

City of Powell, Ohio
City Council

MEETING MINUTES
January 15, 2019

CALL TO ORDER/ROLL CALL

A regular meeting of Powell City Council was called to order by Mayor Jon C. Bennehoof on Tuesday, January 15, 2019 at 7:31 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; Dave Betz, Development Director; Debra Miller, Finance Director; Jessica Marquez, Assistant Finance Director; Megan Canavan, Communications Director, Karen J. Mitchell, City Clerk; and interested parties.

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION

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

Arielle Hieronimus, Delaware General Health District: I wanted to introduce Brittany, your new representative. I was your former representative, but I just had a baby and intend to take some time off. Brittany will be taking over.

There isn't anything new to report with respect to the Health District. We have our Community Improvement Health Plan at Cheshire on Friday at 8:30 a.m. The flu is widespread across the United States right now. We had our first flu outbreak this morning. It is much better than where we were at this time last season. Our immunization rates are also higher than in previous years.

Brittany Zoecklein, Delaware General Health District: I am a registered sanitarian with the Health Department. I am in charge of the pools, schools and food places in Powell. When there are three or more food trucks in one location, we will inspect all food trucks at the event.

Becky Mount 10482 Woodburn Drive: I am here to read an email into the record to be sure that you are all aware of something that was read into the record at the last Trustee meeting. Carrie Daily did a public records request and that is how we obtained this email. This email is from Liberty Township Trustee Melanie Leneghan to County Administrator Mike Frommer. It's dated December 4, 2018 at 7:54 a.m. and it reads:

"Thank you Mike. I'm sorry that you had to sit through that, but I'm glad that you got to see the hurdles we have to overcome. I, for one, feel more convinced that Liberty Township will be much better off and much safer with Delaware County EMS. I would like to start by hiring your Medical Director as of January 1. I will speak with our chief about that. My next step would be to test DCEMS and ask for a three-man medic at either station to take the place of our medic. I would like to have the meeting with you and Chief Schuiling and Chief O'Brien next week, if possible. I'm not sure why the police officer stood in the corner and did nothing. Maybe because his police chief commented about not changing things for the better. The people were rude and out of order because their leader, Shyra, told them to be and was herself. She is a disgrace. There will never be a task force approved by me. It's just a ploy by the left to produce their own ideological outcomes. Many of the people there were union members and their family members. I won't cave to that disgraceful behavior. The citizens of Liberty Township elected me to run the Township in their best interest and I fully intend to do so. I would ask that we prepare a transition plan for a test and a complete implementation. Thank you in

advance for your help and for helping the people of Liberty Township. Have an amazingly blessed day. Melanie Leneghan."

I read this to you because on December 3rd we were in a trustee meeting and Trustee Leneghan assured all the people sitting in that audience that she was still doing research, that she hadn't come to a conclusion, and I feel, as do many others, that this email proves that she had every intention of moving forward with the proposal from Delaware County and she had contacted the administrator to implement the plan.

Nico Franano, 2855 Lexington Drive, Liberty Township: I wanted to bring forward another email that was publically shared by Laurie Karr from her correspondence with Trustee Leneghan who was questioning the trustee about the fire/EMS proposal, the consequences of moving toward a county based EMS service, and whether the trustee could document some of the services claims and savings that she has spoken about in more specific terms. I won't read the entire email but will submit it for the record [\[EXHIBIT 1 – email correspondence\]](#). I would like to read some of the highlights.

Ms. Karr asked Trustee Leneghan what measures she has taken to prevent a lawsuit by the City of Powell over the CEDA violation that will occur and should we make this move. Ms. Karr also asked about a task force and providing some information. That email was sent on Thursday, January 10th at 9:53 a.m. Trustee Leneghan replied on January 13th at 1:34 a.m. In response to the question about the CEDA, Trustee Leneghan states, "The City of Powell's letter is so irrelevant that we haven't even responded. They have no right to tell our government how to run our departments." I found that to be concerning because as local governments I think we all try to work together to improve the community for the residents of both the City and the township and their neighboring communities.

The trustee also mentions that she does not have a first choice for Medical Director but she hoped to by the next Friday. That also seems to be in contradiction to the email that she sent to County Administrator Frommer on December 4th about six weeks before this email. As a consequence, it is difficult for us to understand what Trustee Leneghan actually thinks because she says one thing to the public and another thing when she thinks she's not being listened to.

