

City of Powell, Ohio
City Council

MEETING MINUTES
November 7, 2018

CALL TO ORDER/ROLL CALL, by [Julia Brown, Mayor-for-a-Day](#).

A regular meeting of Powell City Council was called to order by Mayor Jon C. Bennehoof on Wednesday, November 7, 2018 at 7:32 p.m. City Council members present included Jon C. Bennehoof, Frank Bertone, Julia Brown, Mayor-for-a-Day, 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; Jessica Marquez, Assistant Finance Director; Dave Betz, Development Director; Rocky Kambo, Assistant Director of Development; Chris Huber, City Engineer; Karen J. Mitchell, City Clerk; and interested parties.

OPEN SESSION

PLEDGE OF ALLEGIANCE, colors presented by Wolf Den, Pack 842.

PROCLAMATION: [World Kindness Day](#), received by Jason Tharp, Wonderville Studios.

Mr. Tharp explained that the mission of World Kindness Day was to highlight good deeds and acts of kindness within the community. Kindfest is an event scheduled on November 17th from 11:00 a.m. to 1:00 p.m. at Ill Mannered Brewery.

PRESENTATION: [Designation of IIMC Certified Municipal Clerk](#), by Nicole Browder, Membership Chair, Ohio Municipal Clerks Association. Council recognized the City Clerk's achievement of her designation of Certified Municipal Clerk.

CITIZEN PARTICIPATION

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

APPROVAL OF MINUTES – [October 16, 2018](#)

MOTION: Councilman Counts moved to approve the minutes of October 16, 2018. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

SECOND READING: [ORDINANCE 2018-48](#): AN ORDINANCE AUTHORIZING AMENDMENT TO THE FEE SCHEDULE OF THE CITY OF POWELL. ([EX. A](#))

Steve Lutz, City Manager: The City has a fee schedule with all the charges of the City, such as Parks & Rec., Building Department, Zoning Fees, etc. As part of our budget process each year around this time, we review all of our fees and make updates to it, many times in an effort to be sure our fees are covering the cost of providing the service. Tonight is the second reading of the fee schedule.

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

MOTION: Councilman Bertone moved to adopt Ordinance 2018-48. Councilman Lorenz seconded the motion.

VOTE: Y 6 N 0

SECOND READING: ORDINANCE 2018-49: AN ORDINANCE TO ADOPT SECTION 537.19 OF THE CODIFIED ORDINANCES AND TO PROVIDE FOR PREPARATION OF A SUPPLEMENT TO THE MUNICIPAL CODE.

Mr. Lutz: We use an outside service, Municode to codify our ordinances once a year. This is the second reading. At the last Council meeting there were some questions raised regarding the format that Municode has put together this year. You asked the Law Director to talk with Municode and provide a report at tonight's meeting.

Eugene Hollins, Law Director: We had the opportunity between first and second reading to speak with Municode, our new codifier, and talk with them regarding the issue of whether everything between July 2017 and July 2018 had been properly captured and incorporated into the state Traffic and Criminal codes within the ordinances they provided us. I sent them a copy of a similar ordinance we had received from another municipality that was performing that same function as a secondary checking device for them. The attorney from Municode did walk us through their process for capturing any of the changes and how they pull up or contact the state. There are several check and balances. We did agree on a going forward basis as a double checking device, to provide them with what we receive from other codifiers. With that, we are comfortable that they've captured any changes to those codes between July 2017 and July 2018 and these Ordinances are appropriate for your consideration this evening.

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

MOTION: Councilman Counts moved to adopt Ordinance 2018-49. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

SECOND READING: ORDINANCE 2018-50: AN ORDINANCE TO AMEND SECTIONS 301.22 AND 301.51 OF THE CODIFIED ORDINANCES, TO ADOPT SECTIONS 331.45, 339.12, 331.46 OF THE CODIFIED ORDINANCES.

Mr. Lutz: The previously adopted Ordinance dealt with criminal matters. This one deals with traffic. Mr. Hollins went through the same process with Municode's attorney with this Ordinance as he explained with the last Ordinance.

