



**CITY COUNCIL
MEETING MINUTES
August 6, 2019**

CALL TO ORDER/ROLL CALL

A regular meeting of Powell City Council was called to order by Mayor Jon C. Bennehoof on Tuesday, August 6, 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; Chris Huber, City Engineer; 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. Hearing none, he closed the public comment session.

PROCLAMATION: [BRAIN & ALZHEIMER'S AWARENESS MONTH](#), presented to Holly Meyer and Colleen Will.

APPROVAL OF MINUTES - [July 16, 2019](#)

Councilwoman Riggins made a change to her remarks on page 3 of the draft minutes.

MOTION: Councilman Counts moved to approve the minutes of July 16, 2019 as amended. Councilman Bertone seconded the motion. By unanimous consent of the remaining members, the minutes were adopted as amended.

FIRST READING: [ORDINANCE 2019-31](#): AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2019. ([EX. A](#))

Jessica Marquez, Assistant Finance Director: We have two requests that are both related to the bond issuance. The bond closing happened at the end of July. During the closing process, we learned from our bond counsel that we are not supposed to pay the issuance costs out of the Debt Service Fund as we have been. Therefore, for the refunding issue, we need to appropriate it into the General Fund. That is the \$109,765.50.

One page 2 of the Exhibit, you will see that it only totals \$89,210.00. The difference is because of the underwriters' discount that is withheld from the bond proceeds -- that does not show up on the direct issuance cost detail. Again, due to finance law, we have to book everything at gross and record that underwriter discount as an expense. That is why it needs to be appropriated and the appropriation is higher than what is listed on the second page.

The second part of this request is to appropriate the remaining amount of the interest. We had appropriated \$10,000 in the original budget as an estimate because we did not know what was coming with the refinancing. The \$19,615.59 is just to make the first interest payment that will be due in December on these new bonds.

Councilman Counts: I presume that the first item is just an accounting issue. [Ms. Marquez: Yes.] Consequently, there really is no substantive impact on us.

Ms. Marquez: There was a premium received through the bond to cover all these expenses and that portion was recorded in the General Fund and will then be expensed right back out.

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 2019-31. Councilman Bertone seconded the motion.

VOTE: Y 6 N 1 (Newcomb)

MOTION: Councilman Counts moved to adopt Ordinance 2019-31. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2019-32: AN ORDINANCE DECLARING THE NECESSITY OF, DETERMINING TO PROCEED WITH, AND LEVYING ASSESSMENTS FOR THE PURPOSE OF IMPROVEMENT, CONSTRUCTION, AND RECONSTRUCTION OF THE PUBLIC SEWER MAIN INFRASTRUCTURE ON THE NORTH SIDE OF POWELL ROAD AND ON PROPERTY OWNED BY VERONA LLC AND KNOWN AS THE VERONA SUBDIVISION, AND DECLARING AN EMERGENCY. ([EX. A](#))

Steve Lutz, City Manager: This is an Ordinance that you have seen for the past 3 Augusts. The Verona subdivision has a special assessment attached to it, which funds the installation of the sanitary sewer. The assessment is \$1,200 per year for the patio homes, and \$1,800 per year for the single-family homes. The assessment on an occupied home remains in place for seven years.

From last August to this August, we have had 27 new patio homes take occupancy and 10 single-family homes take occupancy. The county auditor needs the assessments for the succeeding collection year to be certified to them by early September, which is why we bring this to you in August so we can capture as many of the homes as we can that are occupied. We permit two readings of the Ordinance with an emergency clause so we can get it to the auditor by the end of this month and before their deadline so that it can go on the tax rolls for next year.

Councilman Lorenz: If I bought a house in Verona three years ago, my assessment rolls off in 4 years, correct? [Mr. Lutz: Correct.] I had a resident ask me that.

Councilman Swartwout: Steve you mentioned taking this to a second reading but we have on the face of the Ordinance a vote on suspension of the rules. Is it a necessity to take it to a second reading?

Mr. Lutz: No. It is whatever Council feels comfortable doing. We have planned into the timing that if we take it to a second reading, we could still meet the county deadline.

