



City of Powell, Ohio
City Council

MEETING MINUTES

April 17, 2018

CALL TO ORDER/ROLL CALL

A regular meeting of Powell City Council was called to order by Mayor Jon C. Bennehoof on Tuesday, April 17, 2018 at 7:30 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; Thad Boggs, Legal Counsel; Karen J. Mitchell, City Clerk and interested parties.

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION

Mayor Bennehoof opened the citizen participation session for items not included on the agenda.

Paul Mohler, 188 Wagon Trail North: I live off of Murphy Parkway. I am the president of an HOA and I was asked to speak to you about some traffic calming at Murphy Parkway and Wagon Trail because this is a[n intersection that has a] bus stop. It is still dark a lot of the time when the high schoolers are at the bus stop. Cars fly up and down Murphy Parkway at 5-6 a.m. So I am interested in your thoughts on some traffic calming, more visible crosswalks, or a four way stop there.

Another thing I was asked to bring up was a reduction of the speed on some of the side streets. Wagon Trail, Cheyenne Court, and all the other side streets over there are the same speed limit as Murphy Parkway: 25 m.p.h. That's a little too fast for the kids to play in the street. I am asking for a reduction to 15-20 m.p.h. on the side streets. Murphy Parkway is a thoroughfare and it has the same speed limit as the side streets.

Steve Lutz, City Manager: Paul, we will follow up with Staff. The City actually has policies on how to begin the process to take a look at traffic calming, stop sign requests, etc. It requires a few people to look at petition procedure. I will follow up with you.

Leif Carlson, 178 Beech Ridge Drive: I am visiting you tonight because I am having an issue with my property. I've been working with Steve [Lutz] and the City Engineer's Office on coming to a resolution over damage caused to my driveway by the City's roadway. The City, as always, has been great, cooperative, on time, prompt, courteous, etc. I'm to a point where I feel stuck because I don't have an appeals process to a ruling from the City, which is Code Section 521.06. As an aggrieved party, when the roadway is causing damage to my driveway, the City is telling me that it is my ultimate responsibility to repair the damage done and it just doesn't seem to be a fair reading [of the statute].

I am asking for City Council to act as my appeals process because there is no vehicle in place for me to take this to other than a court and sue the City if I don't like the City's answer. I don't think that this is what the spirit of the law is the way it reads. I don't want to sue the City. The City's been sued enough. But from a financial standpoint, I would have to consider it. I have no pictures or a quote because I think that is all moot. The problem is either I have to abide by this decision of that law or look for other recourse.

So I'm asking if Council could act in an advisory role for Engineering's interpretation of law to see if the application of this law is correct and have the authority to rule in my behalf. And it seems from what they've [City] told me that even if they wanted to repair my driveway, that they wouldn't have the legal authority to do so using the precedent that has been applied. If the City isn't going to take any action to repair the road itself, it leads me to believe that I would continue to have this same issue to

any new construction I've done to my driveway in the future. It seems the fault lies within the City. My driveway is a properly poured driveway so it doesn't seem like I am the cause.

Councilman Lorenz: Are there any other driveways having these issues in your neighborhood?

Mr. Carlson: I drove around with the City Engineer and went to several three way intersections, similar to mine, and they were all significantly out of whack.

Councilman Lorenz: Have you done driveway replacements before?

Mr. Carlson: No.

Mayor Bennehoof: We may ask our Law Director to respond. I will not put our stand-in guy on the spot here tonight. [Multiple speakers].

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

PROCLAMATION: *Declaring April 21, 2018 PowerTalk 21 Day in the City of Powell, Ohio, by Rachel Babich, Program Director for M.A.D.D. Ohio.*

Ms. Babich explained that M.A.D.D.'s Power of Parents campaign was created for the sole purpose to empower parents with the information and resources needed to help keep their children safe by starting the conversation about the dangers of underage drinking. April 21st is the annual kick off day of PowerTalk 21 which provides seminars, tools and other resources.

Councilman Newcomb: You mentioned you had a lot of presentations for private corporations. Do you also have public events?

Ms. Babich: We do have online training that you can find at our website at www.madd.org. All of our online material is printable as well.

PROCLAMATION: *Autism Awareness Month, by Liberty Tree Elementary and Erin Budic, ROOTS Squad*

Ms. Budic: Thank you for having us out and allowing us to show our support for autism and autism awareness month.

Several students shared their experiences with other students that have autism and what that means to them.

APPROVAL OF MINUTES – [April 2, 2018](#) minutes.

Councilman Newcomb requested that the discussion on Resolution 2018-07 be more fully detailed. The Clerk was directed to redraft that section of the minutes and resubmit it to Council for approval at the next Council Meeting.

CONSENT AGENDA

Item

- [Departmental Reports – March 2018](#)

Action Requested

Receipt of Electronic Reports

MOTION: Councilman Lorenz moved to adopt the Consent Agenda. Councilman Counts seconded the motion.

