



City of Powell, Ohio
City Council

MEETING MINUTES

April 19, 2016

CALL TO ORDER/ROLL CALL

A regular meeting of Powell City Council was called to order by Mayor Brian Lorenz on Tuesday, April 19, 2016 at 7:30 p.m. City Council members present included Frank Bertone, Tom Counts, Brian Lorenz, Brendan Newcomb and Daniel Swartwout. Jon Bennehoof and Jim Hrivnak were absent. Also present were Eugene L. Hollins, Law Director; Steve Lutz, City Manager; Megan Canavan, Communications Director; David Betz, Development Director; Chris Huber, City Engineer; Karen J. Mitchell, City Clerk, and interested parties.

PLEDGE OF ALLEGIANCE

PROCLAMATION & PRESENTATION: Autism Awareness Month – ROOTS Squad – Erin Budic

- Mayor Lorenz expressed his appreciation for all the things the ROOTS Squad do to bring awareness of autism to the community and declared the month of April autism awareness month.
- Ms. Budic shared a short video of the thoughts and feelings of the fourth and fifth grader students at Liberty Tree Elementary who participated in an essay contest on autism. [Video played]
- Essay read by student.

CITIZEN PARTICIPATION

Mayor Lorenz opened the citizen participation session for items not on the agenda.

Kent Bermingham, 521 Retreat Lane North: Last Thursday morning when I received *This Week Community News*, the main article stated, "Ex-Councilmember to City: Appeal is Insanity." It would appear the City of Powell, which in reality is its residents, are now at risk to pay a large sum of money as a result of the adverse opinion by Judge Graham rendered on March 25, 2016. It would further appear Mr. Ebersole, one of the petitioners behind the Charter Amendment, is now urging Council to consider proceeding with an appeal of the March 25, 2016 Opinion. I am not sure if his urging also includes Ms. Valvona and Mr. Happensack who are mentioned in Judge Graham's opinion. It is sad to say all the residents of Powell who voted against the Charter Amendment must now absorb the cost of this ill-advised course of action. Accordingly, I would personally like to suggest that in the event that the three original petitioners [Ebersole, Valvona and Happensack] petition or urge Council to proceed with an appeal, that they back up their words and their justifications and advocacy for such an appeal by obtaining a supersedes bond. I would propose the bond amount be equal to the estimated damages, attorneys' fees and costs by the Plaintiffs pursuant to the March 25, 2016 Opinion and Order, along with any other estimated damages and attorney fees that would relate to an additional unsuccessful appeal. Thank you.

Hearing nothing further, the Mayor closed the public comment session.

APPROVAL OF MINUTES – April 5, 2016

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

CONSENT AGENDA

<u>Item</u>	<u>Action Requested</u>
<ul style="list-style-type: none"> • <i>Monthly Reports – <u>March 2016</u></i> 	<i>Receipt of Electronic Report</i>

By unanimous consent of the members of Council, the Consent Agenda was approved.

RESOLUTION 2016-11: A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A COOPERATIVE AGREEMENT WITH DELAWARE COUNTY FOR RESURFACING OF LIBERTY ROAD.

Steve Lutz, City Manager: Our City Engineer and his staff are finishing up the proposed street maintenance program for 2016. One of the streets that is being recommended for repair is North Liberty Street from Seldom Seen Road North to our corporate limits. This year the Delaware County Engineer is also going to be repairing N. Liberty Street from our corporate limits up to Township Hall. Chris, am I correct that there are a few spots on N. Liberty of ours where it goes in and out of...

Chris Huber, City Engineer: No, basically we own our right-of-ways and west half of Liberty from Seldom Seen to our northern corporate limit. They [Liberty Township] will do the other half of the road and continue on both sides up to their Town Hall.

Mr. Lutz: What Chris and the County Engineer have done is they have gotten together to figure out the best way to repair that road instead of us doing a half a side and the county doing the other half. This would permit us to enter into a joint agreement with the Delaware County Engineer to do that work.

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

MOTION: Councilman Counts moved to adopt Resolution 2016-11. Councilman Bertone seconded the motion.

VOTE: Y 5 N 0

COMMITTEE REPORTS

Development Committee: Next Meeting: Tuesday, May 3, 2016, 6:30 p.m.

Finance Committee: Next Meeting: Tuesday, May 10, 2016, 7:00 p.m. We met last week and discussed two requests, one from the Rotary group and the other from the Powell Liberty Historical Society, both asking for money from the City to fund various things. We talked at length about it but did not make a decision. The consensus was that we were hesitant to make any kind of contribution in part because of the potential liability the City faces with this lawsuit. We decided to defer any kind of decision on that until we knew more about that. We also talked about the bank selection and I think we will be seeing something come before Council in the next meeting or so.

Operations Committee: Next Meeting: Tuesday, April 19, 2016, 6:30 p.m. We met this evening. We discussed some measures of possible annexations, the Lechler Building and its long term plans for the City, the Keep Cars Moving initiative and the various road improvement efforts that are ongoing throughout the City. We also talked about our upcoming Community Attitude Survey.

ONE Community: Next Meeting: Tuesday, April 19, 2016, 6:30 p.m. Meeting is going on right now. I'll let Jon update you on that next month.

Planning & Zoning Commission: Next Meeting: Wednesday, April 27, 2016, 7:00 p.m. We have one item – a commercial office retail development at Lincoln and West Olentangy Street. The proposal can be seen on our Current Proposals page on the website.

Powell CIC: Next Meeting: Monday, April 25, 2016, 6:00 p.m.

Zoning & Building Code Update Diagnostic Committee: Next Meeting: Tuesday, April 26, 2016, 6:00 p.m.

CITY MANAGER'S REPORT

Mr. Lutz: Just two items. I'm pleased to announce that the City and Liberty Township had made a joint application to the Ohio Public Works Commission to receive grant funding to reconstruct Old Sawmill Road. We were successful in receiving that grant. The work will cost a little over \$600,000 and the grant amount is \$457,000 which means the City will only have to contribute \$77,000 as does the township.

The only other item is I'd like to thank the Mayor and Councilmen Newcomb and Hrivnak who were here Saturday morning to help spruce up the downtown by painting the mailboxes. We had a very nice turnout and a beautiful morning to do that.

OTHER COUNCIL MATTERS

There was none.

EXECUTIVE SESSION: EXECUTIVE SESSION IN ACCORDANCE WITH O.R.C. SECTION 121.22(G)(3) PENDING OR IMMINENT LITIGATION.

Councilman Counts moved at 7:55 p.m. to adjourn into Executive Session in accordance with O.R. C. Section (G) (3) Pending or Imminent Litigation. Councilman Bertone seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Counts moved at 8:50 p.m. to adjourn from Executive Session. Councilman Newcomb seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Counts moved at 8:50 p.m. to reconvene in Regular Open Session. Councilman Swartwout seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Counts moved at 8:50 p.m. to adjourn from Regular Session. Councilman Swartwout seconded the motion.

VOTE: Y 5 N 0

MINUTES APPROVED: May 3, 2016



Brian Lorenz
Mayor

5/17/16
Date



Karen J. Mitchell
City Clerk

5/18/2016
Date



City Council
Brian Lorenz, Mayor

Jon Bennehoof

Frank Bertone

Tom Counts

Jim Hrivnak

Brendan Newcomb

Daniel Swartwout