



City of Powell, Ohio
City Council

MEETING MINUTES
November 8, 2017

CALL TO ORDER/ROLL CALL

A regular meeting of Powell City Council was called to order by Mayor Brian Lorenz on Wednesday, November 8, 2017 at 7:28 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 Steve Lutz, City Manager; Eugene L. Hollins, Law Director; Chris Huber, City Engineer; Aaron Scott, Staff Engineer; Debra Miller, Finance Director; Karen J. Mitchell, City Clerk and interested parties.

OPEN SESSION

PLEDGE OF ALLEGIANCE

PRESENTATION – Delaware General Health District Update by Sheila Hiddleston, Health Commissioner)

- The opiates epidemic issue has recently been declared an emergency. Our governor is aware of how this issue is impacting the State of Ohio. Delaware County is fortunate not to have been hit as hard as other counties. I brought some data to share with you. ([EXHIBIT 1 – The Drug Epidemic](#)). There have been some overdose deaths from opiates within the county.
- We recently rolled out the Opiate Action Plan for Delaware County. There are five major areas and one is prevention. Under this area, we received a grant that allows us to have the ability to provide Narcan to our residents at no charge.
- This is flu season. There has been an uptick in the flu, but no hospitalizations yet. We are working with the Olentangy School District to give flu shots in the schools and this is the third year for doing that.
- We have been working with Steve Lutz and Kevin Moran on the plumbing inspections. Local health districts have jurisdiction in the State of Ohio to do plumbing inspections, but cities that have a certified building department can also do plumbing inspections. We have had a long standing relationship with Powell where Powell did Liberty Township plumbing inspections for the Health District. Our board approved us to hire a plumbing inspector last year and we recently did that. We've been working with Steve and Kevin to look at the City and what kind of a partnership we could have with you because of the recent building department vacancy.

Councilman Bennehoof: Do you and your demographics do any veteran identification in your hospital admissions [regarding opiate epidemic issue]?

Ms. Hiddleston: No, but we have invited the Veterans Commission to our Opiate Action Committee meetings. There is going to be a new Veterans Court. [Councilman Bennehoof: I'm working on that committee] We are aware of that as a resource and looking to see what closer partnership we can have with that group.

Councilman Bennehoof: We are meeting with Judge Hemmeter at noon on November 16th.

Ms. Hiddleston: I will not be available that day but I can have a staff member present on November 16th.

Mayor Lorenz: I wanted to note one thing from the Opiate Action Plan and something that's particularly alarming to me. When Sheila talked about the number of statistics involved in overdose deaths where there is more than one substance, one of the things I took away from that - the rate of occurrence of individuals mixing drugs and the expense of Narcan and exposure of officers - makes it an alarming trend. Opiate Action Plan is a great group and we are lucky to have all these cooperative agencies partnering together for the health benefit of our community.

Ms. Hiddleston: One of the things Sheriff Martin said was that a lot of people will ask him why he would keep giving so many doses of Narcan and wasting those resources. His response is, 'If that was your family member laying there, how many doses would you want me to stop at?'

CITIZEN PARTICIPATION

Mayor Lorenz recognized Councilwoman-elect Melissa Riggins on winning a seat on Council.

Mayor Lorenz explained the rules and opened the citizen participation session for items not included on the agenda.

Bill Eddy, Owner of Midwest Technical and representative of the ProPowell PAC: I want to congratulate the incumbents and Melissa. I would like to ask all the members of the PAC to stand up please. These people behind me worked very, very hard to make sure that this City stays lawsuit-free and moves forward as a community. We owe it to these people right here and I'd like to say thank you.

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

APPROVAL OF MINUTES – October 17, 2017

Councilman Swartwout made some non-substantive changes to his remarks in Other Council Matters section.

MOTION: Councilman Bennehoof moved to adopt the minutes of October 17, 2017 as amended. Councilman Bertone seconded the motion. By unanimous consent of the remaining members of Council, the minutes were approved as amended.