I encourage the City of Powell to take under consideration her tone and her view that the City of Powell does not have any power to move forward. I would like to voice, on behalf of Save Our Services and the residents in both the City and township, how much we appreciate the leadership you have taken to speak out in support of local controlled fire/EMS and we would encourage you to take any measures within your abilities to continue to pursue this matter aggressively on behalf of all our residents.

Bill Houk, 2518 Bryton Drive, Liberty Township: I would like to echo Nico and say that in my neighborhood, my HOA and everyone I have spoken to are all very grateful that you guys are willing to address this issue.

There is a lot of passion here. I spent 34 years in a fire-based EMS system in a township in Central Ohio. I believe I know fire-based EMS very well. It is a system that works very well. Sixteen of those years I spent as a fire chief. In reflecting on what's going on here and because of my career, people have asked me what it was that kept me up at night while I was the fire chief. What kept me up was when we got into a situation where the services that were needed outgrew our resources. We had a different tax base, different demographics, and we did not have entities, townships and villages, that were collaborating for the good of the citizens.

Prior to the defeat of the 2012 fire levy, our Fire Department was above the national average of staffing levels based on the population of the area. Currently, we are just below the national average. The projections that we have over the next 10 to 20 years show a lot of growth in the southern part of the district. If we do not even increase our staff at all, that level will decrease. We are to the point where we shouldn't be decreasing services, we should be increasing services. I know there is a lot of passion,

there's not a lot of transparency, and we don't know exactly what's in play here. But when we talk about a great reduction in savings into the township that equates to some staffing reductions.

The other thing I'd like to address is the Fitch Report. I would ask you to review that Fitch Report again. On the front page of that report, it says that it is a draft master plan for Delaware County EMS, the agency not for all the EMS agencies in Delaware County. In fact, county constituents were the ones that were reviewed heavily with that. All of the other areas, Orange and Liberty Townships, etc., had very little input on that report. I think it shows the Commissioners funded it and it weighed heavily towards the Commissioners and it shows a lot of deficiencies that Delaware County EMS agency itself has. I believe a lot of that is due to funding through the Commissioners. I think we would be hard pressed to receive any type of service similar to our current fire-based EMS with local control.

I would also mention there are some contradictory points and incorrect math in the Fitch report. I don't think it greatly affected the outcome of it, but it goes to the quality of the report. There have been other reports around the country that favor fire-based EMS. It appears that the company will give the report based on what you want to hear.

Mayor Bennehoof: What community did you serve?

Mr. Houk: I served Jefferson Township and Madison County.

Karen Slavic, 449 Village Ridge Court: I am a 20 year resident of the City. There are City residents here that feel strongly about this issue. I have been corresponding with Trustee Leneghan over the past few days. The latest response to my email indicated that she was going to be moving forward with this very quickly, maybe by the end of February. I'm just here to ask, or beg if I have to, that Council please continue to work with us, work for us, and save us from losing our EMS before it is too late. Thank you for all you're doing and all you continue to do.

Mayor Bennehoof: I'd like to mention that the City has nonconforming borders. Nonconforming borders means that if you are a resident of the City, you are also a resident of the township.

Larry Coolidge, 78 W Olentangy St: I just wanted to thank you for all that you are doing. To hear all these issues coming up with emails it almost feels like Washington D.C. I'd ask that you continue to pursue this matter. You have the entire City and township behind you. It is unconscionable that after you hear all the good people have said about this fire department - to watch it grow and even talking about expanding it - it makes one wonder what drives someone to do this.

Marie Follmer, 8701 Albany Court, Liberty Township: I'd like to also introduce my 9 year old daughter, Lila. Repeatedly I have been speaking to the trustees. This issue started in October and was a bit of a surprise to one of the trustees and the township residents as well since we recently passed a levy. We got wind that this was happening and it was secretive. We started going to the County Commissioners meetings, the Township Trustees meetings, and it has just blown up.

From the day my daughter was born, Liberty Township Fire Department has saved her life. I think I've called the squad more than 50 times. We are very fortunate she is alive and that we live in this township with this Fire Department and this EMS team. They have personally trained with Nationwide Children's Hospital on her medical condition before we even came home from the hospital. If you look at her she looks very normal. She's missing half of her insides. She has one lung and it's a bad lung. It's like an 80 year old who has COPD. Our winters are hell. The Fire Department understands that, they understand her anatomy. She's had spinal surgery, she's had a brain shunt that we have to get to the hospital within 20-30 minutes if she has an issue, she's had an entire colorectal system, spinal surgeries, her hips are bad, missing a right lung, and her heart is under her left arm pit. The Fire Department started the special needs registry. I don't think our town really understands how lucky we are that we have these men who have the ability to train at the Columbus Zoo.

