



City of Powell, Ohio
City Council

MEETING MINUTES
December 19, 2017

CALL TO ORDER/ROLL CALL

A regular meeting of Powell City Council was called to order by Mayor Brian Lorenz on Tuesday, December 19, 2017 at 7:03 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; Dave Betz, Development Director; Rocky Kambo, GIS/Planner; Debra Miller, Finance Director; Megan Canavan, Communications Director; Karen J. Mitchell, City 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, the Mayor closed the public comment session.

APPROVAL OF MINUTES – [December 5, 2017](#)

MOTION: Councilman Bennehoof moved to adopt the minutes of December 5, 2017. Councilman Bertone seconded the motion. By unanimous consent of the remaining members of Council, the minutes were approved.

CONSENT AGENDA

Item

Action Requested

- Departmental Reports – [November 2017](#)
- **[RESOLUTION 2017-31](#)**: A RESOLUTION TO
CONDITIONALLY ACCEPT AND BEGIN THE REQUIRED
MINIMUM TWO-YEAR MAINTENANCE PERIOD FOR PUBLIC
IMPROVEMENTS WITH REGARD TO THE VERONA SUB-
DIVISION, PHASE 1, AS THE SAME IS DELINEATED UPON
THE PLATS THEREOF RECORDED IN O.R. 1394, PAGE
2202, DELAWARE COUNTY, OHIO RECORDS.
- **[RESOLUTION 2017-34](#)**: A RESOLUTION TO CONDITIONALLY
ACCEPT AND BEGIN THE REQUIRED, MINIMUM TWO-YEAR
MAINTENANCE PERIOD FOR THE PEDESTRIAN PATHWAY, A
PART OF THE IMPROVEMENT PLAN OF THE ASSISTED LIVING FACILITY,
LOCATED AT 3827 ATTUCKS DRIVE, CONSTRUCTED BY SPECTRUM
ACQUISITION POWELL II, LLC AND AS APPROVED ON AUGUST 18, 2015.

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

PROCLAMATION: SAVE THE CREW by Mayor Lorenz

PRESENTATION: Hope Recovery by Leigh Gadek and Lesa Bradley (rescheduled from 11/21/2017)

- Hope Recovery is a nonprofit for people with addiction problems who want to make a change in their lives. The first sober house opened around 5-6 years ago. We are based in Franklin County but hope to expand to Delaware County. We currently have 45 beds for sober housing and nine of those residents are from Delaware County.
- We are trying to open 2 houses per year.
- We are currently 100% privately funded, but should be eligible for grants once we are opened two or more years. As a consequence, our biggest issue is funding.
 - Our next fundraising event is on New Year's Eve in Columbus and we expect a few hundred people to attend.
 - Our website is: www.hoperecoverycolumbus.org

Councilman Bennehoof: When you do expand into Delaware County, I would encourage you to get involved with the Mission Court under the direction of Judge Marianne Hemmeter. I'm on the strategic advisory committee for them and you can reach out to me when you are coming up Delaware.

RESOLUTION 2017-29: A RESOLUTION RECOGNIZING JIM HRIVNAK'S TENURE AS A COUNCIL MEMBER OF THE CITY OF POWELL.

Mayor Lorenz read the resolution in its entirety and presented Councilman Hrivnak with a gift on behalf of the City.

Councilman Hrivnak: It has been a pleasure serving the City since 2008. I already begin to miss the place. I will be around with the Committee Improvement Corporation. I will still be on the board at the Chamber of Commerce, so I look forward to seeing all of you again. Thank you for all your support. It has been my pleasure to serve you, the citizens of Powell.

Councilman Counts: Jim, it has been a pleasure to serve with you on Council. I've served with you as long as you have been on Council and the one thing I've admired in what you have done is you have worked tirelessly for the benefit of the City and only the City. I've seen you out and about in the community – whether it's riding with the Fire Department, the Police Department, or the Chamber of Commerce. There were times when I was with you that everybody knew who you were because you were out in the community. That's what being a Councilmember and being a Mayor is about is being that representative for the City and I appreciate that.

Councilman Swartwout: To piggyback on what Tom said, and I said something very similar when I was first elected and you were ending your term as mayor, is what a tremendous ambassador you have been for the City and how many people, between the time I was running for City Council in 2015 and sworn in, told me stories about what a tremendous ambassador you were for the City and what a great job you did as Mayor or stories from friends who were married by you. You showed up and went above and beyond to make their day the most special day of their lives. It's those small things that you have done on a grand scale that have made you such a wonderful member of Council, a wonderful mayor and, in the two years I've had to work with you, everything that was told to me about you was

confirmed. I've learned so much from you and it has been a tremendous pleasure working with you. Your legacy will last here long after you've left Council. Thank you for all your service to the City.

Councilman Newcomb: I got to know Jim better on the Zoning Code Diagnostic Committee and I really enjoyed being on that committee with you. I think we actually enjoyed ourselves for a year and a half we were on that committee. I think you have a great way about you, focusing us and soliciting peoples' opinion and, when we disagreed, keeping us at the table until we got through it and pushing us along until we finally completed that. You did a great job.

