



City of Powell, Ohio  
City Council

**MEETING MINUTES**

**October 2, 2018**

**CALL TO ORDER/ROLL CALL**

A regular meeting of Powell City Council was called to order by Mayor Jon C. Bennehoof on Tuesday, October 2, 2018 at 7:29 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 18, 2018

MOTION: Councilman Lorenz made one correction to page 2 of the minutes. Councilman Counts moved to approve the minutes of September 18, 2018 as amended. Councilman Bertone seconded the motion. By unanimous consent of the remaining members, the minutes were adopted as amended.

**RESOLUTION 2018-17:** A RESOLUTION TO ACCEPT THE REPORTS AND RECOMMENDATIONS OF THE POWELL TAX INCENTIVE REVIEW COUNCIL.

Steve Lutz, City Manager: This is legislation that is required each year under state code. After the TIRC meeting in August, I distributed to each of you a summary of the TIRC meeting, the revenues for each of the accounts, and expenditures ([Exhibit 1 – summary](#)). This Resolution acknowledges that Council accepts the TIRC report. This is recommended by the TIRC Committee and City Staff.

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

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

VOTE: Y 7 N 0

**RESOLUTION 2018-18:** A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. ([EX. A](#))

Mr. Lutz: This is also an annual resolution which we adopt pursuant to the Rules & Regulations of the Budget Commission of Delaware County.

Debra Miller, Finance Director: There are two things I will bring to your attention. The \$1.2 mills for the General Fund is standard. We have had that millage for at least 30 years, maybe even further back, but that is as far as I can document it at this point. The Bond Fund is the voted debt that the residents have voted on. The 2 mills is less than what it was last year (it was 2.8 mills). It will continue to drop each year, through around 2021, as we pay off the outstanding debt.

Councilman Counts: The 1.2 mills, is that at the most we can do?

Ms. Miller: In Delaware County, there is still some room but when I talk to the county auditor's office, they said it is reserved but no one actually has it, so I'm not sure what it would take to actually change it.

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

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

VOTE: Y 7 N 0

**FIRST READING: ORDINANCE 2018-44:** AN ORDINANCE TO APPROPRIATE FEE SIMPLE TITLE TO A 0.173-ACRE TRACT, MORE OR LESS, FOR PUBLIC RIGHT-OF-WAY, WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS, FROM MORELAND STREET, LLC, FROM THE PROPERTY CURRENTLY ENCUMBERED BY SHERIDAN STREET AND MORELAND STREET FOR THE PUBLIC PURPOSE OF MAKING AND/OR REPAIRING A PUBLIC ROADWAY WHICH SHALL BE OPEN TO THE PUBLIC WITHOUT CHARGE, AND DECLARING AN EMERGENCY. (EX. A)

Mr. Lutz: This Ordinance and the next Ordinance pertains to the entry into the newest park, the Park at Seldom Seen. Ordinance 2018-44 deals with the western side of Sheridan Road and Ordinance 2018-45 deals with the eastern side of Sheridan Road. Sheridan Road is currently a private street which is utilized by the traveling public. This road provides access to Seldom Seen Park, which is currently under construction. The park was designed with the entrance off of Sheridan Road in order to avoid another curb cut, which would be unsafe, along Seldom Seen Road.

In August, the City adopted a resolution which allowed us to communicate with the two adjoining property owners and make a good faith financial offer based on the independent appraisal. At this time, the City has not been able to reach an agreement with the parties regarding compensation. Tonight's legislation authorizes us to file a complaint with the common pleas court to determine what just compensation is for all parties involved regarding this right-of-way strip.

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

Councilman Counts: If we suspend the rules, does that move this along in a quicker fashion?

Gene Hollins, Law Director: We would request suspension of the rules. We will finish up the unfortunate quick-take procedure. We have made the good faith offers and have not received positive responses to that. So this is the next step in filing the complaints. It allows us to go back to the federal court and ask the federal court to go ahead – they sort of temporarily stayed us using that as the park entrance – and we will ask the stay to be lifted. We would be prepared to do that later this week if we pass this tonight.