Not all communities have the advantages we do in Powell and Liberty Township. We are so fortunate. This is why people move here and why I won't move away. We have a fantastic staff supporting us and they are our family. They show up at the Powell Festival, they are there saying hello to everyone, they take time with our kids, and so it is frustrating to try to understand how one person, who is supposed to represent the residents, deceive us this way. It is wrong and disturbing. We need to stand together and tell that one person that she is not representing us. It is life impacting for us all. I'm not trying to bring drama with my child, but to point out a reality for many of us. I'm a mom and a worker and I am trying to keep things together just like everyone else. Our fireman are trying to do that too. I don't know why when we pass a levy, they have to start worrying about their jobs every day or why we have to worry about losing half of our staff. We have to tell her no.

Susan Micelli, 10690 Sable Court, Liberty Township: On behalf of Liberty Township and several Powell residents and businesses, I would like to ask permission if we could put neon yellow ribbons on the lamp posts in downtown Powell. It is meant to represent the magnetic reflectors that the firemen and EMS workers have on their uniforms. The residents have come forward hoping to find a way to draw the community together visually and several have already put ribbons on their mailboxes, cars and such.

[No objection by Council.]

Hearing nothing further, Mayor Bennehoof closed the public comment session. Thank you for coming tonight. You have our support and we will see where this adventure takes us.

APPROVAL OF MINUTES – December 18, 2018

MOTION: Councilman Counts moved to approve the minutes of December 18, 2018. Councilman Bertone seconded the motion. By unanimous consent of the remaining members, the minutes were adopted.

CONSENT AGENDA

Item

- *Departmental Reports – December 2018*

Action Requested

Receipt of Electronic Reports

MOTION: Councilman Counts moved to adopt the consent agenda. Councilman Bertone seconded the motion. By unanimous consent of the remaining members, the consent agenda was adopted.

PRESENTATION: Bob Lamb, Delaware County Economic Development Director. 101 N. Sandusky, Delaware City.

Mr. Lamb: Thank you for the opportunity to be here tonight to speak with you concerning the Ohio State medical project at Sawmill Parkway and Home Road. Approximately back in May, my office was asked to look at different ways in which we could look at financing the various infrastructure needs that were going to come forth from this project. Given the unique nature of this project and the tax exempt status of the Ohio State medical building, it creates certain limitations on how to fund the infrastructure needed for this type of a project through standard, traditional means. Therefore, we have looked at a slightly nontraditional TIF structure in which to help finance those infrastructure improvements at that site. This approach will make sure that the return on investment that both Ohio State is expecting and that the City of Powell is expecting can hopefully be achieved.

On the map located in the red area [indicating], this is the land which has been placed within the TIF was instituted by the Commissioners back on December 17th. This TIF was done in a manner in which it would protect the charitable nature of the Ohio State project, not putting it at risk with the county being willing to file the DT24 form if the property owners so wished that to be done at a future date. You can see on this map that there are 18 different parcels contained within that TIF area not all of which is currently being annexed into the City. But because of the charitable nature of Ohio State and not

being a taxable entity, we had to look at various structures in which to be able to secure the revenue needed to offset the public improvements that I will now be going into.

Originally forecasted for this site, it was thought that there would be limited public improvements needed to facilitate the medical facility going in; however, as research was done, it was realized that a 12 inch sewer line would be required to be placed running along Sawmill Parkway and extension of the existing 8 inch lines. Not only will this 12 inch line be able to accommodate the Ohio State medical facility, it will also allow Liberty High School to be able to expand services in the future. This was something that was contemplated between the county and the school district several years ago but it had been put on hold until there was a way to fund those improvements. It is simply a benefit created by the need established from the Ohio State medical facility with the requirement on the 12 inch line running along Sawmill Parkway.

The other area in which costs were generated from a public improvement standpoint were the various transportation-related improvements that were needed because of the size of the facility and the scope of traffic to be generated. There are actually two new traffic signals being contemplated because of the Ohio State transportation study as well as changes to two existing lights, road widening, new turn lanes and resurfacing of the road. All of these improvements created approximately \$3.6 to \$3.9 million dollars of public improvements for this area. \$750,000 to \$1 million, as you know, the county, the City and OSU entered into an MOU in which to help fund those sanitary sewer improvements hoping that we would be able to limit the offsite transportation improvements portion. The study shows at least \$2.9 million for transportation improvements currently reaching the total of \$3.6 to \$3.9 million. When looking at the potential TIF revenue being collected over a 10 year period of time, if the entire area is to build out over that time, you're looking at approximately \$4.5 million dollars being generated. What we run into is the issue of the construction cost currently being shown to you are in today's dollars. We're currently seeing 10-15% increases every couple of years. Those improvements could be a couple years out so we could really be looking at \$4.5 million or more to be able to do the public infrastructure costs. And then the \$4.5 million being projected is over 10 years. As you look at the time value of money, we are again upside down in the revenue being generated to offset the public improvements. We do believe that if at least some development occurs within this TIF area, it will at least provide some mechanism in which to reduce the cost either to the Ohio State project going forward or to the City of Powell or whoever it is at the end of the day that has to pay for those public improvements.

