



City of Powell, Ohio
City Council

MEETING MINUTES
July 5, 2017

CALL TO ORDER/ROLL CALL

A regular meeting of Powell City Council was called to order by Mayor Brian Lorenz on Wednesday, July 5, 2017 at 7:30 p.m. City Council members present included Jon Bennehoof, Frank Bertone, Tom Counts, Jim Hrivnak, Mayor Brian Lorenz, Brendan Newcomb, and Daniel Swartwout. Also present were Steve Lutz, City Manager; Eugene L. Hollins, Law Director; Police Chief Gary Vest; Dave Betz, Development Director; Debra Miller, Finance Director; Megan Canavan, Communications Director; Chris Huber, City Engineer; John Moorehead, Assistant City Engineer; Karen J. Mitchell, City Clerk, Leilani Napier, Deputy Clerk and interested parties.

OPEN SESSION

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION

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

APPROVAL OF MINUTES

June 20, 2017 Regular Session

Councilman Newcomb requested a change on page 10 of the vote to suspend the rules regarding Ordinance 2017-29 to correctly reflect 6 'yes' votes instead of 7.

MOTION: Councilman Bennehoof moved to adopt the minutes of June 20, 2017 as amended.

Councilman Bertone seconded the motion. By unanimous consent of the remaining members of Council, the minutes were approved as amended.

June 20, 2017 Committee of the Whole

MOTION: Councilman Bennehoof moved to adopt the minutes of the Committee of the Whole of June 20, 2017. Councilman Hrivnak seconded the motion. By unanimous consent of the remaining members of Council, the minutes were approved.

RESOLUTION 2017-16: A RESOLUTION SPECIFYING THE MUNICIPAL SERVICES TO BE FURNISHED TO 1.1186 +/- ACRES, MORE OR LESS, WHICH IS PENDING ANNEXATION TO THE CITY OF POWELL.

Steve Lutz, City Manager: This is for the annexation, which we talked about earlier this year or end of last year, and it's made it through the county's map room. This is for the new Verizon building being constructed on the east side of Sawmill Parkway south of Seldom Seen Road. It ties into Bunker Lane. As part of the annexation process now, we submit to the county that if this property is annexed, we are willing to provide all the municipal services to it.

Councilman Hrivnak: Gene is there any reason why there wouldn't be a more descriptive property description? I'm not sure I could determine what that was.

Gene Hollins, Law Director: I don't think we usually would attach it specifically to the statement of services resolution. It will be attached when this is presented to you at the next step which is after county commissioner approval at a 60 day waiting period. You still would have to accept the annexation and there will be a legal description attached at that point. We would be happy, if you would like to amend this. It is at northeast corner of Bunker Lane and Sawmill Parkway.

Councilman Hrivnak: That's probably enough for what I was asking. When I look back at this a year from now, I'll know where it's at.

Councilman Counts: Just as a follow-up, Gene, the petition that was filed, I presume, has some more specific... [Mr. Hollins: Absolutely. And it's served on both the City and the Township. The petition has a very specific legal description. That's actually what held us up was the map room has to review every one of those specific legal descriptions. By the way, it probably would be appropriate to make a motion to amend. When this was drafted, it was anticipated to be filed on June 30th. With all the office closures, it was actually filed earlier today. So the date should be amended to July 5th.]

Mayor Lorenz: Where is that Gene?

Mr. Hollins: That's in the first 'whereas' clause.

Councilman Bennehoof: What kind of time table are we looking at here?

Mr. Hollins: Still the same time table. We go through a little, step-by-step as soon as it's filed, and at the end of that period, we would anticipate after County Commissioner approval, a 60 day waiting period. It would be presented to you in November again for acceptance. It's actually the earliest we can accept it.

Councilman Bennehoof: So if we delayed this to get the wording all straightened out, would it delay the process?

Mr. Hollins: It would not. We presented this to you on Day 1 of the 20 day period within which we have to act on it, so you have time. In other words, it was just filed today, now you have 20 days to pass this. We have another scheduled meeting prior to that 20 day expiration, so we could bring it back at the July 18th meeting.