Councilman Bertone: I certainly want to recognize you as a Councilmember as well as Mayor. I think you did a phenomenal job for this community. Personally and professionally, over the last four years getting to know you, you are as Dan said, everything that everybody says about you. You truly are an ambassador for this community. Just watching you on the various committees you have had an opportunity to lead, you've done a phenomenal job. This City is certainly not the same as when you came in and that is a credit to you. I appreciate everything you have done for us. If I know you and it holds true, we will continue to see you around here helping us with some of the upcoming community efforts.

Councilman Bennehoof: There isn't a whole lot left to say that hasn't already been said. You certainly have made serving on the various committees a pleasure. I think [the resolution] should probably say 'Old Marrying Mayor Jim.' How many folks did you marry? [Councilman Hrivnak: 29 couples.] Wow. As Vice-President of Council, I think you did an outstanding job and as Mayor I thought you did an incredible job as well. Good luck to you in your future endeavors.

Mayor Lorenz: I appreciate all that you have done to help teach me and sort of taking me under your wing in an almost mentorship capacity. I've always been one step behind you in the process at the City and you've always been kind enough to share insight and give me points and tips on what worked or didn't work. For that I will always be grateful and I will miss having you around. You have been a good steward of the community and it will be hard to replace you.

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

MOTION: Councilman Counts moved to adopt Resolution 2017-29. Councilman Bennehoof seconded the motion. By unanimous consent of the remaining members of Council, Resolution 2017-29 was adopted.

RESOLUTION 2017-30: A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE DELAWARE, OHIO CITY PROSECUTOR'S OFFICE. ([EX. A](#))

Steve Lutz, City Manager: The City uses the services of the Delaware city prosecutor's office to prosecute all cases coming before the Delaware Municipal Court. This contract is for 2018. This current year we are paying \$205 per contested case. The new contract is going up to \$210.00 per contested case.

Councilman Newcomb: How often do we use them?

Mr. Lutz: For the past 12 months we've paid \$18,730.

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

MOTION: Councilman Bennehoof moved to adopt Resolution 2017-30. Councilman Bertone seconded the motion. By unanimous consent of the remaining members of Council, Resolution 2017-30 was adopted.

RESOLUTION 2017-32: A RESOLUTION APPOINTING BOARD AND COMMISSION MEMBERS.

Mr. Lutz: There are currently some vacancies on board and commissions as well as terms that are expiring. The resolution you have before you identifies all the appointments to the Board of Zoning Appeals, the Historical Downtown Advisory Commission, the Powell Community Improvement Corporation, the Personnel Board of Review, the Board of Tax Appeals and the Planning & Zoning Commission.

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

MOTION: Councilman Bennehoof moved to adopt Resolution 2017-32. Councilman Bertone seconded the motion. Councilman Hrivnak abstained. By unanimous consent of the remaining members of Council, Resolution 2017-32 was adopted.

RESOLUTION 2017-33: A RESOLUTION DISBANDING THE ARBOR ADVISORY COMMISSION.

Mr. Lutz: The Arbor Advisory Commission was created many years ago by the City. The primary purpose was when the City had the share-the-cost tree planting program. As a result of budget reductions, we no longer have that program and the Arbor Advisory Commission has not met in several years. So we thought instead of having an inactive board or commission on the books, it would be appropriate to remove them at this time. If there is a future need for such a commission, we can always create it again.

Councilman Bennehoof: This won't have any impact on our tree city status will it?

Mr. Lutz: No.

Councilman Bennehoof: And it says here 'are handled by City Staff and City Council.' Need we make any mention of the City Arborist?

Mr. Lutz: We have someone who provides arborist duties but it is done on a contractual basis, so I would not include that position in this resolution.

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

MOTION: Councilman Bennehoof moved to adopt Resolution 2017-33. Councilman Hrivnak

seconded the motion. Councilman Newcomb opposed the motion. By unanimous consent of the remaining members of Council, Resolution 2017-33 was adopted.

SECOND READING: ORDINANCE 2017-60: AN ORDINANCE AMENDING CHAPTER 11 OF THE CODIFIED ORDINANCES REGARDING THE ZONING CODE OF THE CITY OF POWELL. (EX. A) – *tabled from December 5, 2017. (Revised 1145.22(b)(4))*

Mr. Lutz: For the past two years, the City's Zoning Code Diagnostic Committee has been meeting on a monthly basis and prepared recommended changes to the zoning code. At the last meeting there was a question about the wording regarding one section of the proposed amendments. Dave and Rocky will briefly update you.

Dave Betz, Development Director: Gene Hollins [Law Director] and I sat down with this and Gene wrote out what you see before you regarding mobile businesses which I believe was the only question that came out at the last meeting.