Mayor Bennehoof: For back drop for some of the Councilmembers that did not participate in the meeting that Mr. Frommer, you, Mr. Lutz, Councilmen Lorenz and Swartwout and myself attended, there have been some misunderstandings in what was being communicated and needed to be cleared up. That is the primary purpose for you to be here tonight to let the rest of Council know about that communication.

Mr. Lamb: Yes, and my sincere apologies for any miscommunication that occurred throughout this process.

Councilman Lorenz: I understand how TIFs operate. You and I have talked and one of the things with this fire & EMS issue that is going on is there have been some questions [raised]. Can you comment on the requirements for these monies to stay in this particular district to benefit the area? I think there's a thought out in the community that this TIF was enacted to not pay for the improvements but to take the monies and put them toward the [Routes] 36/37 amusement park that's going in there.

Mr. Lamb: Under the TIF law, the Ohio Revised Code regulations, dollars generated from a TIF area have to go to directly benefit that TIF area. As a consequence, you are very limited in scope of where you can invest those dollars. In fact one of the key points of including the Ohio State parcel in the TIF area, and not excluding it, even though it was a tax exempt parcel, is because of the need to be able to make sure we can use those dollars to directly benefit that parcel if needed to do so. So that is why as you look at these improvements you see the public improvements adjacent to the site for the most part.

The sewer improvements go a little north along the roadway, but right within that main core area for that 12-inch line and then all of the improvements, transportation-wise, being looked at within this corridor here [indicating] as well as Sawmill Parkway directly benefiting the Ohio State site. Again, when you go and look at the numbers associated with that, they are simply not dollars that can be redirected somewhere else if we are going to be covering the costs associated with that Ohio State project.

Mayor Bennehoof: For the benefit of the audience who may not understand the increment financing part of it, could you explain it in basic terms so no one leaves with a misunderstanding of what a TIF is.

Mr. Lamb: A Tax Increment Financing agreement provides a mechanism to take the property taxes generated from a site from new construction and redirect it to approved public infrastructure. An example of this would be, in round numbers, if you were collecting \$100,000 from a property today and then it is developed to a million dollars, that \$100,000 being collected from that property is not affected by the TIF. It is the incremental increase from \$100,000 to a million dollars that is redirected into the TIF fund. Whatever the TIF rate is of that increased valuation – in this case we're redirecting 75% into the TIF fund – the remaining dollars still goes to the schools and the other entities that would be receiving those [dollars]. So no entity actually loses a single dollar from what they were collecting on day 1 to date by the creation of the TIF. They actually collect more, just not the full amount that is generated from that site from the tax dollars.

Councilman Counts: For this OSU project the county has some improvements that are being made. The City also has millions of dollars of improvements that they are making as well. As you know from what has happened in the City, it is hard to find capital improvement dollars to pay for them. One of the ways we use to pay for improvements that we are making is a TIF. In this TIF that the county did there are both parcels that are going to be annexed into the City, there are parcels that are not going to be annexed into the City. Those parcels that are going to be annexed into the City, some of them are taxable, some of them are not taxable. Those that are taxable could be subject to a City TIF. What I don't understand is why the county took the initiative to create a TIF before these parcels were annexed into the City and the City could use those parcels to fund their improvements that are being made to this area.

Mr. Lamb: We were asked to look at ways in which to address the Ohio State project from a financing standpoint with that \$3.9 million dollars in infrastructure [costs]. This was a mechanism in which to do so. If you do go forward with annexing those properties and no debt has been laid against those properties at that time, for all intense and purposes, you could limit how those funds are used that are generated or null and void the TIF that the county has put in place and use those dollars for improvements that you would so want to pursue.

RESOLUTION 2019-01: A RESOLUTION TO AMEND THE CITY OF POWELL FISCAL RESPONSIBILITY AND MANAGEMENT POLICY. ([EX. A](#))

Steve Lutz, City Manager: The City has numerous financial management policies and from time to time it needs to be reviewed and updated. This policy has been recently reviewed by the City's Finance Committee and Debra Miller will review the proposed changes.

