



City of Powell, Ohio
City Council

MEETING MINUTES
August 16, 2016

OPEN SESSION

CALL TO ORDER/ROLL CALL

A regular meeting of Powell City Council was called to order by Mayor Brian Lorenz on Tuesday, August 16, 2016 at 7:34 p.m. City Council members present included Jon Bennehoof, Frank Bertone, Tom Counts, Brian Lorenz, Brendan Newcomb and Daniel Swartwout. Jim Hrivnak was absent. Also present were Steve Lutz, City Manager; Eugene L. Hollins, Law Director; Rocky Kambo, GIS/Planner; Chris Huber, City Engineer; Megan Canavan, Communications Director; 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.

Dr. Marc Cooperman, 250 Deer Creek. I am the Chief of Staff of the Columbus VA and have lived in my current home for 35 years. I am here on behalf of myself and my neighbors, some are here with me tonight. I am here to address a serious problem that exists in our neighborhood.

Several weeks ago, there was a massive rain storm. As a result of that, a culvert and the road leading to six homes suddenly failed. This was due to progressive failure of the pipe, the culvert that had been in existence and had functioned without any problems for close to 45 years. This left us stranded. The City Engineering Department responded and told us that because this was a private drive [the City was not responsible for maintaining it]. We obtained a contractor on an emergency basis who put stone into the crevice and put steel plates across it to give us temporary access. Since the culvert failed, there has been no fire protection. The fire battalions told us they will not cross the temporary repair. We have no EMS service, garbage pickup or mail service.

We have been in a dialogue with the City Engineering Department to try to get a plan approved so that we can repair our road. Initially we were told that we needed extensive engineering that consisted of an onsite survey, flow studies and a detailed engineering plan. The cost was going to be approximately \$15,000 on top of the repair that we acknowledge we are responsible for. The dialogue with the City led to the consensus that all we wanted to do was replace exactly what was there and had worked for 45 years. We didn't want to alter anything and we recognize it was our financial responsibility to replace the culvert and repave the road. As a result of these conversations, we submitted a minimal plan to the City Engineer which outlined what was going to be done. This was rejected because [the Engineering Department] required flow studies to be done. Even as late as 5:00 p.m. today there were discussions between our engineering firm, EMH&T, and the City with EMH&T saying that they could do the flow studies for a minimal amount of cost from the existing FEMA map and profile. This again was rejected by the City [Engineering Department] who said that they require onsite surveying. It's our position that, where we acknowledge it is our responsibility to replace the road, it is not our responsibility to obtain extensive engineering studies that are not to our benefit. The benefit is to the City because this drains for dozens of houses to the west of us. If Powell, for their FEMA regulations, requires these additional engineering studies, we are asking Powell to pay the additional costs of several thousand dollars.

Because of the clear emergency nature of our situation and the potential for loss of life, we are also asking that prior to all of this completion, we be granted a temporary permit so that we can effect a repair as expeditiously as possible.

Councilman Counts: If Chris is not in a position to comment tonight, can he be in a position to give us a

report on the issues by our next meeting? I have to believe that some of the things may be as a result of our hands being tied because of federal regulations. I'm speculating because I just don't know.

Chris Huber, City Engineer: I can give you general feedback today. We did have a discussion with the engineer today about using the FEMA data. At the end of the conversation, we thought it would be best to do a topographic survey. In terms of what we need field-wise, we just need to establish where that existing culvert is today, the flood line of that culvert and road above it. It's not an extensive amount of information. EMH&T needs to provide us a no-rise certification that the culvert they put in is going match hydraulically with what's there today, and I believe that is the way EMH&T is moving forward. It does not have to have the detail that would be necessary if they changed the hydraulics by using a different type or size of culvert or adding fill in certain areas. They're doing it in the least invasive way. Since then, the City of Powell has a flood plain permit application that goes through Dave Betz. The engineer can provide a no-rise certification and prove it. Now if the engineer did change the hydraulic situation with a different sized pipe, or change to grading downstream with different end treatments, then we have to go through a lengthy process with FEMA. The engineer is trying to avoid going through FEMA, so that it's just simply through Powell. I think most of the comments we made were that the existing culvert was a 78 inch pipe. If it is a 72 inch pipe, the engineer may have to go through that lengthy process with FEMA should hydrology change. If hydrology matches what's there today, that process can be minimized to a very short period.