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

MOTION: Councilman Counts moved to adopt Ordinance 2018-50. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

SECOND READING: ORDINANCE 2018-51: AN ORDINANCE ACCEPTING THE ANNEXATION OF 44.29 +/- ACRES, MORE OR LESS, LOCATED AT THE CORNER OF SAWMILL PARKWAY AND HOME ROAD, FROM LIBERTY TOWNSHIP TO THE CITY OF POWELL, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AND INCENTIVE AGREEMENT RELATING TO THE AVAILABILITY OF SEWER SERVICE TO THE ANNEXED AREA AND A DEVELOPMENT AND INCENTIVE AGREEMENT RELATED TO CERTAIN JOB CREATION INCENTIVE PAYMENTS, AND TO DECLARE AN EMERGENCY. (EX. A)

Mr. Lutz: Tonight is the second reading of the proposed annexation of Ohio State Ambulatory Center. As reported at the last meeting, we don't know the exact date we will bring this forward to Council, so I would recommend that this be tabled until your next meeting on November 20th. One thing I can report is that at your next meeting we will have the incentive agreement with the City of Powell, Delaware County, and Ohio State, where it will identify the cost participation of the three parties to provide sewer to the site.

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

MOTION: Councilman Counts moved to table Ordinance 2018-51 to a date certain of November 20, 2018. Councilman Swartwout seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2018-52: AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FOR 5.366 ACRES AT 185 NORTH LIBERTY STREET, AMENDING THE ZONING MAP FROM R, RESIDENCE DISTRICT TO DR, DOWNTOWN RESIDENCE DISTRICT. ([EX. A](#))

Mr. Lutz: This proposed infill development is located just south of Adventure Park. It's been discussed at a few Development Committee meetings and P&Z meetings. Developer Director Dave Betz will provide you an update.

Dave Betz, Development Director: And I will turn it over to Rocky who is ready to give you a presentation on this matter. Just a few years ago we saw a proposal for this property with a multiple family development. This is single family, so it's different from the last proposal.

Rocky Kambo, Assistant Director of Development: The existing parcel is broken into two parcels [indicating]. Just south of that parcel, it is zoned Downtown Business District and the green area is currently in the Residence District. Staff has no hesitation in moving this over into the Downtown Residence District. The purpose of this district is to 'preserve, protect, and promote the village scale residential environment through provision of a village scale housing opportunity on modest lots in the downtown district.' What's being proposed are a number of single family homes on modest lots within the Downtown District. We mentioned numerous times in our Comprehensive Plan that we wanted to try to grow that downtown district to add more life, vibrancy, etc. into the downtown core. Adding houses, and a different housing type, into the downtown core adds to that vibrancy. Adding it into the Downtown Residence District makes this land beholden to our historic district guidelines so we are getting a higher level of architecture and quality of housing within the Downtown District as well. In the existing district, these would only be allowed to be one acre lots. Having more density that is walkable within the Downtown District is important to us and the Comprehensive Plan. For those reasons, Staff is in support of converting this over to the Downtown Residence District.

Mr. Betz: To give a little history on the property, the current owners have been residents at this location since before the City became a municipality in 1947. When Powell zoning was created back in the 1970s, it set up this property in a holding pattern before all the growth in Powell happened in the R district. Anticipating how the City grows, our Comprehensive Plan has indicated that we want to grow our downtown a little bit and this is exactly what the plan calls for.

Councilman Swartwout: How far along in the P&Z process is this project?

Mr. Betz: The preliminary development plan has been approved and that is included in your packets.

Councilman Lorenz: And that preliminary development plan is not approvable by Council, correct?

Mr. Betz: No. This will go back [to P&Z] for a final development plan and come back to Council as a final development plan. At that time, you will have another look at it.

Councilman Bertone: This whole project's been through the Development Committee a few times for conversations regarding park-designated lands and things of that nature. Dave, Rocky and others have been working very hard to clear some roadblocks in order to make certain we have proper designation set aside for this and not impacting Adventure Park as well as the parcel.

Mayor Bennehoof: For clarification, zoning it from R to DR provides a higher level of zoning - not necessarily a higher use, but higher degree of scrutiny and requirement on the building materials, density and design, etc.?

Mr. Kambo: Yes, exactly.

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

Ordinance 2018-52 was taken to a second reading.

FIRST READING: ORDINANCE 2018-53: AN ORDINANCE TO ACCEPT THE PROPOSED BUDGET, AND TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF POWELL, DELAWARE COUNTY, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019.

Mr. Lutz: Tonight is the first step in beginning to conclude the 2019 Budget process. We began the process in open public meetings back in September with the Finance Committee. That was followed up in October by a Council of The Whole where we conducted a page-by-page review of the proposed budget. Tonight is the first of 2 – 3 readings of the proposed budget.

During the page-by-page reviews of the budget, we covered the entire budget except for the IT budget, which can be found on page 115 of your budget booklet. Rocky is here to review that with you.