Debra Miller, Finance Director: The City uses the Government Finance Officers Associations Best Practices to help it maintain and/or create new policies, new technologies, advisements or other updates from the Society of Government Finance Officers. A new policy came out that related to the Finance Department on serving the revenue collection. We have the policy that we were the primary recipient, but they required or requested in a best practice to go into a more descriptive definition to talk about how you handle your checks, cash and other type of payments. We have done so in this policy and have discussed it with the Finance Committee.

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

public comment session.

MOTION: Councilman Counts moved to adopt Resolution 2019-01. 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 SERVICES TO ANNEXED AREA AND A DEVELOPMENT AND INCENTIVE AGREEMENT RELATED TO CERTAIN JOB CREATION INCENTIVE PAYMENTS, AND TO DECLARE AN EMERGENCY.

Mr. Lutz: This proposed annexation is for the property located at the northeast intersection of Sawmill Parkway and Home Road for The Ohio State University's Wexner Medical Center. This Ordinance had been previously tabled. Tonight we are going to recommend that we once again table it a final time to the February 5th Council meeting.

When we have our annexation we do it concurrently with the final development plan. OSU Wexner Medical Center is going through the Planning & Zoning process. It's scheduled for review tomorrow night at P&Z and possibly again on January 23rd. That final development plan will be presented and reviewed by City Council for a first reading at your January 29th Special City Council meeting. It does require two readings so it will come back to Council for a second reading on February 5th. At that time, we will also have the annexation Ordinance so that it can be adopted concurrently.

Mayor Bennehoof: These things generally have a time table. Are we within that time?

Mr. Lutz: State law does establish a time table. For this annexation that time runs around February 14th or 15th, so the February 5th will be well within that time period.

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

MOTION: Councilman Counts moved to table Ordinance 2018-51 to a date certain of February 5, 2019. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2019-01: AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR JENNIFER CARNEY OF CARNEY RANKER ARCHITECTS, LTD TO CONSTRUCT AN ATHLETIC FACILITY ON 1.861 ACRES ON WOODCUTTER DRIVE. (EX. A)

Mr. Lutz: This proposed development is an indoor athletic training facility off of Woodcutter Drive. Developer Director Dave Betz will present a summary of this proposed development.

Dave Betz, Development Director: The project is located on Woodcutter Drive [indicating]. Woodcutter Drive comes off of Sawmill Parkway and bends around to Home Road on the north end of Golf Village. The area in question is a vacant parcel east of Woodcutter Drive. East of that parcel is the self-storage facility. To the north is another vacant piece of land that is in the commercial area. To the west is the large site Kroger owns as well as Woodcutter Condominiums.

The plan calls for the development of about a 10,600 square feet athletic training facility. The front of the building faces Woodcutter Drive. This has been designed in conformance with the Golf Village architectural standards and has been approved by Golf Village Architectural Review [Board].

The site plan includes one entry off of Woodcutter Drive, parking in the front and to the side, with a fire lane to get around the back. The inside is used for batting cages, athletic training, and other assorted athletics. It's an open space that can be utilized in different ways. In fact the batting cages are portable so they can be removed as needed.

This has been reviewed by P&Z. The facility meets all the requirements of zoning. P&Z did ask that the Phase 2 parking area be included in Phase 1 instead. Another condition would be to continue the sidewalk, located on the west side of Woodcutter Drive, up and across from the entrance to the site. This is a private path for Golf Village maintenance facility crews to use and they have chosen to take this pathway extension to the west. P&Z unanimously approved this and recommends approval by Council.

Councilman Swartwout: Is the applicant here?

Andrew Navarro, Carney Ranker Architects, 5925 Wilcox Place, Dublin: We are the architects and are available to answer any questions. Dave presented the project well. It is an athletic training facility for kids after school. We're a big contributor to the community and we hope to be a part of the City. We are the designers for the building and the Applicants, but Redline Athletics will be running the facility.

Councilman Swartwout: People are always asking about new athletic facilities. Many children here are involved in youth sports. Aside from batting cages, what kind of uses do you envision for this particular building?

Ken Green, Redline Athletics, 5010 Augusta Drive, Westerville: It's really aimed for kids that are pretty serious about sports. It targets kids aged 8 to 18. There is weight-training, a half basketball court, but it's not sports-specific. It's really more [focused on] speed agility and core strength.