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

Councilman Counts: Generally, we have taken this to a second reading just in case a taxpayer wants to voice their concern. Since we have the time to do that I think we probably should.

Councilman Lorenz: I agree with that. I think it is important because we have so many new residents in that subdivision who may be confused and want to talk about it or talk through it.

Ordinance 2019-32 was taken to a second reading.

FIRST READING: ORDINANCE 2019-33: AN ORDINANCE PROHIBITING LEFT-TURNS AT THE INTERSECTION OF OLENTANGY STREET (STATE ROUTE 750) AND LIBERTY STREET BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M.

Mr. Lutz: This proposed Ordinance is a result of the Keep Powell Moving initiative to continue to work on measures to help improve the flow of traffic through downtown Powell. The Operations Committee has studied this for a period of time, and has held a public open house to receive feedback from businesses and residents regarding turning movements at the Four Corners. We currently prohibit turns from 4:00 p.m. to 7:00 p.m., Monday through Friday. Because of the public feedback, input, and looking at traffic counts, it is recommended to prohibit left-turn movements from 7 a.m. to 7 p.m., seven days a week.

Councilman Lorenz: I would add that in Operations Committee, we spent the better half of four months reviewing this. We waited until the resealing of the pavement was done to make any recommendations to Council. We held

a public forum; we had three discussion sessions on our agenda. We received a lot of great feedback. The consensus of the group was unanimous to propose this current restriction to Council of 7:00 a.m. to 7:00 p.m. everyday. The philosophy on that is from an enforcement standpoint it makes more sense to have something that is constant. We felt a 24-hour ban was unnecessary simply because of the volume of the traffic counts that occur outside of those hours. We typically only have about 2-3 officers on duty at night, so they cannot be everywhere, but this gives them the mechanism to enforce it a little more proactively.

Councilman Newcomb: I think the enforcement is going to be critical. No matter what we did, we are really going to need the police department to enforce these rules.

Chris, if we pass this, when will the signs be ready for implementation?

Chris Huber, City Engineer: I would anticipate a few weeks. I would need to get with Paul Peterson for the advance signing that we will have to do for the change in turns at the Four Corners. Some of our signs on North and South Liberty, as well as Grace Drive & Olentangy St., will also need to be replaced and will be very similar to what they are now. We will supplement these with temporary signs to draw attention to the new signs so people will know that the restriction has changed. Before all of that happens, I would also like, through Megan, to advertise this to the public in advance of the change. I anticipate that entire process would take a few weeks.

Councilman Newcomb: When are the street improvements at Powell Crossing going to begin?

Mr. Huber: It has already started. That schedule is being updated weekly as they are coordinating with the other project working on SR 750 [Olentangy Street]. It is a very dynamic project in terms of scheduling. Next Monday, they will begin some night work.

Mr. Lutz: I was going to include this in my City Manager's Report, but that road improvement on Olentangy Street will be from the railroad tracks west to Lincoln Street. Olentangy Street will be widened into three lanes with the middle lane serving as a turn lane. There will be curb and gutters on the side. We anticipate they will start next week by putting a temporary lane on the north side of Olentangy Street, where traffic will be able to shift over there, and begin to work on the south side of Olentangy Street.

Councilman Swartwout: In putting the signs up in a few weeks, as this Ordinance is currently written, it is not declaring an emergency, so would we not have to wait 30 days for the referendum period to expire to put those up?

Mr. Lutz: Exactly. Once this Ordinance is passed, it does not become effective for 30 days and that provides the time we would need for the signs.

Mayor Bennehoof: We could suspend the rules tonight, pass it, and that would start the 30-day referendum period. Does that include the wayfinding signage as well?

Mr. Huber: We have the wayfinding up. We would supplement that. There is going to be some lead-time to order the signs. It will probably take a couple of weeks to order the signs.

Mr. Lutz: With Ordinances like this, we may want to add a provision stating that it will become effective when legally able to and when the City Engineer can provide the proper signage requirements.

Councilman Lorenz: Perhaps the best thing for us is to take this to a second reading. It allows anyone else who may want to come in and allows Chris to get dates on signs, etc., and we can implement it and modify it as needed at our next meeting.