Councilman Bennehoof: How long do you think it will take from now until completion if the drain length and size diameter, caliber and everything else matched? What do you think the resolution time would be?

Mr. Huber: In terms of the City approving it? A day.

Councilman Bennehoof: So EMH&T is in a position to recommend one-for-one replacement on the culvert and then they move forward?

Mr. Huber: We just need that topo information and a very minimal hydraulic study to show there is a no-rise situation, which is easy to show since you are replacing it in kind.

Councilman Bennehoof: And EMH&T can do all of that?

Mr. Huber: Yes.

Mayor Lorenz: I have spoken with this group of residents extensively trying to help them along with Staff and collaborate on some solutions. They have a dire situation. We couldn't make a decision on funds tonight. It would have to be considered in committee and carried forward to another meeting. But we can talk off line about that process as well as with Staff tomorrow.

Dr. Cooperman: When I asked EMH&T how long it would take them to do these additional studies that are being requested, they said that it would be approximately 3 weeks until they could get that information to the City if onsite surveying and these flow studies are required.

Mayor Lorenz: I suggest that we have a sit down meeting later this week and have all parties involved to see if we can facilitate something for you guys and get everyone on the same page. I think there's some disconnect between what we are asking for and what your engineer is asking for or telling you. I'd be willing to help participate in that. I know Staff would as well. We can also talk about what other alternatives we can do to help expedite your situation.

Gene Hollins, Law Director: I just wanted to take the opportunity to publically thank Dr. Cooperman. This was a situation where it would have gone mostly unresolved if somebody hadn't stepped forward and taken the lead. And then I also want to thank the entire group of residents who apparently, once Dr. Cooperman took the lead, have all rallied behind and supported the whole effort. So we appreciate everything you are doing, and we will try to facilitate the process to the extent we can.

Councilman Bennehoof: I would like to add one more thanks and that is thank you for your service to the VA.

Varesh Vaziri, 1044 Deer Creek: Timing is of the essence because the drive is asphalt and asphalt factories shut down around Thanksgiving time. There is a 3 to 4 week lead time for the pipe. Until we get approval, we can't even order the pipe through the engineering company. The sooner we can get the plans approved, the sooner we can order the pipe and get it scheduled for installation before the construction season ends

for the year.

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

APPROVAL OF MINUTES – August 2, 2016

Councilman Bennehoof made one correction on page 7, third paragraph, of the minutes changing the word "back" to "bank."

MOTION: Councilman Counts moved to adopt the minutes of August 2, 2016 as amended. Councilman Bennehoof seconded the motion. Councilman Newcomb abstained from voting. By unanimous consent of the remaining members of Council, the minutes were approved as amended.

CONSENT AGENDA:

Item

Monthly Reports – July 2016

Action Requested

Receipt of Electronic Report

MOTION: Councilman Counts moved to adopt the Consent Agenda. Councilman Bertone seconded the motion. By unanimous consent of the remaining members of Council, the Consent Agenda was adopted.

SECOND READING: ORDINANCE 2016-35: AN ORDINANCE APPROVING THE FINAL DEVELOPMENT PLAN FOR TRANSFORM CONSTRUCTION LLC, A PROPOSAL TO CONSTRUCT TWO MIXED-USE COMMERCIAL BUILDINGS CONTAINING APPROXIMATELY 8,800 SQUARE FEET ON A 0.999 ACRE SITE AT 176 AND 178 OLENTANGY STREET.

Rocky Kambo, GIS/Planner: We saw this with the first reading at last Council meeting. I went through an extensive review before that at Planning & Zoning. The overall summation of this development is that it's in a great location between two major areas - our historic downtown core and Sawmill Parkway. It's adding and bringing in more services for our residents, visitors and our City. In terms of architecture, the style was more in line with our downtown historic core so as a consequence, we are extending our downtown core. We are getting two great looking buildings out of it, a new restaurant use - It's a great location for it – and it's an infill development. Overall, Staff is very supportive of this.

Councilman Newcomb: Why didn't it go through Historic Downtown Advisory Committee?

Mr. Kambo: If it's a commercial use or residence over 3 or 4 units, it goes to Planning & Zoning. P&Z does have every opportunity to send it down to HDAC for review if it chooses to. In this case, with the type of architecture that was used, the fact we had Chris Meyers, our architectural advisor, review it, they saw no reason for it to go to HDAC.