Because we had three sections within what we wrote, we broke it up into three sections. If a mobile business is being utilized for a current business as part of the business plan for that business to have a food truck or mobile business, then they don't need to get a zoning certificate. It's part of what the business occupancy permit would allow. If they want to go on private property, such as a vacant lot, those are when we want to have zoning certificates as a temporary use. Same thing for public parking spaces, such as our downtown area in public parking lots, we want to make sure we review it and we want to recover some sort of fee for the use of our property.

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 2017-60. Councilman Bertone seconded the motion.

VOTE: Y 6 N 1 (Newcomb)

SECOND READING: [ORDINANCE 2017-64](#): AN ORDINANCE AMENDING ORDINANCE 2015-64 TO ADD A CERTAIN PARCEL OF REAL PROPERTY TO THE DECLARATION OF PUBLIC PURPOSE MADE IN THAT ORDINANCE, AND DECLARING AN EMERGENCY. ([EX. A](#)) – *tabled from December 5, 2017.*

Mr. Lutz: Tonight is the second reading for adding the new Verizon business, which is located off of Sawmill Parkway and Bunker Lane, into the Seldom Seen Tax Increment Financing. This matter was reviewed at last week's Finance Committee meeting where, based on conservative estimates, the addition of this property should generate approximately \$20,000 into this district which can be utilized for a variety of purposes, including future phases of the Seldom Seen 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 adopt Ordinance 2017-64. Councilman Bertone seconded the motion.

$$N \quad \underline{0}$$

Debra Miller, Finance Director: This ordinance is to revise the ordinance you passed at the last meeting. I discussed this at the Finance Committee. When I made the appropriation last time when taking the contingency, I thought the balance was \$35,000. I had missed the AEDs which had already been taken from the contingency balance. What this does is reallocate the \$35,000 from the remaining contingency of \$18,400. The \$16,400 is the next ordinance and is out of the unfunded appropriations.

Councilman Newcomb: I thought we were going to get some private funding for the AEDs. Did that not come through?

Ms. Miller: Yes. We did get the private funding, but just like anything else, it doesn't matter if I have the funding, I still have to have permission with an appropriation to actually write the check and spend 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 amend Ordinance 2017-67 to insert after Section 1: "That Section 1 of Ordinance 2017-65 is hereby amended to read as follows:" Councilman Hrivnak seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bertone moved to suspend the rules in regards to Ordinance 2017-67. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bertone moved to adopt Ordinance 2017-67. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2017-68: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2017. (EX. A)

Ms. Miller: As I mentioned a few minutes ago, this is the second half of the amount of money I need to pay legal fees. This part will come from the unappropriated fund balance.

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

Councilman Swartwout: These are both related to an ordinance previously passed. Why did we need to amend the previous one, but not this one?

Ms. Miller: Two different sources. The first one was to amend the contingency, which is usually an appropriation ordinance all by itself.

MOTION: Councilman Bertone moved to suspend the rules in regards to Ordinance 2017-68. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bertone moved to adopt Ordinance 2017-68. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

COMMITTEE REPORTS

Development Committee: Next Meeting: February 6, 2018, 6:30 p.m.

Finance Committee: Next Meeting: January 9, 2018, 7:00 p.m.

Operations Committee: Next Meeting: January 16, 2018, 6:30 p.m. We met tonight and discussed our Community attitude survey that's slated for early next year.

Planning & Zoning Commission: Next Meeting: January 10, 2018, 7:00 p.m. The next meeting has been changed to January 24th.

Powell CIC: Next Meeting: Next Meeting: TBD

CITY MANAGER'S REPORT

Our next City Council meeting will be on January 2nd. There will not be a development committee meeting. At 7:00 p.m. we will have photos taken of City Council. Judge Gormley will be here to swear in the new Council members at that Council meeting.

OTHER COUNCIL MATTERS

Councilman Hrivnak: Based on the passage of Ordinance 2017-60, the amendment to Chapter 11 and as the chair of the Zoning Code Diagnostic Committee, I declare that committee be disbanded. Our mission being accomplished, there is no further need for that committee.

Mayor Lorenz: Excellent work, Jim, thank you very much.

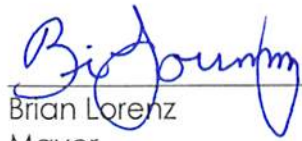
I would like to thank everyone for allowing me to do my press conference here before the committee meeting. As many of you know, I have entered the race as a candidate for the Ohio House of Representatives in the 67th District. We will be choosing a new mayor at the beginning of the year and I will focus diligently on my Council matters as well as my campaign for the House.

With one final adjournment, I would like to pass the gavel to Councilman Hrivnak and ask him to lead us to adjournment.

ADJOURNMENT

MOTION: Councilman Bennehoof moved to adjourn the meeting at 7:43 p.m. Councilman Bertone seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

MINUTES APPROVED: January 2, 2018


Brian Lorenz
Mayor

1/5/18
Date


Karen J. Mitchell
City Clerk

1/5/2018
Date



City Council

Brian Lorenz, Mayor

Jon Bennehoof

Frank Bertone

Tom Counts

Jim Hrivnak

Brendan Newcomb

Daniel Swartwout