

City of Powell, Ohio
City Council

MEETING MINUTES
September 18, 2018

CALL TO ORDER/ROLL CALL

A regular meeting of Powell City Council was called to order by Mayor Jon C. Bennehoof on Tuesday, September 18, 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; Eugene Hollins, Law Director; 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, he closed the public comment session.

APPROVAL OF MINUTES – September 4, 2018

MOTION: Councilman Counts moved to approve the minutes of September 4, 2018. Councilman Swartwout seconded the motion. By unanimous consent of the remaining members, the minutes were adopted.

CONSENT AGENDA

Item

- [Departmental Reports – August 2018](#)
- Liquor Permit Request – [Tamarkin Company](#)
- Liquor Permit Request – [MJG Design Co., LLC](#)
- Liquor Permit Request – [Beverage Refoundry, Ltd](#)

Action Requested

Receipt of Electronic Reports

Waive Request for Hearing

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

ADVENTURE PARK BARN

Steve Lutz, City Manager: This is a matter which has been discussed by the Finance Committee. Later on the agenda is an appropriation Ordinance to tear down the red Adventure Park barn. We worked with the HOA located immediately to the north of the barn. They were notified that they could attend tonight's meeting if they had any comments regarding the disposition of the barn.

This barn was built in 1894, with an addition in the 1940s and a second addition in the late 1990s. Over the years, the condition of the barn has deteriorated and it's reached the point where it is unsafe. We currently have it roped off to keep people away from this attractive nuisance.

Finance Committee has been studying the cost of repairing versus demolishing the barn. The approximate cost to demolish the barn is \$12,000. To construct a new barn, the cost would be over \$100,000. After a great deal of discussion in Committee, it's been recommended that we remove this attractive nuisance.

Mayor Bennehoof: Some of us have been over to the barn during the capital improvements tour. I'd

be interested in the thoughts of Council?

Councilman Counts: We discussed this at Finance Committee. This is one of those situations where there really is no good option. This is a structure that, until several years ago, I didn't know even existed. But it was useful to the City because it provided storage. At the point that it becomes unsafe, we lose the storage and pay for storage elsewhere or leave things out in the open. If we were going to build a storage unit, I wouldn't recommend building it there because it's too close to the condos. It's the kind of thing that would have been nice to potentially restore the oldest part of it, use it for something better than storage, but we are at a point in our City's financial history that this has to be down on the list because there are so many other things that are much more important to use our scarce resources for. That is unfortunate. All of us feel a little bit disappointed that demolishing it is the recommended choice, but given all the other choices, that is what we are forced to do.

Councilman Lorenz: I would agree. I have spent some time there. At some point a few years ago we stopped being able to store things in parts of the barn because it became unsafe. You can see it from the aerial on the first page. My biggest concern is what we do with all those items that are there. I've had some calls in the past on some of the things being out there and being visible to the folks at Brookehill Village Condominiums. I'd love to keep this but it's more harm than good, so I would support Finance Committee's recommendation.

Councilman Swartwout: I think this item has been discussed extensively in Finance Committee. Tom has succinctly summarized the thoughts of Finance Committee. There really are no good options. The recommendation is to go with the least not good option.

Councilman Bertone: Tom hit it on the head. This is not something we really need to belabor. I think the building itself, albeit from a historical perspective has a lot of feeling to some. Unfortunately, the liability associated with maintaining the structure increases our risk profile. It is something I personally have some discomfort with keeping it around for what potential issues could come about. I am in favor of the demolition of the barn.

Councilwoman Riggins: I would agree with everything that's been said, relying on better minds than mine, with the proposed recommendation.

Councilman Newcomb: I had a couple of questions for Steve: Are all those items that are now outside the barn also going to get removed? Are we going to use the land for anything or would it be used for other items?

Mr. Lutz: What we have used land to the south side of the barn for is to store some spoils and, if we do work where we don't haul things off to the dump immediately, items may be stored there before we have a large enough load to haul offsite. I believe most of it has been relocated already. Our plan would be that once the barn is removed and the land is level, Staff will look for a location within the City for a small spoil yard. If the barn is gone, we won't necessarily relocate that spoil yard in the same location.

Mayor Bennehoof: I'm conflicted, but I don't know that there is a lot of historical [value] other than the fact it was built in 1894. What is the useful life of the building if the original barn was kept?

Mr. Lutz: It depends on how well it was maintained over the years.

Mayor Bennehoof opened this item to public comment.