Councilman Swartwout: As the kids go there to train, will they be training through employees or independent contractors who are using that space? How exactly is that going to be presented to the public?

Mr. Green: It's a membership-based program so they go and train every hour on the hour. They're trained by trainers, their employees. There can be some independent contractors that can come in for a very sports-specific training. It can be rented out for leagues and clubs if they want to use the facility for specific training like that.

Councilman Swartwout: So there are other Redline facilities like this?

Mr. Green: Yes. There is a Redline facility in Delaware, Ohio. It's the first one in Central Ohio. They are all over the country – almost 30 facilities. It's a franchise that started several years ago and really picked up in the last year or so when I got involved. About a year ago, there was only about 12 facilities. They hope to ultimately have about 400 facilities around the country.

Councilman Counts: Based on the experience at the other facilities, what kind of demand for parking have you seen? Are there peak times? Are there certain events that generate more parking than others?

Mr. Green: Not really. The peak times for the facilities is really right after school, up until about 6:00 or 7:00 pm. If you think about it as every hour on the hour it is hours from about 3:00 pm to 6:00 pm that would be the busiest times. They are coming in for a class and the maximum amount of kids that can be in a class is about 20-25, so you mostly have parents dropping kids off or picking them up, or kids riding their bikes. There is not a huge demand for parking. I think we put in the capability for parking that's way more than adequate for what it would max out at.

Councilman Counts: And no expectation for any kind of private league, tournament stuff on the weekends?

Mr. Green: There could be some camps or things on the weekends, but this is not a giant facility that you would see a lacrosse tournament, for example, where there's thousands of people around. It's really not for that type of purpose. It's segmented out with an area for high intensity, interval training, some basketball court area, some turf area where the batting cages and the weight-training area is. So it can be used for a boot camp or a three day class on a specific sport or something like that, things that might be done when kids are on break. It's not a facility that is going to be able to accommodate hundreds of kids.

Councilman Counts: Was there any discussion at P&Z about parking, whether it's overflow or transition time where one group is coming in and another is going?

Mr. Betz: It was discussed and that was why P&Z wanted to add the secondary parking into the first phase instead of waiting for a second phase. The way the building is designed and used will restrict the number of people that can come in, so that transition time that you might see at other uses, like dance class studios for example, that is where the maximum intensity use will be. P&Z did talk about this at length and was very comfortable with the numbers here. It does meet code requirements for this type of use or at least for more of a general parking requirement for an athletic facility.

Councilman Bertone: Is this at its max footprint?

Mr. Betz: This is maximized.

Mr. Green: It is about average size for this type of facility.

Councilman Lorenz: What will the hours be?

Mr. Green: During the school year the hours will be 1:00 pm up until 8:00 pm with the last class finishing at 9:30 pm. During the summer, it's 9:00 am with the last class at 5:00 pm, finishing at 5:30 pm. We will only be open until 2:30 pm on Saturday and closed on Sunday.

Councilman Lorenz: And all the noise will be contained within the building?

Mr. Green: Yes.

Mayor Bennehoof: How many employees do you anticipate?

Mr. Green: We will start with 2-3 and work up to 7 eventually with some specialty contractors.

Mayor Bennehoof: And it is all indoors? There is a piece of property south of you. Do you anticipate any outdoor use at all?

Mr. Green: It is all indoors and we have nothing planned for outside.

Mayor Bennehoof opened this item to public comment.

Judy Reese, 7540 Steitz Road: I work for the school system. I just wondered if that will be rented out to Olentangy schools?

Mr. Green: It could be if they were interested, but I haven't talked to them yet about anything like that.

Les Wibberley, 5005 Bayhill Drive: As you know, I work with the OPAL Trails group. I came in on the trail

end of this discussion with P&Z. At that time there was a discussion about whether the extension of the sidewalk should be a sidewalk or a trail. I think the original plan showed a trail there. The thing I would like to propose is that the connection of the existing sidewalk up to Home Road be a 10 foot wide paved multi-use trail. For one thing, to have an athletic facility like this, you actually have athletes that might want to run, walk or bike to it. Biking on the sidewalk is not really a great idea. There will be more traffic on this road now with this facility there. In the interest of continuing to expand our trail system, we eventually hope to have a trail all the way along Home Road from the Scioto River to the Olentangy River. This would provide the connector trail to the high school and give kids that want to run, hike or bike down there from the high school a safe way to do that. Our expectation is that building a 10 foot wide trail isn't any more expensive than a sidewalk, and it would be much more functional.

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

Ordinance 2019-01 was taken to a second reading.