Councilman Swartwout: Is there any reason to wait?

Mr. Hollins: It's completely in your discretion. We could clean it up tonight with a motion to amend. The only amendment I need is to change the date in the first 'whereas' clause from June 30 to July 5.

Mayor Lorenz: I think that might be the easiest thing to move it off our plate.

Councilman Counts: Does it have an address assigned to it yet?

Dave Betz, Development Director: Yes. 9110 Bunker Lane.

Mayor Lorenz opened this item to public comment. Hearing none, he closed public comment and opened the floor for comments and questions from Council.

MOTION: Councilman Counts moved to amend Resolution 2017-16 at the first 'whereas' clause, on the second line after '1.186 +/- acres, more or less,' and insert 'located at 9110 Bunker Lane.' And in the third line to delete the date of 'June 30' and insert 'July 5.' Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bennehoof moved to adopt Resolution 2017-16. Councilman Bertone seconded the motion. By unanimous consent of the remaining members of Council, Resolution 2017-16 was adopted.

FIRST READING: ORDINANCE 2017-28: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO AWARD A BID TO LAYTON, INC. IN THE AMOUNT OF \$94,847.05 FOR THE BEECHWOOD PARK DETENTION SYSTEM, AND DECLARING AN EMERGENCY.

Mr. Lutz: This item has been discussed in committee about addressing some drainage issues in Beechwood Park. We went out to bid and received two bids. Chris and John can give you a brief review about what is being proposed as part of this improvement project.

Chris Huber, City Engineer: Just to recap, this project is located just south of the Powell Grand development which is adjacent to the Big Bear condos and the woods with the path going back there. This is an in-stream detention. What has happened here at the stream is the stream has bypassed the existing infrastructure. We have done some hydraulic studies to put in a new, improved hydraulic structure that would be less maintenance moving forward.

John Moorehead, Assistant City Engineer: This square-looking part of the stream right here [indicating] is a large pile of rocks that used to be an in-stream embankment. You can see that the stream has eroded itself around that feature and bypassed it. This pipe and two headwalls – one here and one here [indicating] - was originally serving to provide the detention for Big Bear Farms condominiums and the upstream watershed to this point [indicating], which is about 300 acres. When originally designed, most of that watershed was farm field. At this point it has nearly all been developed. The goal of this project is to restore the function of this structure to utilize the flood plain throughout Beechwood Park to slow floodwaters and detain runoff before it goes down Bartholomew Run, through our downtown, and beyond towards S.R. 315 and the Olentangy River.

Mr. Huber: Funding-wise, we plan to use some funds through our Downtown TIF, which this project would benefit because downtown is downstream, it would be positively impacted from this project in terms of streamflow reduction and so forth.

Debra Miller, Finance Director: Nothing financially to add.

Councilman Hrivnak: Do you think this is a direct result of Powell Grand?

Mr. Huber: No. It's been this way for several years.

Mr. Lutz: Tell us about the improvements that Powell Grand is making on their site.

Mr. Huber: If you see the small circular area there [indicating], that used to be the detention basin that served Sawmill Parkway's detention when it was developed. Since Powell Grand has been developed, they've included the detention that was required for Sawmill Parkway and have added a large basin, where John is circling, for their own detention requirements. If you've ever been back there it is a very large lake to handle both Sawmill Parkway and Powell Grand's detention requirements so that flow has already been restricted for predevelopment flows where it enters Beechwood Park. It was not caused by Powell Grand.

Councilman Bennehoof: I have the same interest but you are saying they have no responsibility – that this has been a chronic issue that's been occurring. Where does the water from the new, enhanced Powell Grand Lake go? [Mr. Huber: Same spot where John's pointing. That's the headwater of the stream, Bartholomew Run.] So it's going to watershed quite a bit into this retention/detention pond and then feed into something that you're about to take an action on. Can you describe the bid to resolve this – there's some *thing* that is going to be done to that little square, what is that?

