollins: That is the nature of your review, correct.

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

Councilman Swartwout: I am going to abstain from voting on this matter because I opposed the Powell Grand ordinance when it was approved, voicing my opinion that parts of it potentially violates the Fair Housing Act. I cannot see myself supporting anything that builds upon an ordinance I believe happens to be unlawful in some respects.

Councilman Bennehoof: Gene, I recall during that discussion that you expressed an opinion about the legality about this [Powell Grand] ordinance and that it was a legal issue that was within the boundaries of law. Has anything happened since then that changed your mind?

Mr. Hollins: No. I'd say the record reflects that discussion.

Councilman Hrivnak: Brendan, did you have a particular reason for pulling it from consent agenda that you wanted to talk about?

Councilman Newcomb: I just wanted the ability to vote against it, but not on the monthly reports that are also in the Consent Agenda. As I understand the Consent Agenda, I have to either vote for or against everything on it unless I remove an item from the Consent Agenda.

MOTION: Councilman Bennehoof moved to adopt Ordinance 2016-03. Councilman Bertone seconded the motion.

VOTE: Y 5 N 1 (Newcomb) AB 1 (Swartwout)

RESOLUTION 2016-03: A RESOLUTION RECOGNIZING JIM HRIVNAK'S TENURE AS MAYOR OF THE CITY OF POWELL 2014-2015.

Councilmembers (Councilman Newcomb excepted) each individually expressed their appreciation to Jim Hrivnak for his service to the City as Mayor for the past two years.

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

MOTION: Councilman Counts moved to adopt Resolution 2016-03. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

RESOLUTION 2016-04: A RESOLUTION TO ESTABLISH THE SANITARY SEWER AGREEMENTS FUND.

Mr. Lutz: The next four resolutions are similar and I will let Debra Miller explain them.

Debra Miller, Finance Director stated that these are fund accounting measures. The resolutions set up different accounts like you would a checkbook at home. Each fund is one checkbook that tracks the revenue and expenditures separately.

Resolution 2016-04 establishes a sanitary sewer agreement fund. Last year, the Verona Agreement talks about the funding for a sewer line. We already have the funding in place with a sewer assessment and developer contribution. It is set it up as a generic fund because she can see this happening in the future.

Resolution 2016-05 one is the Seldom Seen TIF fund. In December Council approved a new TIF. The next three resolutions pertain to the expenditures related to it. Resolution 2016-05 establishes the fund for the collection of TIF revenues and the public improvement projects set forth in that TIF Agreement.

Resolution 2016-06 looks similar, but it is related to the debt service. We will issue debt later this year to fund the project all at once. The principal and interest payments will be reflected in this fund.

The last one, Resolution 2016-07 is also part of the TIF and is for the park improvements to Seldom Seen Park. Another reason why it is being segregated is additional revenue sources for the park will be forthcoming.

Councilman Swartwout asked if Resolution 2016-04 was completely unrelated to the TIF.

Ms. Miller stated that this was correct.

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

MOTION: Councilman Bennehoof moved to adopt Resolution 2016-04. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

RESOLUTION 2016-05: A RESOLUTION TO ESTABLISH THE SELDOM SEEN TAX INCREMENT FUND PUBLIC IMPROVEMENTS FUND.

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

MOTION: Councilman Bertone moved to adopt Resolution 2016-05. Councilman Bennehoof seconded the motion.

VOTE: Y 5 N 1 (Newcomb) AB 1 (Swartwout)

RESOLUTION 2016-06: A RESOLUTION TO ESTABLISH THE SELDOM SEEN TAX INCREMENT FUND DEBT SERVICE FUND.

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

Councilman Swartwout explained that he would continue abstaining from voting on the resolutions relating to the TIF from the Powell Grand ordinance [Ordinance 2015-64] because of his opposition to the Powell Grand development. He explained that the City of Hilliard is currently experiencing backlash from residents with respect to TIFs and believes the same thing could happen in Powell.

MOTION: Councilman Hrivnak moved to adopt Resolution 2016-06. Councilman Counts seconded the motion.

VOTE: Y 5 N 1 (Newcomb) AB 1 (Swartwout)

RESOLUTION 2016-07: A RESOLUTION TO ESTABLISH THE SELDOM SEEN TAX INCREMENT FUND PARK IMPROVEMENTS FUND.

Councilman Bennehoof asked if this fund will be gaining interest.

Ms. Miller said the answer is a yes and no. The part that's from the \$1 million bond issue will get a prorated share, however, any other revenue will not.

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

Councilman Swartwout stated that while he is not in favor of TIFs for residential development, he salutes making the park a part of this, it was an excellent move, and intends to support this resolution for that reason.

Councilman Hrivank asked legal counsel if this was commercial TIF or residential TIF.

Mr. Hollins stated that this is considered a commercial TIF.

Councilman Swartwout said that he understand that under the law it is considered a commercial TIF,

but felt that most people in the community would look at that as a residential TIF.

MOTION: Councilman Hrivnak moved to adopt Resolution 2016-07. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2016-02: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2016. (EX A)

Mr. Lutz explained that throughout the year, Council will see appropriation ordinances come before them. These are funds set aside for certain uses as budgeted for the year. At times the City will need to modify or change its budgeted appropriations to meet the needs of the City.