FIRST READING: ORDINANCE 2019-02: AN ORDINANCE TO AUTHORIZE THE CITY MANAGER TO GRANT AN EASEMENT AND RIGHT OF WAY TO OHIO POWER COMPANY FOR UNDERGROUND POWER FOR THE PARK AT SELDOM SEEN ROAD, AND DECLARING AN EMERGENCY. ([EX. 1](#) & [EX. 2](#))

Mr. Lutz: This proposed Ordinance provides for a 10 foot wide easement to American Electric Power to run power to Seldom Seen Park. The electric line will come off the eastern portion of the park and run along the southern portion of the park.

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

MOTION: Councilman Counts moved to suspend the rules regarding Ordinance 2019-02. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2019-02. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2019-03: AN ORDINANCE ADOPTING THE UPDATED PERSONNEL MANUAL FOR EMPLOYEES OF THE CITY OF POWELL. ([EX. A](#))

Mr. Lutz: This is an item which has been reviewed and recommended by Finance Committee. It is a new state law which requires municipalities to adopt a new credit card policy, or to amend an existing policy, to conform to new state rules and regulations. The City does have a credit card policy so we amended ours to conform to state law. Debra Miller can review it with you.

Ms. Miller: This amendment is a result of House Bill 312. Many of the changes are practices the City already did. For example, we already control the credit cards and our department heads and employees check them out. The only change for us is that it talks more about what would happen if you would lose an itemized receipt, there would be punishment to the employee because they are responsible to have those. The City can't just pay for it if the receipt is lost. Also, how we will handle after-hours use of the credit card. We worked through that and put it into the policy. Those are the two main new things within this policy that is different from what we were already doing.

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

MOTION: Councilman Counts moved to suspend the rules regarding Ordinance 2019-03. Councilman

Bertone seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2010-03. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

COMMITTEE REPORTS

Development Committee: Next Meeting: February 5, 2019, 6:30 p.m.

Finance Committee: Next Meeting: February 12, 2019, 7:00 p.m.

Operations Committee: Next Meeting: January 15, 2019, 6:30 p.m. We met tonight. You will see an Ordinance at our next meeting with a recommendation to support the Solid Waste Management Plan update. We had a great discussion on the fiber initiative and we will be presenting a proposal to Finance Committee in February. We will be working on enacting an ordinance establishing regulations for massage parlors. We also discussed the implementation of an outdoor concert series for this summer. Lastly, I would ask the Mayor if we could get a thumbs-up/thumbs-down on this. The Powell merchants have requested the closure of S.R. 750 from the railroad tracks to the Four Corners for our two upcoming Street Markets over the summer (May and September). The Four Corners intersection would remain open. Operations Committee was supportive of that in order for them to move forward with a safety plan with the police department. We are having a number of incidents where trucks are clipping tents. It is becoming an unsafe situation. If you are okay with that. They are getting rid of the July event because it is not well attended and conflicts with Powell Fest.

Councilman Counts: I object. While I understand the central nature of that space for this event, I think it being a state route and being the major east-west thoroughfare, will cause too many traffic problems. My suggestion would be to use North Liberty and the Four Corners because you have Grace Drive as a very easy way around. I think there would be less traffic problems closing the north-south piece of it than you would have closing the east-west road.

Councilman Newcomb: I think that is a good idea to move it to Liberty Street and maybe we should take a closer look at it.

Councilman Lorenz: I think the impetus of closing that area is so that you're not only having the street vendors, you're having the merchants that are there on Olentangy Street to be able to operate as well. By moving it, it puts them [merchants] at a disadvantage. Those are the individuals that are driving the event.

Councilman Counts: I would suggest that this is really just a test. Either way you go, I'm not sure it is critical. I agree that it is very clearly a problem. I'm just not sure that closing S.R. 750 is the best alternative.

Councilman Lorenz: The committee came to the consensus that they will have to work with police on a safety plan and they will have to have officers, etc., but the May event was the only commitment the Committee made to them as using that as a test. If it blows up or doesn't work, then we obviously won't allow that to happen again in September.

Councilman Bertone: I agree with the desire of the group. It holds merit. But I agree with Tom. I think the north-south gives folks an ample opportunity to take advantage of the opportunity to participate and it can be moved close enough in proximity to their businesses. There is another alternative. There's the alleyway behind most of those businesses. That is a viable option that could be explored. It may limit some exposure for other businesses on the south side of the street, but overall, closing S.R. 750 is a concern of mine.