Mr. Huber: Essentially what is there now is a 12-inch pipe and a very low embankment where it will constantly will overflow that embankment. What we're adding is a larger sized pipe with a larger embankment to control the flow a different way. We are not maintaining a 12-inch pipe. Now we will have a 30-inch pipe.

Mr. Morehead: The goal of the new installation is to adapt itself to the change in watershed that has occurred since the Woods at Big Bear construction so that we are not designing for something that existed 25-30 years ago but we are looking at what's there now.

As part of the Powell Grand site, their engineers remodeled their entire watershed. We employed that same engineer to update the watershed study for this feature so that we would have the most accurate understanding of what's going on. We feel this thing failed because of a maintenance problem. It was a bad design, it was difficult to maintain, the pipe clogged, and the embankment overtopped, and will continue to overtop and wash away. So it's a larger pipe through the embankment and then the structure itself that gets

overtopped is going to be armored with a flexible concrete mat rather than individual stones that are prone to removal and being washed away. With the construction, we will be accessing it from the pathway here [indicating] adjacent to the railroad tracks, so we will be creating a permanent access point for our crews to be able to readily get back there and fix it as necessary, so we don't end up with a situation to rebuild it entirely.

Councilman Bennehoof: So Bartholomew Run is all open until you get to that point and then a pipe was placed. [Mr. Morehead: Right.] What purpose does that pipe serve rather than just having an open...?

Mr. Moorehead: That pipe is there to reduce the flow rate. It chokes down the channel at Bartholomew Run and reduces the flow of water downstream. That helps us to reduce the incidence of water overtopping at the railroad crossing – there's a pipe culvert here – and then there's the walkway which has just recently opened. That culvert overtops periodically and water flows through the pedestrian crossing. By containing the water with our pipe in the stream, we are lessening the rate of flow at every downstream crossing off Bartholomew Run. And that, in return, reduces the frequency that those crossings overtop, reduces the velocity of waters along the banks of Bartholomew Run, and it helps to protect the infrastructure in and adjacent to the stream.

Mr. Betz: Just to provide a bit of history, when the Woods of Big Bear Farms condos were developed, the park area was dedicated. They built the pipe underneath the railroad and provided the first tunnel upgrade for the pedestrian tunnel pathway and utilized that pipe and blockage of land for its storm water detention of this area within this stream. What they're doing now is putting that back with something different because the area's changed, but still retaining the water within there. Historically it was all done when Big Bear Farms was developed.

Councilman Hrivnak: One of the bids was rejected?

Mr. Huber: Yes. We did take the low bidder. The rejection came when they submitted their bid they did leave out, I think, three items from their bottom line number. If we included those three items and compared apples-to-apples, the Layton bid would be the low bid. And these were mostly contingency items that we expected to use on the project, so we rejected it for that reason.

Mayor Lorenz: In the utilization of the Downtown TIF is that because the storm water travels that way and if you were to not improve this pipe and you were to have a 500-year storm like John explained, the velocity of the runoff would be potentially be catastrophic?

Mr. Huber: Right. That would all head downstream go through Grace Drive, through Bartholomew Run subdivision....[Mayor Lorenz: Buckling roads and things of that nature.] Yes.

Mayor Lorenz opened this item to public comment. Hearing none, he closed public comment and opened the floor for comments and questions from Council.

MOTION: Councilman Counts moved to suspend the rules in regards to Ordinance 2017-28.

Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2017-28. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2017-30: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2017.

Mr. Lutz: This appropriation is associated with our note refinancing which will take place next month. Debra will provide a brief recap.

Ms. Miller: These are estimate numbers based on the estimate our financial advisors have given us for the note, interest and associated fees. They are pro-rated between the two groups of funding. One is the park

funding and the other is the Seldom Seen or Powell Grand area. We will go out to bid for the notes on July 11th and I should know by the end of the month if these are the actual numbers. If they are not, I'll be coming back with an amendment, probably in August.

