



City of Powell, Ohio
City Council

MEETING MINUTES
November 20, 2018

CALL TO ORDER/ROLL CALL

A regular meeting of Powell City Council was called to order by Mayor Jon C. Bennehoof on Tuesday, November 20, 2018 at 7:32 p.m. City Council members present included Jon C. Bennehoof, Frank Bertone, Tom Counts, Melissa Riggins and Daniel Swartwout. Brian Lorenz and Brendan Newcomb were absent. Also present were Steve Lutz, City Manager; Eugene Hollins, Law Director; Jeff Snyder, Parks, Recreation and Public Service Director; Jessica Marquez, Assistant Finance Director; Rocky Kambo, Assistant Director of Development; 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.

Mike Jones, 3239 Winding Woods Drive: I would like to briefly comment on the income tax [ballot issue] and the fact that it was defeated. As we all know, it was quite a hot topic at the August Council meeting when Council was considering passing that Resolution to put the Ordinance on the ballot. It was pretty obvious to me from comments that were made by several Councilmembers that they were not in favor of putting that Ordinance on the ballot or, in fact, having the income tax increase unless there were some changes made.

So what I'm here tonight to ask the Mayor to consider doing is to appoint a 3-member committee consisting of Councilmen Newcomb, Lorenz and Swartwout to come up with the ideas that they seem to think are out there or the means to take care of the infrastructure maintenance problem that exists in Powell. They spent a great deal of time at that meeting commenting on why it was too soon to go to the ballot and that there were other options. So I'm just suggesting to the Mayor and Council that you consider appointing them to that committee – just the three of them – let them come up with the ideas, present them to Council in a reasonable period of time, and then we can move forward and hopefully get this infrastructure issue taken care of. ([Exhibit 1 - Comments](#))

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

APPROVAL OF MINUTES – November 7, 2018

MOTION: Councilman Counts moved to approve the minutes of November 7, 2018. Councilman Bertone seconded the motion. By unanimous consent of the remaining members, the minutes were adopted.

CONSENT AGENDA

Item

- Departmental Reports – [October 2018](#)
- Dep't of Commerce – [Objection to Annual Renewal](#)
- **[ORDINANCE 2018-56:](#)** AN ORDINANCE APPROVING THE SUBDIVISION PLAT FOR MEWS AT ZION, BY ELITE REAL ESTATE HOLDINGS, FOR THE PROPERTY LOCATED

Action Requested

Receipt of Electronic Reports
Request for Hearing
Approval

AT THE SOUTHEAST CORNER OF SAWMILL ROAD AND
ZION DRIVE. [\(EX. A\)](#)

Councilwoman Riggins: I would like some clarification on Ordinance 2018-56. I spoke with Mr. Lutz earlier this afternoon and there were a few questions I had that he was going to try to get some clarification on.

Steve Lutz, City Manager: This is approving the subdivision plat for the Mews at Zion. This Ordinance is a way for City Council to accept the public improvements. Rocky Kambo can address some of the specific questions you had about the notes in Section 1 of this Ordinance as to how they exist and why they are listed within the Ordinance.

Rocky Kambo, Assistant Director of Development: If you look at the attached exhibit, you will see the exhibit that was given to the Planning & Zoning Commission. The first page is what was originally given to us, and the second page is a revised version dated 11/13/2018. Those conditions that you see on the face of the Ordinance were the conditions we put in on our Staff report for that meeting. In between that time we submitted the packets to P&Z, the Applicant actually took into consideration all the comments that we made and gave us the revised version for P&Z. So many of these conditions were already put in the 11/13/2018 revised version. We kept it in as part of the conditions. Normally what happens with plat reviews is Council will authorize the plat, allow it to go through, and then those plats come back to Staff. We provide additional comments for the ultimate plat that is recorded. Because it is essentially going to go through one more review through Staff, we figured we would keep those same conditions to ensure that they are added for the final plat that is recorded.

Councilwoman Riggins: I guess my question is that if everything has already been addressed in the revised version of November 13, 2018, why are the four conditions still in the proposed Ordinance?

Mr. Kambo: Essentially because it doesn't hurt to have the blanket statement there. They don't necessarily need to be there, but it doesn't hurt to have them there.

Councilwoman Riggins: I try to make sure all the loose ends are tied up, so when you previously said that most of the things were addressed in conditions 1-4 in the revised version, was there anything that wasn't addressed in the revised version?