Mr. Kambo reviewed the proposed IT budget.

Councilman Swartwout: Your reference to a wash: is that in the short or long term? Because if in 6 or 7 years we're going to have to replace these items [servers] again, would it be a long-term cost savings to go to the cloud?

Mr. Kambo: No, because the minute you go to a cloud service, it will be a monthly cost – which is what I meant by wash – that month-by-month cost.

Mayor Bennehoof: Because it's built as your platform offering, it wouldn't need a replication server. Was that part of the calculation? That's taken care of in the Azure environment?

Mr. Kambo: Azure has replication as well. I believe so. I think John [Stickel] would have taken that into consideration.

Councilman Bertone: What operating system did you indicate?

Mr. Kambo: Right now our servers are running Windows 2008 and 2012. We don't know when Microsoft is going to stop supporting 2008.

Councilman Bertone: We have had this conversation in the past, I just think that we are always on top of those years. It seems like some organizations are still running on 2010. I understand that 2008 is an issue, but is there a means of getting yourselves looking at some of the more finite items in this? I'm not trying to nitpick, I just want to make sure we understand from a budget point of view. When I look at the trend line from what was back in 2016, going forward, I just want to make sure we are being consistent. 2022 is not even worth discussing at this moment, but our needs are obviously growing. We have body cameras, servers for a variety of things such as phone storage, records storage, etc. I just want to be sure, from a cost point of view, we thought through what it is that's going to keep us in a cost containment point going forward.

Mr. Kambo: To clarify, when you talk about technology, you can be at the bleeding edge and that is not where we want to be. We are a couple steps back. The 2019 Outlook was just released a week ago by Microsoft, we wouldn't be going to 2019. We would likely be staying at 2016. We would buy the license for 2019 to give us more years of service and warranty, but we would be a couple steps back.

Mayor Bennehoof: If the latest release is 2019 and there's a 2018 being used, that would be a good place to be because all of the bugs have been worked out, the fixes have been brought forward and applied, etc.

Mr. Lutz, Debra Miller, Finance Director and Jessica Marquez, Assistant Finance Director reviewed the remaining 2019 budget highlights to Council. ([EXHIBIT 1 – 2019 Budget Highlights](#))

Councilman Swartwout: Going back to Page 3 [of the Budget Highlights] somebody could look at the expenditures and revenues and presume that our budget is not balanced. Obviously it is a balanced budget, but could you explain that in light of these two numbers?

Ms. Miller: According to what balances our budget is our revenues are supposed to be sufficient enough to cover our personnel and operating expenses. If you refer to page 65 or if you look at your monthly Executive Report, there is a line called the Excess Deficiencies of Operating Revenues Over Operating Expenditures and we are in the positive \$154,000 when looking at the 2019 budget.

Councilman Newcomb: On page 8 [of the Budget Highlights], in 2020, it shows that the property tax revenues are decreasing. Is there a reason for that?

Ms. Miller: There are a couple of reasons. Based on what we collected in 2018 the county projected what we are going to get in 2019. I believe those numbers are a little high and they will be reallocated because there are some TIFs that are brand new that are going to need some retro payments. So I think our payments will actually be lower and I was trying to adjust for that. By the time we get that cleared up and you are ready to do your actual numbers for 2020, we will have a better feel for that.

Councilwoman Riggins: On Page 16 [of the Budget Highlights] on the \$58,686.00 for a new employee, is that the salary of that employee or is that the total cost for that employee, including benefits?

Ms. Miller: That is the total cost of the employee, including benefits, 27th payroll, etc. It starts it as if we were hiring April 1st. That is why we mentioned it because by the time we would hire and need them, we would not need to start until around April. This represents three-fourths of the year.

Mayor Bennehoof opened this item to public comment.

Brad Coomes, 189 Wagon Trail North: In light of yesterday's election results, I wanted to see if there are any plan to reduce the budget or make cuts that could free up money for next year for additional roads and infrastructure work?

Mayor Bennehoof: I'll comment even though we don't typically get into a dialogue here. If you were here for the entire presentation, you heard that we run a very lean budget. We are triple A bond rated, which means that we have good fiscal management. As far as cutting the budget, that was looked at by the Task Force and the Task Force reported its findings which are available on our website. You will find that cutting the budget doesn't come near what it would have taken to address the need.