Mayor Lorenz opened this item to public comment. Hearing none, he closed public comment and opened the floor for comments and questions from Council.

MOTION: Councilman Bennehoof moved to suspend the rules in regards to Ordinance 2017-30. Councilman Hrivnak seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bennehoof moved to adopt Ordinance 2017-30. Councilman Hrivnak seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2017-31: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2017.

Mr. Lutz: This \$40,000 appropriation is associated with controlling traffic during the shutdown of State Route 315, Monday through Friday from 4-7 pm. Chief Vest has an officer at the Four Corners, and is also monitoring S. Liberty Street and Bennett Parkway. Two weeks into this, I think this estimate is probably on the high side, based on what you're experiencing Chief, but this is certainly sufficient to cover the expenses associated with that traffic enforcement.

Councilman Swartwout: Do we need to make an amendment to change the negative numbers to positive numbers in the body of the ordinance?

Ms. Miller: Yes please.

Mayor Lorenz: Have we reached out to ODOT or anyone to see if we might be receiving any reimbursement for this?

Mr. Lutz: The message sign boards we have are actually the county's and was provided to us at no fee.

Mayor Lorenz opened this item to public comment. Hearing none, he closed public comment and opened the floor for comments and questions from Council.

MOTION: Councilman Counts moved to amend Section 1 and Exhibit A to remove the parenthesis from the numbers 37,500 and 2,500. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bennehoof moved to suspend the rules in regards to Ordinance 2017-31. Councilman Hrivnak seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bennehoof moved to adopt Ordinance 2017-31. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2017-32: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2017.

Mr. Lutz: This ordinance is associated with the Powell Festival. The festival is funded through contributions made. The \$28,000 here recognizes the \$28,000 which has been raised and allows us to put it in the account and spend it.

Councilman Swartwout: How did the bad weather on Friday, the first day of the festival, impact the overall financial success of the festival?

Mr. Lutz: We probably won't know for several more weeks because of revenue that comes in through soft drink sales and reconciling that. Our crowds were way down on Friday, but very healthy crowds on Saturday, so it wasn't a washout by any means. Later this year, the Powell Festival account will be paying back the last payment that the City used to fund it. If we were going to get rain, Friday night was the better day to get it.

Mayor Lorenz opened this item to public comment. Hearing none, he closed public comment and opened the floor for comments and questions from Council.

MOTION: Councilman Counts moved to suspend the rules in regards to Ordinance 2017-32. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2017-32. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2017-33: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO GRANT A WATERLINE EASEMENT FOR WATER SERVICE TO DEL-CO WATER COMPANY, INC. OVER A PORTION OF THE PARK AT SELDOM SEEN WITHIN THE CITY OF POWELL AND DECLARING AN EMERGENCY.

Mr. Lutz: We will be opening bids for the Park at Seldom Seen on July 28th. The final cost estimate for the park was \$3,361,000. We will wait until bids arrive to know what the actual cost is. As part of our park work, we have water service for our shelter building and this ordinance creates the easement necessary for the Del-co Water line to go into the park.

Mayor Lorenz opened this item to public comment. Hearing none, he closed public comment and opened the floor for comments and questions from Council.

MOTION: Councilman Bennehoof moved to suspend the rules in regards to Ordinance 2017-33. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bennehoof moved to adopt Ordinance 2017-33. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2017-34: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2017.

Mr. Lutz: This \$50,000 appropriation would be utilized for legal expenses to defend the City against several legal cases. Later in the year we will be able to reconcile some of our actual expenses because we are being reimbursed by CORMA for some of it.

Mayor Lorenz opened this item to public comment. Hearing none, he closed public comment and opened the floor for comments and questions from Council.

MOTION: Councilman Counts moved to suspend the rules in regards to Ordinance 2017-34. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2017-34. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

COMMITTEE REPORTS

Development Committee: Next Meeting: July 5, 2017, 6:30 p.m. We met this evening and spoke about a potential annexation coming forward. We also talked about a wayfinding plan for the zoo. [Indecipherable]

Finance Committee: Next Meeting: July 11, 2017, 7:00 p.m.