Mr. Kambo: Yes and no. Conditions 2 and 3 were met [in the revised version]. But conditions 1 and 4 are going to happen regardless. It is almost redundant, but we are saying that all Law Director and City Engineer comments are also addressed. That will happen again after [after this Ordinance is passed]. There really aren't any loose ends. If anything, this is just making it more forthright that this will be done.

Gene Hollins, Law Director: It's as much a procedural question because we run these by Council at an earlier stage than other municipalities. Other municipalities may wait until all the engineering comments are done. Then what you would see is a recordable version. In Powell, our Subdivision Code says go ahead on the draft. It's a very detailed plat, but it is before they have gone through all their engineering which may generate some changes. To some degree, the fact that you will see the conditions that were probably in motion from P&Z is just a factor. We are getting you involved in an earlier point in the process than the final, recordable version. In the future, I will talk with Rocky and Dave [Betz, Development Director], if one of these [conditions] has been addressed and we know it's been addressed, we can probably take it out at this stage.

Councilwoman Riggins: As this appears now, are you comfortable that it is appropriate as it is [written]?

Mr. Kambo: Yes.

Councilwoman Riggins: Gene?

Mr. Hollins: I have no objection to continuing [putting the conditions] in here [even if they have already been addressed]. I do believe that Rocky is correct; however, that we have already imposed upon the developer to make sure 2 and 3 are definitely addressed already.

Mayor Bennehoof: Can this be summed up that leaving them in here is completed Staff work?

Mr. Hollins: Sometimes what we have done is put in parenthesis after [the condition] is 'completed.'

Mayor Bennehoof: What I'm saying is this keeping a thread on everything?

Mr. Hollins: Belt and suspenders, basically. We can leave [the conditions] in and put 'completed' afterward when we run it through Council. We do not want you to think that these haven't already been communicated to the developer and addressed.

Councilwoman Riggins: Will come back to Council again?

Mr. Kambo: Planning & Zoning, as the platting authority, already reviewed this. It is then brought to Council and after Council's review, it goes to Staff for the final review. It's not going back through P&Z or Council. That is how it is normally done. Some cities do the final plat that goes to the county to record. In our case, after the plat has gone through P&Z, any additional comments are done by Staff, and then that final plat is recorded by the county. These conditions didn't necessarily have to be here, they were just brought over from P&Z. It's the belt and suspenders approach. We don't mean to cause confusion, we just brought it along because it was part of the conditions from P&Z.

Councilman Swartwout: I know we don't normally discuss departmental reports, but I just wanted to thank Megan [Canavan, Communications Director]. The recent, new Communications Reports have been outstanding. Thank you.

MOTION: Councilman Counts moved to approve the consent agenda. Councilman Bertone seconded the motion.

VOTE: Y 5 N 0

SELDOM SEEN PARK UPDATE: Chris Meyers, Meyers & Associates Architects ([EXHIBIT 2 - PowerPoint presentation](#))

At the request of the City Manager, Mr. Meyers gave Council a brief update on the status of construction of Seldom Seen Park.

Councilman Counts: So the overall construction percentage-wise, what would you say?

Mr. Meyers: Seventy-five percent, with the building a little closer to completion and the playground in a warehouse ready to come out when the weather is better. Everything that is critical construction is complete. It's really just the final dressing of plantings, fine tuning irrigation, and the final layer of the parking lot.

Councilman Counts: We have talked a lot about the turf and letting it grow. In terms of that mid-June date, you're saying the turf will be ready to be used by mid-June?

Mr. Meyers: Yes. The blend of the grass seed and timing of the planting, the fact that our fall was wet, helped us enormously. They have kept people off the turf so it is not rutted. It looks beautiful now, but for the durability of it, it is best to wait until June. After that, let the kids have at it.

Mr. Lutz: A caveat to add is that there are a few items pending based on access issues. So everything is subject to that of course.

Mr. Meyers: With respect to access, contractors were able to manipulate the site process and how they're staging and delivery, and it worked out just fine. There was a little bit of added cost because of adding that to the scope, but we didn't lose too much of a step in the process. Hopefully that will be resolved soon enough because it is impacting a water line tie in which, in a restroom building, is critical.

Councilman Bertone: Thank you Chris for the update. Thank you for coordinating everything so nicely. It is certainly coming together, at least from a drive-by point of view. You had a wet fall to contend with and thanks for trying to manage through all that. Are you expecting a significant cost jump from restart to spring with change orders?