Ms. Miller stated that periodically Council will see a request to use the contingency for things not in the budget. These would include expenses that have come up unexpectedly and that weren't otherwise previously budgeted for. This year's budget has \$75,000 allotted for these things. Every time Council sees an amendment to the contingency, that number will go down.

In this Resolution, the City is seeking funds for a few different things. One is for the City Clerk to pursue a certified municipal clerk designation. Additionally, at the end of last year, the City took over two different events. One was Holidays in Powell and one was Powell Festival. The City anticipates this will be a one-time expenditure for Powell Fest because the event will become self-supporting in the future. The City anticipates this will be an ongoing expense for Holidays in Powell.

There is a line to request a transfer from the general fund and the second line is permission to spend the Powell Fund dollars (\$50,000).

Councilman Hrivnak asked if he was correct that the money that we were applying to Parks & Rec is coming out of the general fund.

Ms. Miller said that it was.

Councilman Bennehoof asked if the contingency fund was the only fund these items could be taken from.

Mr. Lutz stated that they could have been taken out of the general fund unappropriated balance.

Ms. Miller said she liked to start with the contingency since it allows Council to be more aware of the changes to the budget.

Mr. Lutz stated that the Powell Festival should generate some money each year to support itself in the future as it did when the City was running the festival in the past. However, since the City was taking it over again [due to the dissolution of Heart of Powell], for the first year the City needs some money in order to fund it for 2016.

Councilman Newcomb stated that he did not want to vote for the Powell Festival expenditure and asked if he could separate out this expenditure from the remaining expenditures in the resolution.

Councilman Counts explained that he could make a motion to do so.

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

MOTION: Councilman Newcomb moved to separate out the expenditure for funding Powell Festival from Ordinance 2016-02. Councilman Swartwout seconded the motion.

VOTE: Y 1 N 6 (Hrivnak, Lorenz, Swartwout, Bennehoof, Bertone and Counts)

MOTION: Councilman Bertone moved to suspend the rules in regard to Ordinance 2016-02. Councilman Counts seconded the motion.

VOTE: Y 6 N 1 (Newcomb)

MOTION: Councilman Bertone moved to adopt Ordinance 2016-02. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

COMMITTEE REPORTS

Development Committee: Next Meeting: February 2, 2016, 6:30 p.m.

Finance Committee: Next Meeting: Tuesday, February 9, 2016, 7:00 p.m.

Operations Committee: Next Meeting: Tuesday, February 16, 2016, 6:30 p.m.

ONE Community: Next Meeting: Tuesday, March 21, 2016, 6:30 p.m.

Planning & Zoning Commission: Next Meeting: Wednesday, January 27, 2016, 7:00 p.m.

CITY MANAGER'S REPORT

There was none.

OTHER COUNCIL MATTERS

Councilman Hrivnak expressed his thanks to Council and Staff for their support during his tenure as Mayor. He stated that he enjoyed being mayor and wished Mayor Lorenz well, telling him to always put the City first and have fun.

2016-17 COUNCIL GOALS/INITIATIVES – Marie Keister, MurphyEpson, Inc.

GOALS IDENTIFIED FOR IMPLEMENTATION:

Development Committee:

- Update the Planning & Development Process
- Transportation plan – complete, implement and communicate
- Economic development plan – draft and implement (shared w/CIC)
- Vibrant downtown development - maintain
- Establish/annex growth corridors

Finance Committee:

- Sustainable funding

Operations:

- Transportation plan – implement tactics
- Parks/open space implementation

ONE Community:

- Community events – form a subcommittee

Other Goals Identified:

- More community events (**ONE Community**)
- Online permitting (**Development**)
- Healthy Powell initiative (**ONE Community**)
- Support of Powell Historic Society (**ONE Community**)
- Quiet zones and railroad crossing (**Operations**)
- Get in front of heroin issue (**ONE Community**)
- Complete capital projects (**Finance, Operations**)
- Assist Park & Rec – promote, expand and fund (**Finance, Operations, ONE Community**)
- Revised Codified Ordinances (**Development**)
- Best high school situation for Powell (**ONE Community**)

The following councilmembers will be joining the following committees:

DEVELOPMENT COMMITTEE: Jim Hrivnak as Chair, Brendan Newcomb, Jon Bennehoof, and Frank Bertone.

FINANCE COMMITTEE: Tom Counts as Chair, Jim Hrivnak, Frank Bertone, and Daniel Swartwout.

OPERATIONS COMMITTEE: Frank Bertone as Chair, Brendan Newcomb, Daniel Swartwout, and Tom Counts.

ONE Community: Jon Bennehoof as Chair.

ADJOURNMENT

By unanimous consent of Council, the meeting was adjourned at 9:00 p.m.

MINUTES APPROVED: February 2, 2016



Brian Lorenz
Mayor

2/16/2016

Date



Karen J. Mitchell
City Clerk

2/17/2016

Date



City Council

Brian Lorenz, Mayor

Jon Bennehoof

Frank Bertone

Tom Counts

Jim Hrivnak

Brendan Newcomb

Daniel Swartwout