Mayor Bennehoof: As long as we're brainstorming, another alternative is using Hall Street, the alley, Depot Street, and possibly our parking lot. The downtown boutique strip would have the benefit. Perhaps there

should be a little bit more discussion about other alternatives rather than closing S.R.750. I'm not opposed to it as a test, but maybe some discussion with the police and the merchants about using the infill rather than the main street might be an alternative.

Councilman Lorenz: The Committee has made the recommendation on what was brought forward. We can certainly have more discussion. It's based on comments from 3 or 4 of you. We want everyone to be comfortable.

Councilman Counts: Let's go ahead and try it once and see how it goes. But let's revisit and reevaluate afterward for the next time.

Mayor Bennehoof: If it's well communicated, well-marked and we do have Murphy Parkway now, people can avoid it. I'm happy to go either way. I am happy to go with a test in May.

Councilman Swartwout: I'm in full support of the recommendation of the Operations Committee. Everyone is aware and Chief Vest and Deputy Chief Hrytzik acknowledge the safety hazard we face now with the current street market. There is obviously a safety issue. The street market, in my view, is an excellent showpiece for the shops and restaurants on S.R. 750 and moving it away from that defeats a lot of the purpose which is inviting people to our community to not only sample the street vendors that are there, but to see the shops and restaurants that are there every single day. When I look at it with both of those things in mind, I'm in full support of at least having a test, at least this one time, and revisiting it afterward to evaluate it.

Councilman Counts: I would add that it's not the shops along Olentangy Street that are the safety issue; rather it is the street vendors. Those vendors could be moved and you could still have all of the other businesses participate in it. I fully understand that one of the things that you need with the street market is visibility. So you can't put it in the parking lot here or on a side street. You have to have it someplace that is really visible. That was the reason I was suggesting North Liberty.

[Council gave a thumbs up for a May trial]

Planning & Zoning Commission: Next Meeting: January 16, 2019, 7:00 p.m. We have four items on the agenda for tomorrow night, including the OSU Medical Center. We also have the northwest corner of Steitz/Home Roads for a potential library site, apartments and other commercial. This is a preliminary plan that has not been annexed yet into the City, but we anticipate it being filed soon. Armita Plaza is asking for a change of driveway location onto Traditions Drive, which is the private street going back to the west of the property as well as dumpster location review; and Nocterra is bringing in their sign to replace the one that was there at Depot and Olentangy Streets when that business was previously a retail space. They are looking at opening in February.

Powell CIC: Next Meeting: January 22, 2019, 6:00 p.m.

CITY MANAGER'S REPORT

Mr. Lutz: I wanted to remind you that we are having a second Council meeting on January 29th, 2019 at 7:30 p.m.

OTHER COUNCIL MATTERS

EXECUTIVE SESSION: O.R.C. Section 121.22(G) (1) PERSONNEL MATTERS; 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 8:48 p.m. to adjourn into Executive Session pursuant to O.R.C. Section 121.22(G)(1) Personnel Matters; O.R.C. Section 121.22(G)(3) Imminent or Pending Litigation; and O.R.C. Section 121.22(G)(8) Economic Development. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

Councilman Counts left Executive Session.

MOTION: Councilman Swartwout moved at 10:20 p.m. to adjourn from Executive Session into Open Session. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Lorenz moved to appoint Elizabeth Bailik to the Board of Zoning Appeals for a three-year term, expiring on December 31, 2021. Councilman Bertone seconded the motion.

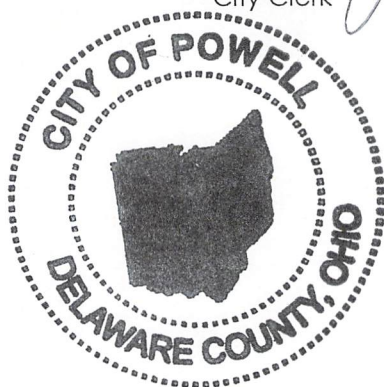
VOTE: Y 6 N 0

ADJOURNMENT

MOTION: Councilman Swartwout moved to adjourn the meeting at 10:22 p.m. Councilman Bertone seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

MINUTES APPROVED: January 29, 2019

<u>Jon C. Bennehoof</u>	<u>2/05/2019</u>	<u>Karen J. Mitchell</u>	<u>2/1/2019</u>
Jon C. Bennehoof	Date	Karen J. Mitchell	Date
Mayor		City Clerk	



City Council

Jon C. Bennehoof, Mayor

Frank Bertone

Tom Counts

Brian Lorenz

Brendan Newcomb

Melissa Riggins

Daniel Swartwout