Mr. Meyers: Not really. We've been able to work that into the overall project budget as best we could. They're anticipating a potential slight cost add because of the remobilization, but we had also had in our schedule potentially dealing with winter conditions on the building which is some money that might really be coming back to us. We were meeting with the contractors yesterday in my office going through the tallying sheet of where we are and where there were some adds. We found some ways that we can balance things back out. I can't say there will never be another cost change, but I think we are headed toward the final stretch.

Mayor Bennehoof: You mentioned that the playground installation is going to be intricate and interesting. Can you elaborate on that at all?

Mr. Meyers: It's described as a very interactive, natural play scape. It's not a soft spongy flat surface with one unit. It has rock formations, terrain, climbing, and all kinds of timber structures. It's really going to be a unique installation. It's not custom fabricated parts, but just the assembling of pieces will create a very unique playground for the entire region. POD, our landscape architect, headed up the design. It will be interesting.

RESOLUTION 2018-19: A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE DELAWARE, OHIO CITY PROSECUTOR'S OFFICE. ([EX. A](#))

Mr. Lutz: The City has a long history of utilizing the City of Delaware's Prosecutor's Office to prosecute all cases coming before the Delaware Municipal Court, Criminal Division. This proposed contract identifies a cost of \$225 per contested case. It is an increase from the current contract which is \$210 per contested case.

Through the first three quarters of this year, we've spent approximately \$10,000 which translates to 47 cases that have gone through the court system.

Councilman Swartwout: In the agreement it states that the prosecutor could decline to represent Powell in any specific case upon giving notice. Has that ever happened? What would be the circumstances for them to do that?

Mr. Hollins: The only thing I could think of is if there was a conflict situation, but it's never happened since 2006.

Councilman Swartwout: Is this the same form that we have been using?

Mr. Lutz: I believe it is the identical form, except for the cost.

It is entirely possible, depending on the timing of that filing, we could ask you to table one more time, but then we will be at the end of road in terms of you being able to accept the annexation under Ohio law. It says that after your first reading and when the transcript of the proceedings of the county are laid before you, there's a 120 day window within which to act. By my count that will be February 13, 2019. So we have to have it done by then. This is all being driven by the fact we trying to get everything in sync on the zoning side.

Mayor Bennehoof: Are you sure of your math on February 13th?

Mr. Underhill: I appreciate that. You certainly don't want to be running it too closely. At the very least, I believe you have a meeting in early February and that would be our drop dead date.

Mayor Bennehoof: Have you any substantive changes architecturally?

Keith Myers, Vice President of Planning & Real Estate, The Ohio State University: There have been no real substantive changes to the site plan that you have seen. We are pretty much locked in on that. The materials of the building have been challenging our architects now for several weeks. It's a very big building with countless numbers of clinics. It's all kind of pieced together like a Rubik's cube and it's been difficult as we fiddled with the form of the building to keep those interior clinics and things in sync with how we want the exterior to look. It's been a challenge, but we're dialing in on it. It's a very important building to the University so we are spending a lot of time on the architecture.

Councilman Counts: In terms of these delays, I know later in the agenda we have a Development & Incentive Agreement for first reading. I was curious if you wanted us to act on that in the ordinary course or is that something that just needs to happen by the time that all these other things need to happen?

Mr. Underhill: There is a lot of internal processes with the University. I think being able to check the box of having these agreements completed will go a long way towards us being able to further that process. There are several contingencies in the agreements that talk about if the zoning or the annexation aren't completed by a date certain, that these obligations go by the wayside, so our preference will be to try to get your approval tonight if we can. I will point out in our Pre-annexation Agreement we anticipated these Incentive Agreements would be approved at the same time as the annexation and zoning. The delays have been caused by us and we think that getting this first step out of the way will be beneficial to us and both sides are protected with the contingencies that are in the agreements.

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 January 15, 2019. Councilman Swartwout seconded the motion.

VOTE: Y 5 N 0

SECOND 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 is the second reading of the Ordinance to change zoning to accommodate a proposed single family development located just north [sic] of Adventure Park.

Mr. Kambo: I talked about the details of this at your last meeting. This is just south of Adventure Park Drive. It's a 21 single family detached lots. Currently it's zoned Residence District which only allows one acre lots. This is about 5.4 acres so we would have only seen about five homes on this site. By moving it

into the Downtown Residence District, we are able to get more housing here, smaller, compact style housing, and a higher level of architectural review. It also adds to growing our downtown historic core, having more life and vibrancy and homes within walking distance of our downtown core.

Mayor Bennehoof: I think this was at Historic Downtown Advisory Commission last week. How did it go?