VOTE: Y: 7 N: 0

FIRST READING: [ORDINANCE 2018-17](#): AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2018. ([EX. A](#))

Mr. Lutz: This is the first of two appropriation ordinances we have tonight. This ordinance reflects additional revenue we received and now we are appropriating it so we can spend it. This is from the 2012 ballot issue which the voters approved and provides funding for capital improvement projects such as our Murphy Parkway construction, traffic signals, bike path extensions, and our final project: the construction of Seldom Seen Park. This \$98,519.94 reflects released encumbrances, interest income on the voted income, and the premium which has been received. This will be utilized to help fund Seldom Seen Park.

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

MOTION: Councilman Counts moved to suspend the rules regarding Ordinance 2018-17. Councilman Lorenz seconded the motion.

VOTE: Y: 7 N: 0

MOTION: Councilman Counts moved to adopt Ordinance 2018-17. Councilman Lorenz seconded the motion.

VOTE: Y: 7 N: 0

FIRST READING: ORDINANCE 2018-18: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2018. (EX. A)

Mr. Lutz: This is a \$12,000 appropriation that has been discussed in Council committee and by the Powell CIC. In January, Council had a strategic planning session. One of the items we discussed was in conjunction with the Comprehensive Plan and one of the recommendations was to conduct a real estate market research analysis of the City which would identify the types of businesses we may not have enough of in the City or those businesses where our needs are currently met. We have a proposal from Vogt Strategic Insights to conduct such a study. Powell CIC will fund 60% of the study with the City funding 40% of the study. This will be utilized to help us make future decisions on developments and redevelopments.

Councilman Lorenz: On behalf of the [Powell] CIC, this was a co-chaired discussion with the Development Committee and all parties were in agreement that this was an important economic discussion opportunity for us to really realize where we are at with things by providing feedback and teeth for future decision-making.

Councilman Counts: This was also reviewed in Finance Committee and it is recommending approval, especially given the fact that the City will only be picking up 40% of the cost.

Councilman Bertone: From the Development Committee's perspective, we think this thing's been well hammered out. As both Brian and Steve mentioned, it is a great opportunity for us to understand where we are business-wise, what we have as housing stock, etc., and what we need to be doing going forward. It helps those from an interested business party perspective of what works in the City and what does not, what do we have enough of, what don't we have. It provides a pretty good position statement for us to go forward with.

Councilman Lorenz: I do believe that this is a prerequisite that has come out of our Comprehensive Land Use Plan so all these documents tie together and work together as living documents to help us guide growth positively for our future.

Councilman Newcomb: The total contract is going to be \$27,500. Mr. Hrivnak said the CIC would pay

\$18,000 of that and that it would go toward the study of businesses. Then the City would pay \$12,000 and focus on the residential aspect of it. In anything I've read regarding residential development in Central Ohio, whether you look at MORPC or anything that you read, even look at our Comprehensive Plan, a lot of it goes into that we are going to be – I can almost predict what this study's going to say: more mixed use, mixed residential, infill, walkable communities. I don't know if we necessarily need to spend \$12,000 for that.

Mayor Bennehoof: We have a high percentage of bedrooms, rooftops as opposed to commercial and I think that moving forward, we need to understand what the best opportunities are.

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

Leif Carlson, 178 Beech Ridge Drive: As a business owner that's been looking for space in Powell for a year or so, it is not a bad thing.

MOTION: Councilman Counts moved to suspend the rules regarding Ordinance 2018-18. Councilman Bertone seconded the motion.

VOTE: Y: 6 N: 1 (Newcomb)

MOTION: Councilman Counts moved to adopt Ordinance 2018-18. Councilman Bertone seconded the motion.

VOTE: Y: 6 N: 1 (Newcomb)

COMMITTEE REPORTS

Development Committee: Next Meeting: May 1, 2018, 6:30 p.m.

Finance Committee: Next Meeting: May 8, 2018, 7:00 p.m. We met last week primarily to interview perspective citizen representatives.

Operations Committee: Next Meeting: April 17, 2018, 6:30 p.m. We met tonight and highlights included an update on the fiber study as well as a discussion regarding a radon detection ordinance and some tweaks into that. Frank, myself, Steve and Matt Huffman, Liberty Township Administrator, met with Chris Bauserman, the County Engineer, to discuss what could be done with the Sawmill Parkway/Presidential Parkway intersection. As you all know, we control one quarter of that intersection. The rest falls within the purview of the township. With all the development that's occurring at the southern end of Sawmill Road, which includes a diversion of Bainbridge Mills which will tie into Old Sawmill Road and have it's connectivity point at Sawmill Parkway closed, the group considered options and decided it would be best to look at Sawmill Road as a holistic study. The County Engineer will be commissioning a study for the entire corridor. It is the first step in the direction of what can be done because it is not just an isolated problem with this intersection, but traffic will be increasing because of the new Epcon development and the tie-in from Bainbridge Mills, so we felt it best to look at it holistically.