Mr. Coomes: I get it. It's a government agency. It's not nitpicking, but there's seven of you up there with a 115 page color print out. There's little stuff like that which perhaps we don't need. Maybe we could reduce a police officer. Maybe we don't need the new Parks & Rec [sic] employee or the new truck. I understand that it may not be enough money, but say we save three or four hundred thousand

dollars, that would almost double our budget for infrastructure.

Mayor Bennehoof: I encourage you to read the Task Force report. It is available on our website. It was created with a very diverse cross section of our community and they did thorough, exhaustive research on the matter and came up with the plan that was presented on the ballot.

Councilman Lorenz: Brad, I think you raise a great question. As a government agency, we are required to present a balanced budget. But to me, the budget is a living document that we use throughout the year as a guidepost. When situations arise like that, we will have those discussions on places where we can cut costs and things like that. You brought up the employee. We will have to see how that plays in, but I think it's a good point.

Sue Lorenz, 4111 Village Club Drive: Hi. I don't usually comment at City Council because, as you all know, I am Brian's wife, and sometimes that is perceived that we share the same brain, which is never the truth. I have my own mind and I just wanted to speak, since you brought up the Task Force thing. I have read the report and I think my disappointment lays in the fact that no one listened to the residents except for Brian and Dan and Frank when, you know, they did some of their outreach with the community. The residents repeatedly told you guys that without unilaterally raising the credit on the people that work outside of the City there was no chance this was going to pass. So I feel like we wasted a lot of time and we could be much further along into this budget process and I hope that you guys have all taken time to think of maybe some new ideas to move us forward. I haven't seen a lot of that tonight. I was hoping that during this budget time maybe some of that would have been brought up. I know that the Task Force was a diverse group that was handpicked by you guys, but I think you kind of missed the mark on listening to your residents. That's all. Thanks.

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

Ms. Miller: I would like to add that the way our budget needs to be passed is if there are going to be any recommendations for changes or modifications to the budget, we need to have the budget lay fallow one reading, so we are recommending that you get any changes to me or Steve as soon as possible so those changes can be incorporated into the second reading. If there are no changes, it can be passed at the next Council meeting on November 20th. Otherwise, it will go to a December meeting to be passed.

Ordinance 2018-53 was taken to a second reading.

FIRST READING: ORDINANCE 2018-54: AN ORDINANCE WAIVING SECTION 1115.05(e) RELATING TO THE ISSUANCE OF ZONING CERTIFICATES FOR BUILDING CONSTRUCTION WITH REGARD TO VERONA, PHASE 3.

Mr. Lutz: This Ordinance and the next Ordinance was discussed earlier tonight in Development Committee. City Engineer, Chris Huber, will give you an overview.

Chris Huber, City Engineer: We went over this at Development Committee this evening. Verona is asking, before conditional acceptance of Verona Section 3, which they are currently building, to allow building permits in that section. There's only so many permits allowed to go to Powell Road, essentially Phases 1 and 2, so they are going to keep that lot total the same as Sections 1 and 2. If they build homes in Section 3, those [permits] will come out of Section 2's home [permits]. Before they get any other building permits, they must make the connection to Seldom Seen Road.

Councilman Swartwout: Is this the one we are taking to a second reading because we are still waiting for something from Liberty Township?

Mr. Huber: Yes. We are going to verify Liberty Township's on board with this. They were with the initial philosophy of directly trading lots from Section 2 to Section 3. This new philosophy is a little more flexible

for the builder and a bit easier for the City to keep track of how many lots are still available. We will get that correspondence for the next Council meeting.

Councilman Lorenz: Why do we have to have any buy-in from Liberty Township?

Mr. Huber: Fire code. They can only serve so many homes for Powell Road. We are right at the max for the two phases.

Councilman Lorenz: So you're actually seeking it from Liberty Township Fire Department?

Mr. Huber: Correct.

Councilman Bertone: This was reviewed tonight in Development Committee and there is no need to have a vote this evening. They are comfortable taking it to a second reading.

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

Ordinance 2018-54 was taken to a second reading.

FIRST READING: ORDINANCE 2018-55: AN ORDINANCE WAIVING SECTION 1115.05(e) RELATING TO THE ISSUANCE OF ZONING CERTIFICATES FOR BUILDING CONSTRUCTION WITH REGARD TO CARPENTERS MILL, SECTION 1, PART A.

Mr. Lutz: This is similar to the last Ordinance and also reviewed by the Development Committee. One of the things we are hearing from the builders is because of the rainy summer and fall seasons, everyone is behind schedule and are trying to catch up or get as much done as they can before winter sets in.