SECOND READING: ORDINANCE 2017-53: AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES, CITY OF POWELL, OHIO TO PROVIDE AMENDMENTS TO TRAFFIC OFFENSES, POWELL CITY CODE CHAPTERS 301-375 ; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (EX. A, B, C)

Steve Lutz, City Manager: This is the second reading to codify our ordinances. At the first reading it was noted that there was an error on Exhibit B and Karen has attached an updated Exhibit B. The correction was the codifier had incorrectly identified Sec. 432.15 in error and that's been corrected to reflect Sec. 313.09.

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 adopt Ordinance 2017-53. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2017-54: AN ORDINANCE AUTHORIZING AMENDMENT TO THE FEE SCHEDULE OF THE CITY OF POWELL. (EX. A)

Mr. Lutz: Each year at this time we review our fees and incorporate changes if necessary. Often times we want fees to reflect what the actual cost of service is. Each department head reviews this and presents recommendations. Debra will review this tonight with you. We have a few recommended changes in the Engineering Department for inspections, plan review, storm water pollution, and preservation plan, as well as a couple in the Police Department. Chris is also here to answer any questions.

Debra Miller, Finance Director: I will highlight a couple of the proposed changes. On page 20 in miscellaneous fees, we are adding a deposit for the traffic cones for special events and parade permits. We will return the deposit once our equipment is returned to us. That is new. On page 22, we were trying to make it read consistent with the City side fees where public records under a \$1.00 was free, so we made that correction. We have also updated our special duty rate to be comparable within the county. Impound fees/initial towing doesn't really need to be in our fee schedule, so that has been deleted.

The other section starts on page 15 and that is the engineering inspection fees. As Steve mentioned, we look at it every year but last year Kevin Moran took a very detailed look at the building fees and now that we've done that and have our basis, Engineering took their turn and did a comparative study [to come up with the proposed changes in their department].

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

Ordinance 2017-54 was taken to a second reading.

FIRST READING: ORDINANCE 2017-55: AN ORDINANCE IMPOSING ASSESSMENTS ON PROPERTIES FOR SIDEWALK REPAIR AND REPLACEMENT AND CERTIFYING THE ASSESSMENTS TO THE DELAWARE COUNTY AUDITOR FOR COLLECTION. (EX. A)

Mr. Lutz: This is the last step in our annual sidewalk repair program where we inspect sidewalks each year. We have certain standards where if a sidewalk does not meet that standard, we notify the property owner. The property owner can either repair it themselves or have the City make the repairs which we did this season. Now that it is complete, it is time for the residents to pay for the work that has been completed on their property. They have the option to either pay off the improvement at one time or they can have an assessment placed on the property through the county and it is spread over 5 years with a 5% interest rate.

Mayor Lorenz: Is Exhibit A representative of those people that chose to have the City make the repairs?

Mr. Lutz: Yes, it identifies the properties where repairs were made.

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

Ordinance 2017-55 was taken to a second reading.

FIRST READING: ORDINANCE 2017-56: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2017. (EX. A)

Mr. Lutz: As we get near the end of the calendar year, this is the time Debra begins to make sure all our balances tick and tack. Debra will discuss this ordinance.

Ms. Miller: This is an ordinance that does not add to the appropriation. We are moving one appropriation to another spot. The good news is our income tax collections are coming in at a rate higher than what was budgeted for the collection fees. Since we had a position open in the Finance Department, I'm asking to move \$10,000 from the personnel expenses of the Finance Department to Operating to cover that.

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 Hrivnak moved to suspend the rules in regards to Ordinance 2017-56. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bennehoof moved to adopt Ordinance 2017-56. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2017-57: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2017. (EX. A)

Ms. Miller: This is doing something similar to what we just did in the last ordinance. In the Building Department, since they have a vacancy, we are using a lot of consultants and outside contractors to help us do our inspections and plan reviews. We are taking \$10,000 out of the personnel budget to put into operating, but we are also adding an additional \$10,000 to the appropriation to finish out the year.