Lucy Hunter, 27 Brookehill: I'm new in Powell and have been here about a year. This is Marvella, a friend that lives with me as well. We have enjoyed the barn and the wildlife that seem to be near it. We are sad to hear that there's discussion about its demolition. As I am listening to the discussion, I'd like to

ask if anyone knows how long has the City owned this barn?

Mr. Lutz: We have had the Adventure Park site for approximately 30 years or so.

Ms. Hunter: In that 30 years' time, how much maintenance has been done on it?

Mr. Lutz: The most recent was maybe about 10 years ago when a storm blew off the roof and insurance covered the replacement of a roof. Like much of our capital improvement infrastructure, there just aren't the funds to maintain everything to the condition we would like to and this certainly falls into that category. On the south end of town, coming up Liberty Street, is the Lechler Building. That is another building, which is in better shape than this barn, but is moving in that same direction. There just isn't the City funds at this time to maintain the structures.

Ms. Hunter: That seems to be the main concern, the cost in renovation. Has there been any discussion about potentially having a fundraiser and asking the people in the community to support its renovation?

Mr. Lutz: No.

Ms. Hunter: I'm disappointed that the City allowed the barn to deteriorate to its current condition, but also that other potential revenue streams for renovation haven't really been investigated. I agree that I don't know that it has any particular significant value other than the fact that it's an old structure. But we keep tearing down our heritage in this country and then we have buildings that can't stand the test of time in the same way the old ones do. This building has a fairly newer roof. I assume it was replaced with standing seam? [Mr. Lutz: Yes.] Those last a long time which is why they use them on barns. Some of the renovation would be on the exterior, making it water-tight and perhaps doing something for leveling out.

Mr. Lutz: I appreciate you taking the time to come out here tonight. When we met earlier, we had representatives from the homeowners' association. They looked at things a little differently. They don't care for the animals around the barn. They know that with any issue like this, some people find things attractive and others don't. I am glad you came out to give a different perspective.

Ms. Hunter: It may be a sinking ship, but I want to make it known that there are some in the community that would do some fund-raising efforts to support the community. I'm new to the area, so I'm not sure about the community spirit here, but I think this would be a nice opportunity to build some of that.

Marvella (did not otherwise identify herself): I would like to add that there is a lot of eclectic history and character in Powell where many of the original buildings are still kept. It would be valuable in the long run to keep this barn and keep it maintained because there are places like the Short North where they are knocking down all their buildings and a lot of character is being removed from the neighborhood. I think finding a way to keep this barn, through using recycled materials or donated labor, would be healthy for the City.

Mayor Bennehoof: I will take a moment to defend previous administrations as well as this one. The City does run on a very tight budget. We have the lowest income tax in the state except for those that have zero income tax, so some tough decisions get made. I agree that it is a cool barn. If there was a way to get rid of the most deteriorated sections, which are the newer ones, I'd be for it. Are we acting on anything today?

Mr. Lutz: No. Later on there is an appropriation Ordinance drafted and you can have further discussion on it if you like.

Dr. Ken Nekic, 27 Brookehill: I'm a veterinarian and have been doing house calls for 27 years in Central

Ohio. I'm also a wild Life biologist, a paramedic, and a 9/11 World Trade Center rescue worker. I grew up in Stark and Tuscarawas Counties.

I didn't know if you were aware of the Ohio & National Barn Preservation Society. It was started in Ohio and we have more old barns and wood covered bridges than any other state other than Pennsylvania. To me, the 88 covered bridges in Ohio are a national treasure and are on a national historic registry. I think there is a lot of potential for them to help us out [with preserving the barn]. Ohio, Michigan and Indiana are the most active in barn preservation. I would be glad to be a liaison to help to try to incorporate their involvement.

Councilman Newcomb: I want to thank those that showed up [to speak on this issue]. We would need \$34,000 to keep the original structure. We are going to spend \$11,000 to demolish it and we think it would cost \$45,000 to keep the original structure. So there's a difference there of \$34,000. If you could fundraise that...

Dr. Nekic: Personally, I was expecting a lot more.

Councilman Lorenz: The structural integrity of the facility is in peril, so it's also a safety and welfare issue. Mr. Newcomb is saying 'we're going to need this amount' - and I don't want to rip anything down either - but if we get into a situation like that and then the funds that are needed exponentially go up, this community is really starving for monies for capital improvements, you can see our conundrum here as well.