Mr. Huber: This the Carpenter's Mill section. They are getting ready to build their streets this week and they want to get four permits to be able to build before we conditionally accept those improvements. The one major thing that's preventing them from accepting those improvements is the sanitary lift station which is under construction now. Their intention is to build the homes with the streets in place, but we can officially accept the streets, which our Code requires us to, after the lift station is complete. This will give them a head start with the home construction over the winter for four homes. To get occupancy in those four homes, those improvements in that section will need to be accepted by City Council and any homes, other than those four, will require Steitz Road widening, which was the requirement for the development.

Councilman Bertone: Again, this was reviewed by Development Committee and we would like to advance this tonight for consideration.

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

MOTION: Councilman Bertone moved to suspend the rules regarding Ordinance 2018-55. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bertone moved to adopt Ordinance 2018-55. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

COMMITTEE REPORTS

Development Committee: Next Meeting: November 7, 2018, 6:30 p.m. We met this evening with our next meeting December 4th. We voted on one of the two measures we talked about this evening. We also received an update from the Development Director regarding the Vogt research study. We have the initial report which Rocky and Dave are reviewing to boil it down and finalize for Council in December.

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

Operations Committee: Next Meeting: December 18, 2018, 6:30 p.m.

Planning & Zoning Commission: Next Meeting: November 14, 2018, 7:00 p.m. There are four items: The Mews of Zion plat; Redline Athletics training facility on Woodcutter Dr.; Framemakers on Olentangy St. proposes a workshop shed in his backyard; and Home & Steitz Roads has a sketch plan review in anticipation of that property possibly being annexed into Powell.

Powell CIC: Next Meeting: TBD. We met on October 29th and discussed tenants for the 44 Business Center and a couple other items.

HDAC: Next Meeting: November 15, 2018, 6:30 p.m. Adventure Park South development will be bring their elevations to HDAC for comments.

CITY MANAGER'S REPORT

I wanted to remind Council that earlier this year, Ordinance 2018-33 held its first reading. That Ordinance which increased the City's income tax rate. The second reading of that Ordinance was tabled until December 4th. On December 4th, that Ordinance will be brought forward to Council so you can repeal it as a result of yesterday's vote to defeat the income tax increase.

At the last Council meeting, a request was made about looking into getting the Lechler Building painted. That cannot be accomplished this season because it is too late in the season for our employees to look at it or to contract it out. We will be looking at it again for Spring.

Finally, a reminder our annual Veterans Day celebration is Monday at 11:00 a.m. at Veterans' Memorial here.

Mayor Bennehoof: John Bernans will be our featured speaker. He's a marine and former fire chief that I have a great deal of respect for. I am looking forward to having the honor of introducing him.

OTHER COUNCIL MATTERS

Mayor Bennehoof: I attended Save a Warrior indoctrination of the last cohort for the year out at Longaberger Homestead. I had the distinct pleasure and honor to witness the last class in Ohio. I had two colleagues from the Mission Court that were going through the program. They've asked me to go through it, and I was honored to be asked.

Councilman Swartwout: I would like to thank our Mayor-for-the-Day, Mayor Brown, for her outstanding leadership today and helping run such an exceptional meeting. Thank you much.

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 and O.R.C. Section 121.22(G)(8) Economic Development.

MOTION: Councilman Counts moved at 9:03 p.m. to adjourn into Executive Session pursuant to O.R.C. Section 121.22(G)(1) Personnel Matters, O.R.C. 121.22(G)(3) Imminent or Pending Litigation, and O.R.C. Section 121.22(G)(8) Economic Development. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0



MOTION: Councilman Lorenz moved at 10:16 p.m. to adjourn from Executive Session into Open Session. Councilman Lorenz seconded the motion.

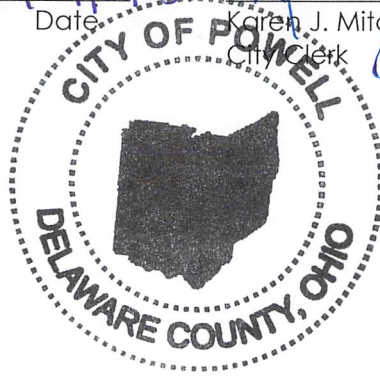
VOTE: Y 7 N 0

ADJOURNMENT

MOTION: Councilman Swartwout moved to adjourn the meeting at 10:16 p.m. Councilman Counts seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

MINUTES APPROVED: November 20, 2018

	
Jon C. Bennehoof	Karen J. Mitchell
Mayor	City Clerk



City Council

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