Todd Foley, POD Design, 100 Northwoods Blvd., Suite A, Columbus, OH 43235. In light of the presentation we were afforded last time, we will just present some quick updates.

We are still very aggressively trying to seal the deal on the restaurant user. Our attorney is still actively working on the parking agreements with our neighbors, per the direction of Staff, and we are moving forward on that as well.

Councilman Newcomb: The Village Pointe owner is not agreeing to some type of right-of-way to your project?

Mr. Foley: We have engaged in communications with three different entities. There have been several discussions with our neighbors directly to the west of us, Village Pointe, to try to get a meeting set up. They were out of the country and our attorney has been out of the country, so there's been some back and forth there. Prior to the last Council meeting, they did give us a response email saying they were not interested in granting that easement at the time; however, we have not viewed that as "we're shutting the door on it." We are still in a dialogue process to try to sit down and see what else can come out of this.

Councilman Newcomb: Is his biggest concern repair and maintenance?

Mr. Foley: I think he has an important perspective for all his tenants to make sure that how their businesses function for so long it doesn't alter or have a negative effect. I think the maintenance is a common concern as well because the people who maintain that are the people that pay him rent. But I believe that when you

take a step back and look at it in a global perspective, the common goal is that it's not going to promote any kind of undue stress. We are doing all we can to move that forward in a positive way.

Councilman Newcomb: Has there been any offer to assist him with that repair and maintenance from the other three entities?

Mr. Kambo: Dan [Swartwout] came to our office recently because he has a connection with the owner of Village Pointe. Staff has been in direct contact with the owner and owner's lawyer to keep the lines of communication open. In addition to the maintenance of it, there has been some mention of potential competition with their users as well with any users in these other sites. Staff is trying to convey that there is a greater benefit to all users with the synergies that are derived from having a destination – an area where individuals can go to and from different sites.

Mr. Foley: The end result would be a formal agreement. So things like maintenance and other things would be on the table. We already have an agreement with Armita Plaza. We just need to get everyone to the table.

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

Councilman Counts: I think this use is absolutely the most appropriate use for this parcel. It's consistent with our comprehensive plan and it's also consistent with what our residents indicated they want to see in terms of development in the community – more restaurants. The problem with our downtown community is that there isn't always the sufficient and usable space in order to have a restaurant or to have the parking that a restaurant needs. To build a new building that is the size, has the flexibility and parking, it may be the only way to achieve that. I think this is the kind of development that we need to approve.

Councilman Bennehoof: I had all my questions answered at our last meeting. I'm very satisfied with the project and am looking forward to moving on it.

Mayor Lorenz: I'd agree with Tom's comments. This is great infill development. We don't necessarily have the luxury of working infrastructure the best we can as we would in other undeveloped areas where we are able to plan things out like along Sawmill Parkway. I know that these guys are doing everything they can. If I can help facilitate those discussions being a former renter in Village Pointe, I'm happy to help too.

MOTION: Councilman Bennehoof moved to adopt Ordinance 2016-35. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

SECOND READING: ORDINANCE 2016-30: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A SEWER ASSESSMENT AND FINANCING AGREEMENT WITH VERONA LLC, AND DECLARING AN EMERGENCY.

Mr. Lutz: We discussed this at the last Council meeting. We can allow this ordinance to lay dormant tonight and then bring it up for the second reading once again to coincide with the assessment. What this is related to is the Verona subdivision which was the old Shamrock Golf Course. As part of the Pre-annexation Agreement, the City agreed to work with this developer and the developer of the Spectrum site to provide a regional sanitary sewer solution. There was a lack of capacity of sewer and the two developers worked hand-in-hand to address that shortage. Spectrum spent about 1.1 million and Verona about 1.2 million installing an upgraded sewer line along Sawmill Parkway, Seldom Seen Road through the Spectrum site, and on upgrading the pump station on Powell Road. Later tonight we actually have the proposed assessments which would pay for a portion of the sewer.

Councilman Bennehoof: Steve, you said that we would let this one lay dormant until we...[Mr. Lutz: Yes and I'll actually defer to the Law Director for the proper procedure.]

Mr. Hollins: It is whatever the pleasure of Council is. We believe we are ready to go ahead and pass this ordinance. I don't think we'll actually sign it until we sign everything at the same time. We'll wait for their signature on the voluntary assessment petition so we know we have the money to perform this before we actually sign this agreement. It's in good shape and if you would like to, we can act on it tonight.