Mr. Kambo: It went pretty well. They liked the elevations as they were given right now, but they asked for some tweaks to garage doors, lighting, door trim, etc. It was really getting into finer details. The applicant and their architect were at that meeting, listened and heard what they were saying and will work with Staff and our Architectural Advisor to refine those elevations and bring it back to P&Z for the final development plan review.

Councilman Swartwout: What's the anticipated time that the final development plan will come before P&Z?

Mr. Kambo: We spoke with the applicant. They are not going to make it to the December meeting, so likely not before January 2019.

Mayor Bennehoof: These new lot sizes are in alignment with what the rest of the district is roughly.

Mr. Kambo: Roughly. I know some of the other lots are a little bit deeper. These are 50 by 100 with similar widths.

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

MOTION: Councilman Counts moved to adopt Ordinance 2018-52. Councilman Bertone seconded the motion.

VOTE: Y 5 N 0

SECOND 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: The public process for the proposed 2019 Budget began in September when it was presented to Finance Committee. In October, the Council-of-the-Whole had a page-by-page review of the budget and at your November 7th meeting, we had the first reading of the budget and gave a detailed review. Tonight is an opportunity for Council to continue to discuss the budget and make any recommended changes. I would recommend making changes tonight so that those changes can be incorporated, posted, and we can have a third reading of the budget at the first meeting in December.

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

Councilman Counts: We did have some comments from Councilmembers about proposed changes. I believe the budget is a kind of document that is a plan for spending. It doesn't necessarily authorize certain things, but gives a roadmap for spending. That doesn't necessarily mean that this is what we have to do. As we see things change over time, we can change how we spend.

MOTION: Councilman Counts moved to adopt Ordinance 2018-53. Councilman Bertone seconded the motion.

VOTE: Y 5 N 0

SECOND 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 is the second reading of this Ordinance which was discussed at last Council meeting. In Phases 1 and 2 there are a certain number of single family homes which are permitted to be built there. What has gone before the Development Committee, as well as in the first reading to Council, is as an example, if there were 100 homes allowed to be built in Phases 1 & 2, this would allow the number of allowed homes to be built to stay the same, but allow some of those homes to be built in Phase 3 if desired by the public. Phase 3 is currently under construction.

Councilman Bertone: As Steve mentioned, this was discussed at Development Committee. This is not something new and different. It is just simply transferring building permits from certain phases to another.

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

MOTION: Councilman Counts moved to adopt Ordinance 2018-54. Councilman Bertone seconded the motion.

VOTE: Y 5 N 0

FIRST READING: ORDINANCE 2018-57: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AND INCENTIVE AGREEMENT RELATING TO THE AVAILABILITY OF SEWER SERVICE TO A PROPOSED MEDICAL CAMPUS AND A DEVELOPMENT AND INCENTIVE AGREEMENT RELATED TO CERTAIN JOB CREATION INCENTIVE PAYMENTS, AND TO DECLARE AN EMERGENCY. (EX. A) (EX. B)

Mr. Lutz: Tonight is the first reading of the Incentive Agreement between the City of Powell and Ohio State for the medical center. I will summarize the terms of the incentives and the Law Director can then address some of the specific questions you may have regarding the Agreement itself.

These incentives involve three types of incentives. The first is a job creation incentive. Fifty percent of the City's income taxes paid for a period of 15 years, calculated based on the City's current ¾ percent tax rate will be shared between the City and OSU. This incentive will not begin until the first year following the date when at least \$25 million dollars in payroll is located on the property. For a period of 18 months commencing on the date when income taxes are collected from temporary construction employees, the university will receive an incentive in the amount of the income taxes paid by such workers based on the City's ¾% income tax. They will get an incentive for the first 18 months of construction jobs which are located on this site.

There is a sanitary sewer incentive and that is a three party agreement between Delaware County, OSU and the City. The cost of the sanitary sewer is going to be split between the three parties. The estimated cost is \$900,000. The City's cap will be \$300,000. So if the sewer does end up costing \$2 million dollars, the City will not be responsible for paying a third of it, just \$300,000.

Lastly, there is an infrastructure incentive to OSU. In part of the development there is going to be a new access on Sawmill Parkway with signalization. There will be another access on Home Road. The City will reimburse the university \$650,000 for the street infrastructure costs. This incentive will not be required to be paid until 2023 at the earliest. The 2023 date is important to the City because we are using Sawmill Parkway TIF funds for this incentive and 2023 is when the balance will be such that we can accommodate this incentive.