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 2017-57. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bennehoof moved to adopt Ordinance 2017-57. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2017-58: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2017. (EX. A)

Mr. Lutz: I'm pleased to announce that one of our longtime residents, Jill King, who is here tonight, has recognized that this expense was something that was not budgeted. She has been a longtime supporter of our public safety both here and in Liberty Township. She will be making the donation to cover this additional appropriation this year. Thank you Ms. King.

Ms. Miller: We are going to be using the Council's contingency budget, so I'm moving it from Council contingency to the police department operating expenditures for us to purchase nine AEDs for the cruisers and three throughout the City buildings for a total of 12 AEDs. We are getting the new AEDs because [our current ones] are not compatible to the Liberty Township Fire Department. There is a delay in time because they need to replace the sticky pads to make it work. We were also not aware that the AEDs have a lifespan, similar to smoke detectors, and they need to be renewed. We will be coming forward through the planning processes to put up a replacement schedule.

Councilman Bertone: These were not in alignment with what the Township Fire Department uses. In terms of budgeting for these, does county support come into play here? They are obviously receiving funding from the county for a lot of their fire and EMS needs, tools and equipment. Can they pay for this down the road in the future? Because it's....[Ms. Miller: It's something that I can have Deputy Chief look into because he does attend those type of meetings. This is basically in the cruisers for the police officers before the EMS comes, so I'm not sure if they would see if that was relatable, but that's something that Chief or Deputy Chief could look into].

Gary Vest, Police Chief (from the audience): The Fire Department, which we greatly appreciate, provides training for our officers and our first AED training [inaudible]. It was through that recent training when it came to light that we had not budgeted [inaudible]. In an emergency situation not only is it pulling off the pads from the current equipment, but the equipment we are replacing it with will plug directly into the equipment and save time. [inaudible]. We did work with the Fire Department to look for [inaudible].

Councilman Bertone: I realize that tonight this satisfies the here and now. My question to you is to look at it going forward. If there's a quarter percent sales tax already being paid to the county for a lot of fire equipment that's running at a surplus, we should ask and ask the question how we can take part of that.

Councilman Hrivnak: Does this ordinance need to be reworked due to Ms. King's generous donation?

Ms. Miller: No. I still need an appropriation to spend the money.

Mayor Lorenz: I want to take a moment to recognize Ms. King for her generosity. You have always been a great supporter of Staff and Council and we are honored and delighted that you were able to do that for us to help us out. We do appreciate all that you have done for the City over the years.

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 2017-58. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bennehoof moved to adopt Ordinance 2017-58. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2017-59: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2017. (EX. A)

Mr. Lutz: This is an appropriation for \$6,000 for legal services. This is for the prosecutor section of the legal budget. We have had quite a few more cases this year. The bill we received last week was around \$5,000, and we normally only budget in the \$3,000 range. This is what we need to take us through the next year. When we talked in Finance Committee, I did project an increase of the 2018 budget for this section.

Councilman Counts: Is there any kind of theme in terms of when you say there's a large increase. Is there something going on or is this just of one those happenstance kind of things?

Ms. Miller: I can't really say. I just go by the number of cases and the pages. I have the police department sign off that these are all their cases.

Gene Hollins, Law Director: I think the way it's structured, we still use the City of Delaware Prosecutor. They will cover arraignments essentially for free because they are already there doing their own cases. The only theme, and we can double check this and get some information back to you, is there may be more folks that are contesting cases. That is the only time we actually get charged.

Councilman Hrivnak: To be clear, these are all criminal cases through the prosecutor's office, nothing to do with any of the [civil] litigation that we are going through?

Ms. Miller: That is correct.

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 2017-59. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bennehoof moved to adopt Ordinance 2017-59. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

COMMITTEE REPORTS

Development Committee: Next Meeting: November 8, 2017, 6:30 p.m. We met this evening. We had three items on our agenda. One was the exchange of the directional signs for bypassing around the Four Corners in town. We empowered Staff to get those up. We talked about the Murphy Parkway post construction traffic study. The data collection phase done by EMH&T is complete and we are looking forward to their report. This was something that we promised in the ordinance when we approved it. Early indications are that traffic is good in that area. Finally, we talked about the Code Update Committee nearing the completion of its review of the code. That code will be in front of P&Z on November 15th and Council for two readings in late November and early December. Council will get a copy a head of time.