Councilman Counts: So you are suggesting that one possibility is to table it to our next meeting?

Mr. Hollins: Certainly. And you can bring them all in there together.

Councilman Bennehoof: And there's no date that would impact anything is what I'm taking from your comments?

Mr. Hollins: The developer is aware that we will do two readings of the other assessment ordinance. And actually I would ask you not to act on that one tonight because we've drafted - I want to express my appreciation to Finance Committee on working through the last round of the numbers. We got all that nailed down - but I want Debra to take a close look when she's back from vacation at the financial terms of the assessment petition before we push forward with it. So I ask that we take that one to a second reading.

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

MOTION: Councilman Bennehoof moved to table Ordinance 2016-30 to the next scheduled meeting on September 6, 2016. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

SECOND READING: ORDINANCE 2016-31: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2016.

Mr. Lutz: This is also part of this agreement [with Verona] and can be tabled to the next meeting. Then we can line up all three ordinances at the same time. This appropriates the funds for the sewer which the City is fronting and which we will recoup over a period of time with the special assessments.

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

MOTION: Councilman Bennehoof moved to table Ordinance 2016-31 to the next scheduled meeting on September 6, 2016 to be considered at the same time as the other two related ordinances. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2016-29: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO AWARD A BID TO _____ IN THE AMOUNT OF \$_____ FOR THE TRAFFIC SIGNAL INSTALLATION AT OLENTANGY STREET AND GRACE DRIVE, AND DECLARING AN EMERGENCY.

Mr. Lutz: This in regard to awarding a contract for the installation of the traffic signal on East Olentangy Street and Grace Drive. The Engineer's cost estimate for the signal was \$188,000 and we received two bids. The low bid was in the amount of \$260,000 and the high bid was in the amount of \$312,000. This matter was discussed with the Operations Committee earlier this evening and it's recommended that we reject both bids since they were considerably above the Engineer's cost estimate and look at going out to bid again in November when contractors are less busy and trying to line up work for winter and spring.

What we will bring forward to you at the next Council meeting is an ordinance where we officially reject bids, should that be your desire, and ask Gene how we handle the proposed Ordinance 2016-29.

Mr. Hollins: I would suggest that we do a first reading tonight and then we will bring back a revised version of the ordinance [at next Council meeting] which will, in essence, reject the bids instead.

Councilman Bertone: As Steve already pointed out, we discussed this at length at the Operations Committee and given the current construction market, we see some relatively high bids. I concur with Steve and counsel to delay this effort to a later date.

Councilman Bennehoof: This is the second bid we are about to reject. I understand that contractors are not hungry. If we wrote the request for proposal differently, allowed them greater leeway in completion, would that garner a lower bid?

Mr. Lutz: Yes, if you put a tight timeline on in, that could scare contractors. Because of that, what we did with this contract was we identified that a substantial completion date was to be March 31st. That was a significant

time frame knowing that if we tried to do it a shorter period of time we probably wouldn't get much interest.

Councilman Swartwout: I just wanted to put in the record that the Engineer's estimate has been revised. If I recall, the original estimate was \$188,000 and I think it was \$218,000 with the revised, is that correct?

Mr. Lutz: Next time we go out to bid, that is what we would be looking at and that would probably be fine-tuned. When we do go out to bid in the fall, the Engineer's cost estimate will be higher.

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

Ordinance 2016-29 was taken to a second reading.

FIRST READING: ORDINANCE 2016-36: AN ORDINANCE DECLARING THE NECESSITY OF, DETERMINING TO PROCEED WITH, AND LEVYING ASSESSMENTS FOR THE PURPOSE OF IMPROVEMENT, CONSTRUCTION, AND RECONSTRUCTION OF THE PUBLIC SEWER MAIN INFRASTRUCTURE ON THE NORTH SIDE OF POWELL ROAD AND ON PROPERTY OWNED BY VERONA LLC AND KNOWN AS THE VERONA SUBDIVISION, AND DECLARING AN EMERGENCY.

Mr. Lutz: This is the third ordinance related to the sewer on the Verona site and the regional sewer issue. The developer has agreed to a self-assessment of the properties which will be utilized over approximately a seven year period to pay off the amount of money that the City is fronting for the sanitary sewer. The proposed assessment is for 112 single family lots. Those lots would be assessed at \$1,800 per year and there are 54 patio homes that would be assessed at \$1,200 per year. This matter was reviewed by Finance Committee. In addition to assessment, there will be a 3% interest that will be captured by the City for fronting the money. It is a good return on our investment in the current economic environment.