Mr. Hollins: Steve made an important point on the sewer and road infrastructure incentives. Please understand that it is not general fund money. That is specifically tied to our Sawmill corridor TIF fund. Those are eligible expenditures from that fund, so those are part of agreements now, but they are payments long in the future, 2023.

The County's actual construction of the sewer is triggered by a notice from OSU that they are ready to proceed with Phase 2 of the project. Until Phase 2 is kicked off, there is sufficient sewer capacity for that site and some surrounding development as well. That may actually be in 2023 or further out. Both of those commitments by the City are specifically from the TIF fund.

This is a new Ordinance but it should look familiar to you. There are lots of moving pieces and parts to putting together any substantial real estate deal like this, including the annexation, including working with the county. With respect to the sewer and working with our CIC, any income tax incentives, job creation type of incentives, we wrap in our Powell Community Improvement Corporation and they will help us implement this income tax incentive as Steve has already described.

The detailed agreements are on your desk. You should have both a clean copy as well as the last redlined version so you can see the final structure of the commitment and the sources of funding for those commitments. I won't go through those in great detail. It is structured very similar to others we've done through the CIC regarding income tax offset payments. We used that as the model starting point and then incorporated the fine points of the business deal. The Sewer Agreement was largely a product of Aaron Underhill, on behalf of OSU, and the County Prosecutor and Administrator working through how to get that sanitary sewer extension completed in a timely manner. It's a very good agreement. Aaron is here if you have any questions on the Sewer Agreement.

Councilman Swartwout: Gene, we passed a Pre-Annexation Agreement several months ago that included terms that we were anticipating towards an incentive and development agreement. Would you say these are substantially similar to the terms set out in that Pre-Annexation Agreement?

Mr. Hollins: Absolutely. In terms of what we contemplated OSU might request from us, the county or the county and us jointly, yes. They have been very up front as to their "ask" from the very beginning and that's helped us because we wanted to be a location for an OSU facility like this. It helped us gauge what we would need to be competitive.

Councilman Swartwout: On top of that, this has been in the public record now for several months.

Councilman Counts: I have more of a comment. I have spent some time analyzing this package, I think it's incumbent upon Council to ponder the implications of this. We've talked about this and I think everyone believes that this is a good deal for the City, but I would caution Council to think about both its short and long term implications. Many of the reimbursements, those are fixed dollars, are things we are going to have to pay out. Whereas, the revenue that is generated for the City is somewhat variable. It could be high, it could be low. The way I calculated this is with these reimbursements, our break-even point is somewhere between 5 and 10 years depending on what those revenues are like for this facility. We simply don't know. My point is, is that 5 to 10 years down the road means that this project is not going to generate money for the City for a long time. At the point it really generates dollars will be in the year 2036-2037. I don't want our residents to think that this is the bonanza we are waiting for that will solve all our economic problems. We still have a short-term problem with infrastructure. Dollars in the TIF district that potentially would be going for some of our short-term issues are going to be used for this project. It doesn't mean that it's inappropriate, it just means we as a Council will struggle with this, especially over the short term. I want to bring that to everyone's attention.

Councilman Bertone: I couldn't agree more with Tom. Folks, in the short-term this is going to be a very painful time for us. I think a lot of folks see this OSU opportunity as somewhat of a significant windfall for the City. It is not that. It is certainly a long-term partnership we're looking forward to, but is something

that's going have a very long runway. To that end, I will minimize my comments, but thank you Bob for your efforts from the county's perspective. Thank you Aaron and Staff for putting this piece together. These are pieces and parts that need to be put in place to keep us moving toward our ultimate goal. Please keep in mind that we have some significant short-term financial issues that are going to have to be solved here and this is not a silver bullet to solve any of those issues.

Mayor Bennehoof: I try not to be redundant, but I am going to be. I am very eager about this opportunity for this City, the long-term partnership is significant. While some of the other Councilmembers have already stated it eloquently, I will reiterate, we do have an issue. We are going to address that issue come hell or high water. We have to get to a solution for that short-term infrastructure problem. OSU would never solve that problem nor would we look to them to solve it. It will contribute long-term and the supply chain, or other development that will come to that area, will be significant so that will help us well, but that also won't solve our infrastructure problem.

Mayor Bennehoof opened this item to public comment.

Brad Coomes, 189 Wagon Trail North: I understand that this will eventually be a good deal. It's a lot that the City is giving up right now and I'd like to propose that the incentive on the income tax that would go back to Ohio State be fixed at the current .75% and not variable based on what I'm hearing that it is currently set at.