Dr. Nekic: I completely understand. The Mt. Vernon Barn Company takes the unsaveable barns and refurbishes and completely redoes it or will do a new barn. I would offer to contact him and get his opinion on what is possible, in addition to the Preservation Society, since he is local. I know him personally and I think he does a great job.

Mr. Lutz: Just to let you know, we had worked with Yost Barns out of Cardington. I don't know if you are familiar with them.

Ms. Hunter: How much of the dollar value would be labor cost?

Councilman Newcomb: I don't know.

Ms. Hunter: Because going back to my earlier suggestion about people donating their time and labor. Donations are free, so that could potentially reduce that cost.

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

Mayor Bennehoof: There's a lot of potential liability, waivers, etc. It's all very interesting. I don't know that we will act on this tonight. If there are things that could be brought forward in the next few weeks with respect to proposals that might be something we could entertain before we ring the bell for the barn for the last time.

FIRST READING: [ORDINANCE 2018-38](#): AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2018. ([EX. A](#))

Debra Miller, Finance Director: I brought these four appropriations to the Finance Committee last week so some of you will be well acquainted with them. We need additional funds for legal services. We have several pending cases. I've asked for \$13,830.00 and that is just a stab in the dark for legal services and is the rest of City Council contingency.

Councilman Counts: I would add that all of these were heard at Finance Committee and we are

recommending all four of these be adopted by Council.

Councilman Swartwout: Could you state for the record if this is for one case in particular or not?

Ms. Miller: The one I identified is the public records case that is taking up a lot of the funds. Anything left over would be used for the other legal cases.

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 2018-38. Councilman Swartwout seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2018-38. Councilman Swartwout seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2018-41: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2018. (EX. A)

Ms. Miller: This is the \$11,000 that you alluded to in the Adventure Park barn discussion. We are requesting this money from the City Council contingency to demolish the barn in Adventure Park.

Councilman Swartwout: Steve, I believe a resident reached out to you about the potential of the Delaware County Career Center maybe doing this for a lesser fee as an educational opportunity. Did you receive that and has there been any follow up on that?

Mr. Lutz: That was for the demolition of the barn. We did have conversations with them yesterday and it was decided that for the safety of the students – they're not equipped to do this type of work.

Councilman Counts: Is there any reason why we should vote on this tonight? I realize we have a structure that is unsafe and that the sooner we remove that the better off we are from a liability standpoint, but is it worth contacting that other group or voting the appropriation but not necessarily acting on it right away? What would you suggest we do?

Mr. Lutz: We can certainly follow up with the doctor and his resources to find out what funding might be available and what's attached to the funding. It could be taken to a second reading. We have it fenced off. It's an attractive nuisance. I don't know what will happen in the next two weeks, but it's been in this shape for some time.

Councilman Counts: If we went ahead and took positive action on this such that the funds were appropriated, and then you find out tomorrow that we can get some funding, we're not really out anything [by passing the appropriation].

Mr. Lutz: If you appropriate the funds tonight and would like us to follow up with individuals, we can do that and not proceed until we have information if there are other alternatives available.

Councilman Counts: Otherwise we would have to wait 2-3 weeks until our next meeting.

Mayor Bennehoof: Would we have to unwind anything if we go ahead and approve the appropriation?

Mr. Lutz: No.

Councilwoman Riggins: Is this a 2-stage process? Is it for us to decide whether the building is demolished?

Mr. Lutz: That would be a Council decision.

Councilwoman Riggins: So then the second issue would be appropriating the funds to pay for it?

Mr. Lutz: What I was hearing Tom ask was if the funds are appropriated tonight, but direction is given for us to further investigate if there are ways of preserving the original barn, [we would hold off on utilizing the funds until that is explored].

Eugene Hollins, Law Director: In essence, you're making your decision as to whether to demolish it through the appropriation. The actual appropriation contract is small enough that it is not the type of thing that would legally require Council approval.

Councilwoman Riggins: Is there an urgency to this in the next two weeks before we meet again?

Mr. Lutz: No. As I said before, the barn has been in this condition for a while, it is fenced off to try to keep people from entering it. So I can't say with certainty nothing will happen in two weeks, but if we wait 2-3 more weeks, I don't think it will change anything one way or the other.

Mayor Bennehoof: I'd like to make a personal request of Council that we take this to a second reading to give the folks that spoke out tonight some time to do a little research. I don't think two weeks will change the issue much one way or the other.