Councilman Counts: We just reviewed this at our meeting last week and recommended its adoption. We looked at the time period within which it would be repaid and thought it was appropriate.

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

Ordinance 2016-36 was taken to a second reading.

FIRST READING: ORDINANCE 2016-37: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE DELAWARE COUNTY COMMISSIONERS AND THE LIBERTY TOWNSHIP TRUSTEES FOR THE PURPOSE OF MAINTAINING A MULTI-USE PATHWAY WITHIN THE COUNTY'S RIGHT OF WAY.

Mr. Lutz: What I think we will do is clean up the title of this ordinance, or the attachment, a little bit to specify exactly which pathway we are talking about. This ordinance relates to the new path that the City will be constructing on the north side of Rutherford Road, west of Sawmill Parkway and east of Tricia Price. A portion of this path falls outside the City's jurisdiction and in Delaware County's right-of-way, and as a result, there is a need to enter into this agreement with Delaware County and Liberty Township.

Councilman Bennehoof: We discussed this multi-use path in ONE Community and we ironed out an agreement to move forward with all the agreements and get those completed in time for their next special meeting on the August 29th. I believe this will be in good shape by then.

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

Councilman Counts: Steve, are you suggesting we take this to a second reading so you can clean up the title or do you want us to amend it now?

Mr. Lutz: It's whatever Council feels most comfortable with.

Councilman Counts: Does the couple weeks we have until we might be able to approve this effect the ability to get something done?

Councilman Bennehoof: The Township will be meeting on the 29th. I think it would be prudent if we could amend it to identify the location being on the north side of Rutherford between Sawmill and Tricia Price, that it's a collaborative bid, and that the township will be responsible for their piece of that, right Chris?

Mr. Huber: That is a separate agreement than this one. This is only for Rutherford Road, giving us the ability to build a path.

Councilman Bennehoof: But if we passed this tonight and they got theirs done on the 29th, we'd be in a much better place [Mr. Huber: right] because we don't meet again until September 6th. I think we need to move to identify a locale in the text of the ordinance and then move to suspend the rules.

Councilman Swartwout: Jon, could you clarify your comments about hammering out this agreement in ONE Community. Was an agreement hammered out or is this the exact same agreement that is in our ordinance?

Councilman Bennehoof: The Township has to provide some legislation as well. They are going to try to do that on the 29th for a couple of different things. They've already been in talks about all of that, the City Manager and Township Administrator and City Engineer, have been conducting conversations about this and the other piece which is North Liberty. For them to move on their legislation, which will be similar to this, then the City will have authorization with those two pieces of legislation to move forward to bid, etc.

Mr. Lutz: What I think Jon's referring to is the Township has some bike paths along north Liberty Street. What I believe the township is going to do if they pass the agreement, is we're actually going to bid both our bike paths and the township bike paths together.

Councilman Swartwout: The gist of my question was the agreement, is this the agreement (Ordinance 2016-37, Ex. A)?

Councilman Bennehoof: That's correct. I was referring to just the logistics of getting all the legislations cleaned up on both sides and passed together.

Mr. Hollins: It does have the "substantially similar" language in here. We could pass it tonight, make the appropriate changes to designate the segment we are talking about.

Councilman Counts: As we were talking about the ordinance text, I notice this maintenance agreement really doesn't reference this pathway either. Is this agreement intended to cover all situations or just this one?

Mr. Hollins: We requested just this particular Rutherford Road stretch. The other joint bid project will actually remain in the township and the township will continue to maintain that piece of it. This one just happens to be like there's missing pieces in amongst our City...[Mr. Lutz: We do need to identify in this ordinance the specific location]. [Multiple speakers]. You can handle that one of two ways. You can actually amend the ordinance and agreement to say that or pass this as is and direct Staff...[Councilman Counts: I just wanted to make sure you needed to do that.] What I'm intending to do is go back and put a map or an exhibit on this that shows exactly which stretch we are talking about for this agreement.

Mayor Lorenz: I would like to move on this. Clearly this is a piece that is a voted capital improvement from our levy extension. It's a tangible piece of improvement that we can show our residents that we are actually using those dollars to do things and make those improvements and it's a necessary linkage to connect Golf Village.