Councilman Swartwout: It's always been fixed at .75%.

Mr. Coomes: When Mr. Lutz commented, he said 'currently the rate of' so I thought...[Councilman Swartwout: But that's our current rate. If our rate were to change, the Incentive Agreement would remain at .75% and it has been that way from the beginning.]

Bob Lamb, Delaware County Economic Development Director: Thank you for the opportunity to speak today. The County Commissioner Office of Economic Development appreciates the opportunity to be able to work on this project with Powell. We very much value our partnership with the community and look forward to this opportunity to grow. We thank Ohio State for their interest in our community and we are excited to see this project go forward.

Mayor Bennehoof: This isn't just a boon for the City, it is a boon for the area. This is a very significant achievement.

Councilman Swartwout: I had a final comment as well. We've all been focusing on the economic aspects of this development and that is obviously important. What we haven't talked about tonight are the benefits to our residents beyond the economics. The benefits of having a world-class medical facility right in our community will serve our residents so well. I'm sure many of us have had experiences with the Ohio State Wexner Medical Facility. I know I have - fantastic facility and medical care. Aside from all the economic benefits, the benefits for the health and wellbeing of our community are tremendous and should not go without comment. Thank you Ohio State for bringing those services and benefits to our community.

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

MOTION: Councilman Counts moved to suspend the rules regarding Ordinance 2018-57. Councilman Bertone seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2018-57. Councilman Swartwout seconded the motion.

VOTE: Y 5 N 0

FIRST READING: ORDINANCE 2018-58: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2018. (EX. A)

Mr. Lutz: This proposed Ordinance was reviewed at last week's Finance Committee and our Assistant Finance Director will review it with you.

Jessica Marquez, Assistant Finance Director: This is a request to reduce appropriations. You see this about once a year, about this time of year. The Ohio Revised Code requires us to take a look at our appropriations versus our actual resources. Appropriations are not allowed to exceed the actual resources. Because our budget is based on estimated numbers sometimes, especially in the TIF funds, we will have to reduce the appropriations to be in compliance with the Ohio Revised Code. Our request is to reduce appropriations in the Seldom Seen TIF fund, the Sawmill TIF fund and the Sanitary Sewer Agreements Fund.

Councilman Counts: This is purely a bookkeeping measure and it is recommended by the Finance Committee.

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 2018-58. Councilman Bertone seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2018-58. Councilman Bertone seconded the motion.

VOTE: Y 5 N 0

COMMITTEE REPORTS

Development Committee: *Next Meeting: December 4, 2018, 6:30 p.m.*

Finance Committee: *Next Meeting: December 11, 2018, 7:00 p.m. I suspect that we will not meet in December.*

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

Planning & Zoning Commission: *Next Meeting: December 12, 2018, 7:00 p.m. There may be one application, but it is not certain yet. BZA will meet on December 6th at 7:00 p.m.*

Powell CIC: *Next Meeting: December 11, 2018, 6:00 p.m.*

CITY MANAGER'S REPORT

There was none.

OTHER COUNCIL MATTERS

Councilman Swartwout: I would request Council consider moving the December 18th meeting to 8:00 p.m.

Mayor Bennehoof: I want to thank Staff. Staff has been really stepping up for some of the activities I have been involved in visiting Ganzhorn Suites and delivering candy up to the Mission Court, and a variety of other items, and I appreciate all of their help. That includes the Deputy Police Chief and Detective Darren Smith as well.

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 8:36 p.m. to adjourn into Executive Session pursuant to O.R.C.

Section 121.22(G)(1) Personnel Matters and O.R.C. 121.22(G)(3) Imminent or Pending Litigation.
Councilman Bertone seconded the motion.

VOTE: Y 5 N 0

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

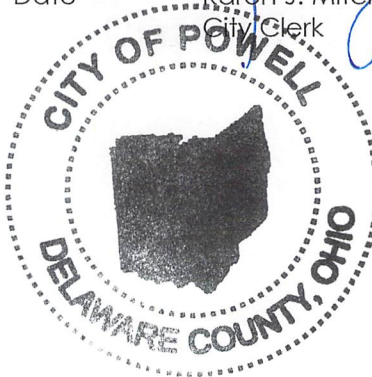
VOTE: Y 5 N 0

ADJOURNMENT

MOTION: Councilman Swartwout 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: December 4, 2018

Jon C. Bennehoof 11/12/2018 Karen J. Mitchell 12/11/2018
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