



**City of Powell, Ohio**  
City Council

**MEETING MINUTES**  
**January 16, 2018**

**CALL TO ORDER/ROLL CALL**

A regular meeting of Powell City Council was called to order by Mayor Jon C. Bennehoof on Tuesday, January 16, 2018 at 7:34 p.m. City Council members present included Jon C. Bennehoof, Frank Bertone, Tom Counts, Brian Lorenz, Brendan Newcomb, Melissa Riggins and Daniel Swartwout. Also present were Steve Lutz, City Manager; Chris Huber, City Engineer; Debra Miller, Finance Director; Megan Canavan, Communications Director; Karen J. Mitchell, City Clerk and interested parties.

**OPEN SESSION**

**PLEDGE OF ALLEGIANCE**

**CITIZEN PARTICIPATION**

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

**APPROVAL OF MINUTES** – January 2, 2018

MOTION: Councilman Bertone moved to adopt the minutes of January 2, 2018. Councilman Counts seconded the motion. By unanimous consent of the remaining members of Council, the minutes were approved.

**CONSENT AGENDA**

**Item**

- *Departmental Reports – December 2017*

**Action Requested**

*Receipt of Electronic Report*

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

**PRESENTATION:** *2018 Wedgewood Health & Safety Fair, by Joanne McGinty.*

*Ganzhorn Suites.* This presentation was postponed until February 6<sup>th</sup> due to the illness of the presenter.

**RESOLUTION 2018-04:** A RESOLUTION RECOGNIZING BRIAN LORENZ'S TENURE AS MAYOR OF THE CITY OF POWELL.

Mayor Bennehoof read the Resolution in full and presented Councilman Lorenz with a gift from Staff in appreciation for his service as Mayor.

MOTION: Councilman Newcomb moved to recess for 15 minutes. Councilman Bertone seconded the motion. By unanimous consent of the remaining members of Council, the meeting was recessed for 15 minutes.

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

MOTION: Councilman Counts moved to adopt Resolution 2018-04. Councilman Bertone seconded the motion. Councilman Lorenz abstained. By unanimous consent of the remaining members of Council, Resolution 2018-04 was adopted.

**RESOLUTION 2018-05:** A RESOLUTION TO REVISE THE ASSET MANAGEMENT POLICY AS ADOPTED BY RESOLUTION 2013-02 ON APRIL 2, 2013.

Debra Miller, Finance Director: The Asset Management Policy that you have in front of you is one of the financial policies that we put together that follows the Government Finance Office Association's best practices. Periodically we review the policies for any updated best practices and that is what we've done here with the Asset Management Policy. The Finance Committee has looked over this and there are no substantive changes; rather, it tweaks the current language and brings more clarity.

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

MOTION: Councilman Counts moved to adopt Resolution 2018-05. Councilman Bertone seconded the motion. By unanimous consent of the remaining members of Council, Resolution 2018-05 was adopted.

**FIRST READING: ORDINANCE 2018-01:** AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TRUCCO CONSTRUCTION FOR THE PURPOSE OF PERFORMING CONSTRUCTION SERVICES FOR SITE WORK AND RELATED APPURTENANCES FOR THE PARK AT SELDOM SEEN ROAD, PHASES 1, 2 AND 3, AND DECLARING AN EMERGENCY.

Steve Lutz, City Manager: Before getting into the specifics of this Ordinance, I'll paint a broader picture. This Ordinance and the next Ordinance provides the funding necessary to build the first three phases of Seldom Seen Park.

Last summer when we went out to bid, we received bids that were over budget, so we rejected those bids. Subsequently, Council authorized us to proceed with a negotiated bid process. I'd like to thank Dan [Swartwout] and Frank [Bertone] for spending a great deal of time and effort over the past month as we negotiated contracts with Trucco and Thomas & Marker.

The first three phases of Seldom Seen Park encompass a parking lot, wetland feature, concession stand and bathrooms, softball fields, irrigated soccer fields, a playground and multiuse paths. The cost for these first three phases came in at \$3,650,000. Over the past month, we used value engineering, negotiated with the contractors, and we've been able to reduce that by \$532,000. These two Ordinances combined will be \$3,117,792, which is within our funding mechanism that was needed in order to construct this park. Construction will begin as early as next month and will be completed by the end of the year.

This first contract with Trucco is in the amount of \$1,776,352. Originally, it came in at over \$2 million dollars and we were able to reduce it by \$280,000. Trucco will be the first contractor



onsite. They will be removing trees and doing the earthwork. The contractor on the next Ordinance will be doing the above ground work. It is recommended that we proceed with Trucco as outlined in this Ordinance.

Councilman Lorenz: I would like to congratulate Dan and Frank for their work to assist on the value engineering of this, our Staff, current Council, former councilmembers that have been involved in this, and most appropriately, our public. You've trusted us with funds to help develop this park and we are one step closer to making this a reality. We are well on our way. It's been a team effort, along with Staff and Council, so I applaud everyone who has helped to get this over the hump.

Councilman Counts: This was heard at our Finance Committee meeting last week and we are recommending funds to appropriate both of those contracts.

Mayor Bennehoof: I'd like to add my heartfelt thanks to Brian's to Dan and Frank. I think you guys have done a yeoman's job on this and it is much appreciated by us, Staff and the public in general.