MOTION: Councilman Counts moved to amend Ordinance 2016-37 to insert the phrase after the words *multi-use pathway*, "north of Rutherford Road, west of Sawmill Parkway and east of Tricia Price Drive." Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Counts moved to suspend the rules in regard to Ordinance 2016-37. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Bennehoof moved to adopt Ordinance 2016-37. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2016-38: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MEYERS & ASSOCIATES FOR THE PURPOSE OF PERFORMING PROFESSIONAL

ARCHITECTURAL AND ENGINEERING SERVICES FOR THE PARK AT SELDOM SEEN ROAD, PHASES 1, 2, AND 3, AND DECLARING AN EMERGENCY.

Mr. Lutz: The City has a site on the north side of Seldom Seen Road between the railroad tracks and Sawmill Parkway which will become a future park site for the City. This ordinance would engage the services of Meyers & Associates to engineer and prepare bid and construction documents for a few phases of this park. We do not have the financial means to build the park all at once. This matter was reviewed with the Finance Committee and what the intention or ideal situation for the City would be is that we be able to go out to bid this winter for a portion of the park and have some construction take place and be able to utilize the park site in 2018.

We have Mad Scientist under contract to put together the engineering and construction documents for the wetlands, the remainder of Phase 1, which are utilities for the site, Phase 2 which includes the athletic fields and a portion of the parking, and Phase 3 which would be a playground at the wetlands along with a concession stand at the athletic fields, restrooms and some of the seating areas.

What I want to emphasize is that this is what the contract will allow us to engineer and prepare bid documents for. It does not guarantee that this is what we will be able to construct. The reason I say that is actually when we do the engineering we will get firm cost estimates and we will determine later this winter what we can actually afford to go out to bid.

Councilman Counts: We reviewed and approved this bid proposal [in Committee] and felt that it was appropriate.

Councilman Newcomb: What is the emergency nature of this ordinance?

Mr. Lutz: The emergency language on this means that once Council adopts the language whether it is tonight or second reading, if it is adopted, that it takes place immediately instead of sitting 30 days before the money is available. The reason behind that was the sense of the Finance Committee to begin this engineering as soon as possible so we would be in position later this winter to go out to bid. Basically, it shaves 30 days off the process.

Councilman Bertone: But it also positions us for construction of the fields and the usability of those fields by Fall 2018. You would want to have them planted and ready to go and usable, but they'd have to sit for a period and so any delay to that effect would potentially postpone 2018 usage.

Councilman Bennehoof: There were to be two playgrounds and I understand one of them is in Phase IV or V. I believe the First Responders themed playground was the second one, is that correct?

Mr. Lutz: You are correct. ONE Community has talked about a First Responders playground theme. ONE Community has identified the playground which is closer to Seldom Seen Road as a possible candidate for that.

Mayor Lorenz: I would agree with Frank. We had a discussion on emergency. This is the type of ordinance, in my eyes, that completely qualifies for it. Again, this is voted money. Our public expects it. Passing it as quickly as possible and entering into these agreements just moves up the timetable for our residents to start enjoying this park.

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

MOTION: Councilman Bennehoof moved to suspend the rules in regard to Ordinance 2016-38. Councilman Bertone seconded the motion.

VOTE: Y 5 N 1 (Newcomb)

MOTION: Councilman Bennehoof moved to adopt Ordinance 2016-38. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2016-39: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2016.

Mr. Lutz: At the last Council meeting, Council authorized the payment of approximately \$14,000 for the cost of issuing our bonds which we did at the end of July or early August. We received one final billing for that note issuance in the amount of \$2,300. That appropriation is before you tonight.

Councilman Bertone: What does that \$2,300 connote? Why did it come in after the fact?

Mr. Lutz: It was \$7,560 plus \$6,440 which would have been for the bond council, the financial advisor and the software. This final cost is for the premium cost.

Councilman Bertone: Are we applying some AAA rating or something? These are notes. What's the premium piece for?

Mr. Lutz: What I would recommend is that we take this to second reading then and Debra [Miller, Finance Director] can get into the specifics.

Mr. Hollins: I think Debra has indicated that we borrowed enough to actually pay the cost of issuance, we just didn't appropriate enough.

Councilman Bertone: I'd like to wait for Debra then. Usually that's all one factor when those two figures come about - those are all baked in.

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

Ordinance 2016-39 was taken to a second reading.