Operations Committee: Next Meeting: July 18, 2017, 6:30 p.m.

ONE Community: Next Meeting: TBD

Planning & Zoning Commission: Next Meeting: July 12, 2017, 7:00 p.m. There are two items on the agenda. A final development plan for a new building for Ill-Mannered Brewery at Grace Drive. The other is a new flex office/warehouse building at Woodcutter and Golf Village Self-Store it.

Powell CIC: Next Meeting: Next Meeting: TBD

Zoning & Building Code Update Diagnostic: Next Meeting: July 25, 6:00 p.m.

CITY MANAGER'S REPORT

There was none.

OTHER COUNCIL MATTERS

Councilman Counts: I wanted to thank Staff in terms of the whole S.R. 315 closure and the speed by which everybody pitched in to reduce the congestion. It was unbelievable. We met on a Tuesday and by Wednesday, there was a big change. Once we got the township involved, there was an even bigger change. So I commend the Staff for redoubling their efforts to get that done quickly.

Councilman Bennehoof: I would second that and also ask that we not give up on pursuing ODOT for some consideration other than a public sign.

Councilman Hrivnak: On a different matter, Powell Festival: fantastic job to all of the Staff, right down the guys that were cleaning the tables and keeping order. It was nicely done.

Councilman Swartwout: To piggyback on Jim's comment, the video that was produced, the retrospective video, was really fantastic. Excellent production values. I thought it was a really good showcase for what the event's all about.

Mayor Lorenz: I would echo both topics and show my appreciation to the Staff for pitching in. We've given a lot to you and demanded a lot of you all the time but you guys continue to amaze us when you support us and do all these great things. I feel like things are on the up-and-up so kudos to all of you for jumping in and making stuff happen.

Mr. Lutz: Our next event will be early next month, Mystery Night Out, and we've changed it from a Council Tuesday night to a Wednesday night so we can all enjoy that.

Councilman Swartwout: Before we vote on it, I just wanted the record to reflect that I will be recusing myself from participating, and will be leaving the room, during the discussion involving O.R.C. Section 121.22(G)(1), Personnel Matters.

EXECUTIVE SESSION: EXECUTIVE SESSION IN ACCORDANCE WITH O.R.C. SECTION 121.22(G)(1) PERSONNEL MATTERS AND SECTION O.R.C. SECTION 121.22(G)(3) PENDING OR IMMINENT LITIGATION.

MOTION: Councilman Hrivnak moved at 8:06 p.m. to adjourn into Executive Session in accordance with O.R.C. Section 121.22(G)(1), Personnel Matters and Section 121.22(G)(3) Imminent or Pending Litigation. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

Councilman Swartwout left the meeting and did not return.

MOTION: Councilman Hrivnak moved at 8:25 p.m. to adjourn from Executive Session into Open Session. Councilman Newcomb seconded the motion.

VOTE: Y 6 N 0 (Swartwout not present)

ADJOURNMENT

MOTION: Councilman Newcomb moved to adjourn the meeting at 8:25 p.m. Councilman Bertone seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

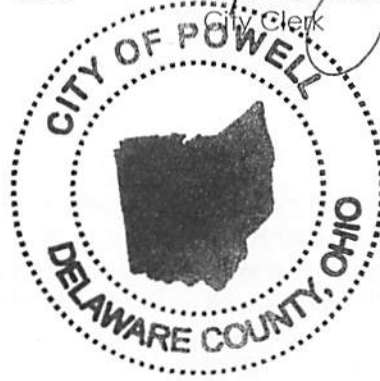
MINUTES APPROVED: July 18, 2017


Brian Lorenz
Mayor

8/10/17
Date


Karen J. Mitchell
City Clerk

8/10/2017
Date



City Council

Brian Lorenz, Mayor

Jon Bennehoof

Frank Bertone

Tom Counts

Jim Hrivnak

Brendan Newcomb

Daniel Swartwout