Councilman Counts: That is the reason why I believe we should appropriate tonight. We have perhaps one phone call to make and it can be made tomorrow. If that phone call brings no new information to light, or they are not interested, etc., then it seems we know what direction Steve needs to go. On the other hand, I'm not sure we should wait another two weeks. I was out there Saturday and I could have easily walked right into the barn without any problem. Someone else could do that too, and I don't think that is a hazard we want to have for another two weeks. Thank goodness no one has gotten hurt so far. If something does come from this phone call tomorrow, I will let Steve do what he needs to do and defer the decision to enter into a contract to demolish it.

Mr. Lutz: For clarification sake, if we do appropriate the money tonight and enter into a contract, it does not mean the barn will disappear overnight. We received three quotes. The low quote was from Trucco Construction, which is doing work on Seldom Seen Park, and I don't know what their scheduling would be, but it would mostly likely not be the next day.

Councilman Newcomb: I'd like to take it to a second reading. We had three people come up here. I don't know what they're going to come up with in two weeks, but I think I'd really like to give them the opportunity [to provide a] miracle, to come up with \$34,000. I mean, it's possible. I think I'd just like to give them an opportunity. If we took this to a second reading and nothing happens, then we can vote on it. I think voting on the appropriation now is kind of putting the cart before the horse and I would just prefer to wait until the next meeting.

Councilman Counts: I'm not wedded to doing this tomorrow, I am just suggesting what I think I would do. Waiting until our next meeting is not that big a deal for me, but I think this point needs to be made: that \$34,000 is an estimate. We don't know exactly what it will cost and every project that I know that's any type of restoration project always has some hidden costs. So, it's not just \$34,000.

Councilman Lorenz: The structural integrity of that building, it will be more than \$34,000. I'm not torn either way. I'd rather allow Steve to do what he needs to do and appropriate the funds. If these

people can come up with it, great. It's a bit of a Hail Mary at this point in time. Finance vetted this out as well, which is a public meeting as well, so it's been out there a while.

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 2018-41. Councilman Bertone seconded the motion.

VOTE: Y 5 N 2 (Newcomb, Riggins)

MOTION: Councilman Counts moved to adopt Ordinance 2018-41. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

Mr. Lutz: I will reach out and get a report back to Council shortly.

FIRST READING: ORDINANCE 2018-42: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2018. (EX. A)

Ms. Miller: This Ordinance is to modify the street maintenance and repair fund to allow me to certify these funds for our grant that you approved at the last meeting. Part of the grant paperwork requires me to certify that we have the funds available to meet our share. When I first talked to you, our share was \$289,000. A couple days later, Delaware County sent us a revised number and it is now \$293,000.

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 2018-42. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2018-42. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2018-43: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2018. (EX. A)

Ms. Miller: This is out of the State Highway Fund. It's \$10,000 to work on a failing storm sewer drain on Olentangy Street. A couple of weeks ago, we had some storm sewer problems that backed up onto SR 750 and then two weekends ago, we had all that rain and it flooded and began to collapse. We had several storm drains that were affected that weekend. The City and its maintenance budget was able to absorb the other two, but we weren't able to absorb this third one.

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 2018-43. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2018-43. Councilman Swartwout seconded the motion.

VOTE: Y 7 N 0

COMMITTEE REPORTS

Development Committee: Next Meeting: October 2, 2018, 6:30 p.m.

Finance Committee: Next Meeting: October 9, 2018, 7:00 p.m. We met last week and you heard the appropriations we just passed. We also did the first part of the budget review on revenues. At our next meeting, we will get into the operating side. I would encourage everyone to attend that because that will be the time there will be potentially significant discussion about any changes.

Operations Committee: Next Meeting: September 18, 2018, 6:30 p.m. We met tonight before this meeting. Two big highlights we discussed were our fiber study. We directed Rocky to investigate further a connection to the water tower and antenna on our building which would lead to a safe and secure connection to the county EMS which we don't have now, and the possibility of commercial broadband in the town center area. The other report we received was an initial estimate to do a buildout to residents that would be somewhere in the neighborhood of \$20-30 million dollars. We are going to table that for now and follow up with our area first and move out.

Secondly, we had a discussion regarding electric scooters and how they might affect our community. We will be discussing further options, possible legislation to make sure we are on par as far as regulating these should they start showing up in our community.

Planning & Zoning Commission: Next Meeting: September 26 and/or October 10, 2018, 7:00 p.m. As of tonight, nothing has been submitted for next week's P&Z meeting, so it appears that October 10th will be the next one.