COMMITTEE REPORTS

Development Committee: *Next Meeting:* September 6th, 6:30 p.m.

Finance Committee: *Next Meeting:* September 13th, 7:00 p.m. We met last week and I think just about everyone was there except Jon so I won't belabor what we did but I think the tour was very beneficial. Hopefully we can continue the dialogue of our capital needs.

Operations Committee: *Next Meeting:* August 16th, 6:30 p.m. We met tonight. To Tom's point, a lot of us were there this evening, so I won't belabor all the details. We spent time talking about capital improvement updates, our Keep Powell Moving update as well, but also spent some time talking about our community attitude survey.

ONE Community: *Next Meeting:* August 16th, 6:30 p.m. We met tonight and had a good meeting. We did not get to beautification because of time constraints and the absence of the lead. We approved the logo for ONE Community. We did request that the 'road' and 'street' be removed from the logo because we think that says more about Powell and Liberty that way. That's for use in our social media campaign which we met in subset last night with Megan [Canavan, Communications Director]. She made some good proposals for how we would crawl, walk, run before we launch a full blown dedicated site. It might suffice to ride along with the City's Facebook page. We will get final copy files, etc. within the next couple days that will be made available to Megan so she can get started on her social media presence. We also discussed the bike path connecting issues, some of which we've already talked about. Along with the bike path discussions, the subject was brought up about the professional ride, which is a very narrow audience that's being sponsored by ODOT, I think. They are going to ride a defined route in Powell and Liberty Township and talk about opportunities. We also spoke about the Delaware County Multi-use Path Initiative. They are forming a committee or commission and I will be soliciting the county commissioners to get ONE Community a seat on that. That will probably be the single citizen seat that they have allowed for. Our next meeting and every meeting is the third Tuesday each month.

Planning & Zoning Commission: *Next Meeting:* September 14th, 7:00 p.m. We're likely to see Premium Storage Facility by Brexton coming to that meeting.

Powell CIC: *Next Meeting:* TBD.

Zoning & Building Code Update Diagnostic Committee: *Next Meeting:* August 23rd, 6:00 p.m. We're beginning to look at draft changes to the existing Code as well proposing some new Code.

TIRC: Next Meeting: We will meeting on August 25th, 4:00 p.m.
Keep Powell Moving Workshop: Next Meeting: August 30th, 7:00 p.m.

CITY MANAGER'S REPORT

Nothing to report.

OTHER COUNCIL MATTERS

Councilman Bennehoof: Rocky were you able to put the numbers together on the savings for digital [packets]? And when we do go digital, I suggest that for a short period of time, our private emails be on cc, but I'd like to transition to use the cityofpowell.us sooner than later.

Mr. Lutz: There was a complete analysis that was included in the Finance Committee packet. Finance Committee did not get around to that discussion and it was carried over to the September meeting.

EXECUTIVE SESSION: EXECUTIVE SESSION IN ACCORDANCE WITH O.R.C. SECTION 121.22 (G) (8) ECONOMIC DEVELOPMENT AND O.R.C. SECTION 121.22(G)(3) PENDING LITIGATION.

Councilman Counts moved at 8:40 p.m. to adjourn into Executive Session in accordance with O.R.C. Section (G)(3) Pending Litigation. Councilman Bennehoof seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Bertone moved at 10:15 p.m. to adjourn from Executive Session. Councilman Newcomb seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Bennehoof moved at 10:15 p.m. to reconvene in Regular Open Session. Councilman Swartwout seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Counts moved at 10:15 p.m. to adjourn from Regular Session. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

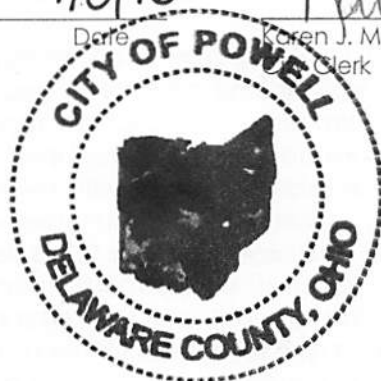
MINUTES APPROVED: September 6, 2016




Brian Lorenz
Mayor

9/8/16

Date





Karen J. Mitchell
Clerk

9/8/2016

Date

City Council
Brian Lorenz, Mayor
Jon Bennehoof Frank Bertone Tom Counts Jim Hrivnak Brendan Newcomb Daniel Swartwout