Finance Committee: Next Meeting: November 14, 2017, 7:00 p.m. At our next Council meeting we will have our first review of the 2018 budget. A copy of the budget will be sent out to you in the next week.

Operations Committee: Next Meeting: November 21, 2017, 6:30 p.m.

Planning & Zoning Commission: Next Meeting: November 15, 2017, 7:00 p.m. They will be reviewing the work of the Zoning Code Diagnostic Committee.

Powell CIC: Next Meeting: November 7, 2017, 6:00 p.m. We met yesterday and we are working on one incentive for a company that has moved to town and is growing. We are working on an incentive to encourage that growth. Also, if you recall in our last meeting, we conveyed a property to the CIC to be further conveyed to the property that's going to be Ill-Mannered. That action was taken. Our next meeting, which is our annual meeting, is 12/6/2017.

Zoning & Building Code Update Diagnostic: Next Meeting: November 13, 2017, 6:00 p.m. We talked a little bit about that at Development. We will be meeting on Monday to bring to a close all our recommended updates.

HDAC: Next Meeting: November 16, 2017, 6:30 p.m.

CITY MANAGER'S REPORT

We had our annual Candy by the Carload on Sunday, October 29, 2017 instead of our typical Saturday date because of the conflict with the Buckeyes football game. We didn't know what kind of turnout we would receive having it on a Sunday night. As you know, it was a record-breaking attendance. It was cold, but it was dry.

This Friday at 11:00 a.m. we have our annual Veterans ceremony. We are blessed to have a 94 year old WWII vet speaking at our ceremony this year. His children approached us and expressed some concerns about the cold temperatures forecast for Friday. As a consequence, we are holding the ceremony indoors in chambers.

OTHER COUNCIL MATTERS

Mayor Lorenz: I want to build on Steve's remarks. Mr. Carmichael (our Veterans Day guest speaker) put together a newsletter of his experience in the Central Pacific and the battle at Rio-Namur. It was a great conversation, so Jon has it if you are interested in looking at it. We will leave it here at City Hall.

EXECUTIVE SESSION: EXECUTIVE SESSION IN ACCORDANCE WITH O.R.C. SECTION 121.22(G)(1) PERSONNEL MATTERS, O.R.C. SECTION 121.22(G)(2) PURCHASE OF PROPERTY FOR PUBLIC PURPOSES (LAND ACQUISITION), AND O.R.C. SECTION 121.22(G)(3) PENDING OR IMMINENT LITIGATION.

MOTION: Councilman Bennehoof moved at 8:14 p.m. to adjourn into Executive Session in

accordance with O.R.C. Section 121.22(G)(1), Personnel Matters, O.R.C. Section 121.22(G)(2) Purchase of Property for Public Purposes (Land Acquisition), and O.R.C. Section 121.22(G)(3) Pending or Imminent Litigation. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

Councilman Newcomb recused himself from the discussion of O.R.C. Section 121.22(G)(3) Pending or Imminent Litigation.

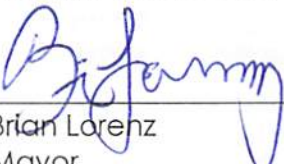
MOTION: Councilman Counts moved at 10:00 p.m. to adjourn from Executive Session into Open Session. Councilman Hrivnak seconded the motion.

VOTE: Y 6 N 0

ADJOURNMENT

MOTION: Councilman Bennehoof moved to adjourn the meeting at 10:00 p.m. Councilman Swartwout seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.


MINUTES APPROVED: November 21, 2017



Brian Lorenz
Mayor

11/27/17

Date



Karen J. Mitchell
City Clerk

11/28/2017

Date



City Council

Brian Lorenz, Mayor

Jon Bennehoof

Frank Bertone

Tom Counts

Jim Hrivnak

Brendan Newcomb

Daniel Swartwout