Mayor Bennehoof: Can you comment on the Uniform Traffic Manual?

Councilman Lorenz: The Uniform Traffic Manual is the governing document which calls for warrants which involve stop signs or traffic signals and speeds. So just as our City Engineer has to follow Uniform Traffic Standards for speeds on local roads, the County Engineer has to do it as well. So that speed limit is set at 35 right now. He has to look at all the considerations with traffic and movements, turns and signals, to make a determination on whether or not he can lower the speed. It will be looked at holistically.

Mr. Mohler from the audience: Are you talking about Sawmill Parkway?

Councilman Lorenz: Old Sawmill Road.

Mayor Bennehoof: I asked Councilman Lorenz to bring up the Uniform Traffic Manual for your benefit so you will understand that there are limits within the Ohio Revised Code.

Councilman Lorenz: Typically the roadway speed limit is set according to the Uniform Traffic Manual and it is based on the criteria that's involved for a minimum speed limit.

Mr. Mohler from the audience: You are talking about a street that has no houses or [indecipherable].

Councilman Lorenz: I'm not saying that to bring up your concern. It is different and valid. I think the Mayor asked me to comment on that because your comments regarding speeds are governed by that same traffic manual that covers Sawmill Road.

[Multiple speakers]

Mr. Mohler from the audience: I understand you are doing a study. Is it just that intersection [indecipherable]?

Mayor Bennehoof: We have done pre- and post-construction Murphy Parkway traffic studies and we are looking at traffic calming measures that may or may not be needed.

Councilman Lorenz: The County Engineer will do a corridor study on Old Sawmill Road at the request of Liberty Township [Mr. Lutz: Most likely from Powell Road to Bainbridge.] Yes.

Mr. Mohler from the audience: [indecipherable].

Councilman Lorenz: We have had concerns from residents of the Presidential Parkway/Sawmill Road intersection, which the City of Powell controls one of the four access points. So we are collaboratively working with the township because they have the other authority. In engineering it defaults back to the County Engineer, so he's going to look at it from a holistic standpoint to see what, if anything, can be recommended.

Mr. Mohler from the audience: [indecipherable].

Councilman Lorenz: I'd be happy to talk to you off line about it as well.

Planning & Zoning Commission: Next Meeting: May 9, 2018, 7:00 p.m. The Planning & Zoning Commission has taken a short break this month because of lack of submissions. At the next Council meeting, we will probably know what's on the May 9th agenda.

Powell CIC: Next Meeting: TBD

Powell Citizen Financial Review Task Force: Next Meeting: April 24, 2018, 7:00 p.m. The task force will be doing a tour of the infrastructure on Monday night. I gave you a draft of what we are putting together. It looks very similar to what Council went through last year. All are invited to attend. We will be leaving here at 5:30 p.m. and it will take about 1 ½ hours.

CITY MANAGER'S REPORT

I recommend that we add the topic of Economic Development to Executive Session tonight.

OTHER COUNCIL MATTERS

Mayor Bennehoof: I am going to resign my seat on the Development Committee. Through discussions with Councilwoman Riggins and with her consent, she will replace me. This will allow her to have another level of exposure and involvement.

EXECUTIVE SESSION: O.R.C. SECTION 121.22(G) (1) Personnel Matters, (3) Imminent or Pending Litigation,

and (8) Economic Development.

MOTION: Councilman Counts moved at 8:15 p.m. to adjourn into Executive Session pursuant to O.R.C. Section 121.22(G)(1) Personnel Matters, (3) Imminent or Pending Litigation, and (8) Economic Development. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Lorenz moved at 9:25 p.m. to adjourn from Executive Session into Open Session. Councilman Newcomb seconded the motion.

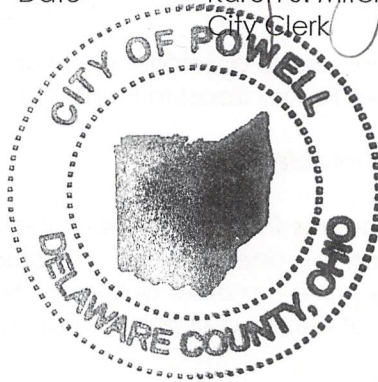
VOTE: Y 7 N 0

ADJOURNMENT

MOTION: Councilman Bertone moved to adjourn the meeting at 9:25 p.m. Councilman Riggins seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

MINUTES APPROVED: May 1, 2018

<u>Jon C. Bennehoof</u>	<u>5/4/2018</u>	<u>Karen J. Mitchell</u>	<u>5/4/2018</u>
Jon C. Bennehoof	Date	Karen J. Mitchell	Date
Mayor		City Clerk	



City Council

Jon C. Bennehoof, Mayor

Frank Bertone

Tom Counts

Brian Lorenz

Brendan Newcomb

Melissa Riggins

Daniel Swartwout