MOTION: Councilman Counts moved to suspend the rules regarding Ordinance 2018-44. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2018-44. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0



**FIRST READING: ORDINANCE 2018-45:** AN ORDINANCE TO APPROPRIATE FEE SIMPLE TITLE TO A 0.214-ACRE TRACT, MORE OR LESS, AND A 0.032-ACRE TRACT, MORE OR LESS, FOR PUBLIC RIGHT-OF-WAY, WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS, FROM TRIANGLE PROPERTIES, INC. FROM THE PROPERTY CURRENTLY ENCUMBERED BY SHERIDAN STREET AND MORELAND STREET, FOR THE PUBLIC PURPOSE OF MAKING AND/OR REPAIRING A PUBLIC ROADWAY WHICH SHALL BE OPEN TO THE PUBLIC WITHOUT CHARGE, AND DECLARING AN EMERGENCY. (EX. A, EX B.)

Mr. Lutz: As previously stated, this Ordinance deals with the eastern side of Sheridan. We would also ask for a suspension of the rules for this Ordinance.

Councilman Lorenz: Did we get any response back from the property owners?

Mr. Hollins: Nothing economic.

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 2018-45. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2018-45. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

**FIRST READING: ORDINANCE 2018-46:** AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2018. (EX. A)

Mr. Lutz: The previous two Ordinances, the appraised value equates to \$7,050. This appropriation will allow us to fund that and provide the necessary funds for any fees for filing with the court.

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 2018-46. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2018-46. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

#### **COMMITTEE REPORTS**

**Development Committee:** Next Meeting: October 2, 2018, 6:30 p.m. We met tonight and discussed a variety of topics including Adventure Park and some land and water grant requirement issues there as well as our Vogt Strategic Insight study which we expect more updates in the next month.

**Finance Committee:** Next Meeting: October 9, 2018, 7:00 p.m. Next week is our big budget meeting. The books are out in the box and ready for you to look at. We would appreciate all council members to attend and take the opportunity to hear and dig into the 2019 budget.

**Operations Committee:** Next Meeting: October 16, 2018, 6:30 p.m. I think most of you got a little bit of an update on the broadband status at tonight's Development Committee.

**Planning & Zoning Commission:** Next Meeting: October 10, 2018, 7:00 p.m. We will know toward the end of the week if there is anything filed for next week's meeting.

**Powell CIC:** Next Meeting: TBD. We met last Wednesday. I was not present at that meeting, but the

remainder of CIC did a tour of COhatch, which is a co-working space that is considering locating here in Powell. We will meet again toward end of month.

#### CITY MANAGER'S REPORT

At the last Council meeting, there were three residents who expressed a desire to try to raise funds to save the barn at Adventure Park. I've been in communications with them and they had promised some information today. They didn't get it to me quite yet, so we haven't torn the barn down yet and as soon as I get documentation from them, we will make a decision whether there is funding available to preserve it or not.


#### OTHER COUNCIL MATTERS

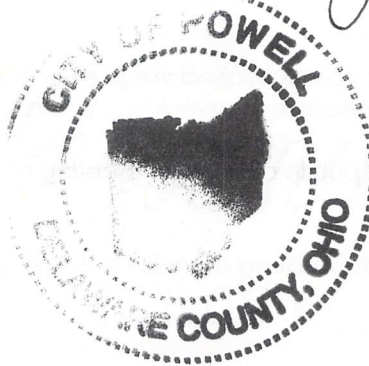
Mayor Bennehoof: I note the report that we had at our table tonight [regarding the illegal left turns at the Four Corners]. I appreciate it and think we are moving in the right direction there. We will get the light at some point and that will help and allow us to tighten up some of the restrictions on left hand turns at the Four Corners.

#### ADJOURNMENT

MOTION: Councilman Counts moved to adjourn the meeting at 7:47 p.m. Councilman Bertone seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

**MINUTES APPROVED: October 16, 2018**

	
Jon C. Bennehoof Mayor	Karen J. Mitchell City Clerk
	
Date	Date



#### City Council

Jon C. Bennehoof, Mayor  
Frank Bertone      Tom Counts      Brian Lorenz      Brendan Newcomb      Melissa Riggins      Daniel Swartwout