Powell CIC: Next Meeting: We will meet on September 26, 2018 at the COHatch office in Worthington. We will be conducting a tour of their facilities there for the CIC to get a better understanding as to what their business model is and how they operate as they have expressed a great deal of interest in coming into our community. I will report back on that in October.

CITY MANAGER'S REPORT

First, I would like to recognize Karen who obtained her Certified Municipal Clerk designation from the International Institute of Municipal Clerks. That caps off several years of work to obtain that.

At the last Development Committee, the committee recommended, and it was discussed with Council, to proceed with making an improvement of the Presidential/Sawmill Roads intersection by moving up the stop bars on Presidential Parkway closer to Sawmill Road. Staff plans to proceed with that \$21,000 project. We already have the funds appropriated in our street budget.

I have an update on the progress of the construction of Seldom Seen Park. As you know, we received very heavy rains about a week and a half ago. Originally the seeding was to take place just prior to those rains. It was good that we didn't get the seed down because it would have been washed out or rotting in there. Today they were rock hounding, creating dust, which is a good sign. The rock hounding comes before seeding, so the seeding will be going down soon. If you drive by the park site, you can see that the vertical blocks going up in the park building, so that is also progressing.

Our Tuesday, November 6th Council meeting is the same night as the election. Melissa will be working the polls that night and I don't think she will be wrapping up until well after our 7:30 p.m. start time. Council may want to talk about moving the meeting date to Wednesday, November 7th. [Council gave a thumbs up to do so.]

Next Monday we have our Active Shooter training here. Right now we have 80 people registered for that. If we have the same attendance ratio as we did at the last presentation, about half will not attend, so we are planning on 40 or so.

Our Police Department is going to be increasing the enforcement of our no left-turn at the Four Corners. We are publicizing that increased enforcement efforts. As you know, we have no left-turns, Monday

through Friday, from 4:00 pm to 7:00 pm. We did some analysis and in one week we have a proliferation of cars not abiding by the restriction.

OTHER COUNCIL MATTERS

Councilman Lorenz: I want to remind everyone that Oktoberfest is this weekend at Village Green on Friday and Saturday. I know they need volunteers so if you are interested, let them know. It's through Rotary.

Second, the Delaware County Fair is going on this week. I would encourage you to come and check it out. I will be working there tomorrow at the grandstand. I was approached today by a member of the Health Department who had indicated that there is a contest where drawings are due on Friday by Freshman/Sophomores as part of a billboard contest to promote safe driving.

Mayor Bennehoof: Powell is really blessed with a lot of great activities. Oktoberfest was very well attended last year. I expect if we have good weather, it will be well attended again this year. Because of my commitment to the Rotary, they requested that I come on Friday night, I won't be able to attend. I just found out about a Veterans Dinner at the fairgrounds. They have it every year for veterans and their spouses. Regrettably, I will not be in attendance this year, but hopefully, that won't line up with Oktoberfest next year.

I want to thank Megan, Steve and Karen for their support with the Coffee with the Mayor & Manager. It's a nice program. We have had pretty good attendance and I am pleased with that activity.

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

MOTION: Councilman Counts moved at 8:22 p.m. to adjourn into Executive Session for O.R.C. Section 121.22(G)(1) Personnel Matters and O.R.C. Section 121.22(G)(3) Imminent or Pending Litigation. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved at 9:00 p.m. to adjourn from Executive Session into Open Session. Councilman Bertone seconded the motion.

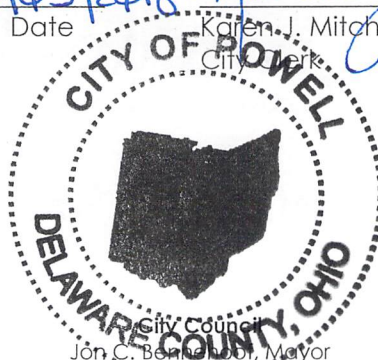
VOTE: Y 7 N 0

ADJOURNMENT

MOTION: Councilman Counts moved to adjourn the meeting at 9:00 p.m. Councilman Bertone seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

MINUTES APPROVED: October 2, 2018

Jon C. Bennehoof 10/13/2018 Karen J. Mitchell 10/3/2018
Jon C. Bennehoof Date Karen J. Mitchell Date
Mayor City Clerk



Frank Bertone

Tom Counts

Brian Lorenz

Jon C. Bennehoof, Mayor

Brendan Newcomb

Melissa Riggins

Daniel Swartwout