Mayor Bennehoof 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 2018-01. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2018-01. Councilman Swartwout seconded the motion.

VOTE: Y 7 N 0

**FIRST READING: ORDINANCE 2018-02:** AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THOMAS & MARKER CONSTRUCTION FOR THE PURPOSE OF PERFORMING CONSTRUCTION SERVICES FOR THE PARK BUILDING AND RELATED APPURTENANCES FOR THE PARK AT SELDOM SEEN ROAD, PHASES 1, 2 AND 3, AND DECLARING AN EMERGENCY.

Mr. Lutz: Thomas & Marker will be doing much of the work seen above ground, which would include the playground and concession stand. This originally came in at \$1.6 million dollars and then utilizing value engineering, we were able to reduce it to \$1,341,440 dollars.

Mayor Bennehoof 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 2018-02. Councilman Swartwout seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2018-02. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

**FIRST READING: ORDINANCE 2018-03:** AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2018. (EX. A)

Mr. Lutz: Last month, Development Committee recommended that the City proceed with an agreement with CSX regarding the proposed path at Murphy Parkway across the railroad tracks. We've done quite a bit of work over the years regarding that path. What this \$10,450 expense allows CSX to do some engineering work and it keeps this project in the queue so when we do come up with funding for the project itself, we will still have the approval from CSX to proceed. This appropriation is proposed to come out of the Council contingency budget because we developed our budget last summer and did not anticipate this expense at that time.

Councilman Lorenz: Steve, so what this essentially does is pays for our engineering approval, which will remain valid until we construct.

Mr. Lutz: Correct. If we chose not to proceed with this, CSX has notified us that it will assume the City is no longer interested in this project.

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

Ordinance 2018-03 was taken to a second reading.

#### **COMMITTEE REPORTS**

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

**Finance Committee:** Next Meeting: February 13, 2018, 7:00 p.m.

**Operations Committee:** Next Meeting: January 16, 2018, 7:00 p.m. We met tonight. I would like to welcome our citizen appointee, Heather Lind, to the committee. As a reminder, if you have any comments on the Community Attitude Survey, they will be due no later than February 6<sup>th</sup>.

**Planning & Zoning Commission:** Next Meeting: January 24, 2018, 7:00 p.m. There are three items on the agenda: a sketch plan for an office/warehouse on W. Case; a proposed realtor building on S. Liberty Street near More Time For You; and a sketch plan for 8 condo units on the southeast intersection of Sawmill and Zion Drive.

**Powell CIC:** Next Meeting: TBD

**Powell Citizen Financial Review Task Force:** Next Meeting: January 23, 2018, 7:00 p.m.

#### **CITY MANAGER'S REPORT**

At the last Council meeting, you requested to get notes from the last City Council Goal Setting session. I assembled the past three and included those in your packets so you have some reference on what's been done in the past.

#### **OTHER COUNCIL MATTERS**

Councilman Lorenz: I'd would like to thank Council and Staff for the recognition provided this evening for my tenure as Mayor. It was a pleasure to work with all of you. I'd be remiss if I didn't thank my wife and family. I hope I can instill the value of civic duty to my children. Thank you to all for allowing me to serve in that capacity for the last two years. I enjoyed it and I hope I made a difference.



Mayor Bennehoof: With respect to the notes that Steve provided us [regarding past Goal Setting Sessions], I would like to plan a meeting during the second week of February to have a strategy session.

After some discussion, February 13, 2018 at 8:00 p.m. was agreed upon.

I also wanted to mention that I recently did my ethics filing. It was very easy to do online and if you haven't already done so, I would recommend doing this way.

As we go into Executive Session, there is an infrastructure element that we need to consider that Mr. Pivar might be able to shed some light on with respect to the scope, scale and cost of that infrastructure element. If it meets with the pleasure of Council, could we have Mr. Pivar join us at the beginning of Executive Session to address this matter, and then move on to the other topics?

*There were no objections.*

**EXECUTIVE SESSION:** O.R.C. SECTION 121.22(G)(2) LAND ACQUISITION, O.R.C. SECTION 121.22(G)(3) PENDING AND IMMINENT LITIGATION, AND O.R.C. SECTION 121.22(G)(8) ECONOMIC DEVELOPMENT.

MOTION: Councilman Counts moved at 8:10 p.m. to adjourn into Executive Session in accordance with O.R.C. Section 121.22(G)(2) Land Acquisitions, O.R.C. Section 121.22(G)(3) Pending or Imminent Litigation, and O.R.C. Section 121.22(G)(8) Economic Development. Councilman Lorenz seconded the motion. Councilman Newcomb recused himself during the Economic Development portion of Executive Session. By unanimous consent of the remaining members of Council, Council went into Executive Session.

MOTION: Councilman Counts moved at 9:45 p.m. to adjourn from Executive Session into Open Session. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

#### ADJOURNMENT

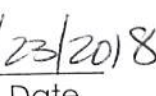
MOTION: Councilman Lorenz moved to adjourn the meeting at 9:45 p.m. Councilman Counts seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

**MINUTES APPROVED: February 6, 2018**

  
Jon C. Bennehoof  
Mayor



  
Karen J. Mitchell  
City Clerk

  
Date 2/23/2018

Frank Bertone

Tom Counts

Brian Lorenz

Brendan Newcomb

Melissa Riggins

Daniel Swartwout