We did contact the school district on this. I personally reached out to the Communications Director and Superintendent, so they are aware of the situation. I did not receive any feedback.

Councilman Counts: What kind of feedback did we get from the businesses?

Councilman Lorenz: It was mixed. Out of the businesses that attended, a couple of them really did not want a 24-hour ban. I think a few of them realize that we do have an issue and need to Keep Powell Moving as we

passed originally. I do not think it was totally embraced 100%, but somewhere in the middle.

Councilman Counts: The one thing I am curious about is businesses. The mix of our businesses has changed over time. We are seeing more bars, restaurants, breweries and things like that, which typically their business would be greater at the times that already have restrictions. I am not sure that we would necessarily see the same kind of response that we might have seen 10-15 years ago when there were more service, day-operated businesses.

The other question I had is I am interested in knowing what the police department intends to do in terms of enforcement. I am sure everyone here has experienced the same thing I have between that 4 p.m. to 7 p.m. restricted time. How many people are still making prohibited left-turns when they should not be?

Mr. Lutz: We can have Interim Chief here at our next Council meeting.

Councilman Swartwout: When we passed the last left-turn restriction Ordinance, I believe we did that as an emergency, and it took effect immediately. I remember that there was the immediate problem with the SR 315 closure. I think this is just more conversation to have at our next meeting.

Councilman Counts: If I remember correctly, we already had an Ordinance in place for certain directions and it was added to it [undecipherable]. It was that piece of it that became the emergency.

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

Ordinance 2019-33 was taken to a second reading.

FIRST READING: [ORDINANCE 2019-34](#): AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH RALPH ANDERSEN & ASSOCIATES FOR THE PURPOSE OF PROVIDING EXECUTIVE SEARCH SERVICES FOR THE CITY OF POWELL, AND DECLARING AN EMERGENCY.

Mr. Lutz: Because of my upcoming retirement, City Council has an opportunity to hire a new city manager. There are a couple of ways that councils typically handle that. They can either handle the search themselves or utilize the services of an executive recruitment firm to assist them. We have received proposals from four recruitment firms. The four members of City Council who are not on the ballot this fall did interview those four firms. After those interviews, there is the recommendation to engage the services of Ralph Andersen & Associates to assist you in the city manager recruitment.

Councilman Counts: The members involved in the interview process was Frank, Brian, Melissa and myself. We met one evening and had about a half hour discussion with each of them. I would say they were relatively close in terms of what they were providing. However, one of the things that stood out for me was that while there were several of them that said 'If you want us to do that, we can do that. If you want to do this we can do that.' Ralph Andersen stood out because they gave us a price and said that this 'includes everything and we are going to recommend. We have been through this so many times and so many city councils like yours, this is all-inclusive and we will tell you what we think is the best practice and such.' That was unique among the group.

The other thing I saw was when we finished the interviews, we discussed them and the four of us pretty much came to unanimity extremely quickly. We felt that Ralph Andersen was the appropriate group for us to work with.

Councilman Bertone: Great summary Tom. I think you hit it right on the head. There was an agreement among us in very quick fashion. In my business, the word 'fees' is negative. What value add are you providing to that. When you talk to these individuals, you will hear nuances in the words in which they choose to use which gave us the indication that perhaps there was some additional billables that may come about as our processes were to go forward. I agree this firm represented themselves well. It is going to be a tough ask and a tall order to replace Steve, so we want to find the right person to handle that for us. I felt complete confidence in this group.

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 2019-34. Councilman Bertone seconded the motion.

VOTE: Y 5 N 1 (Newcomb) AB 1 (Lorenz)

MOTION: Councilman Counts moved to adopt Ordinance 2019-34. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0 AB 1 (Lorenz)

FIRST READING: ORDINANCE 2019-35: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2019. (EX. A)

Ms. Marquez: This is an appropriation request corresponding to the contract you just approved for \$29,750.00. I am recommending you take it out of the Council Contingency balance. That will then take the balance down to \$42,000.

Councilman Swartwout: We have had Steve as our City Manager for approximately 23 years so this is a decision that is a very, very impactful one. It is a decision that requires a tremendous search for the right candidate. I believe the cost savings from getting the right candidate will greatly outweigh the costs of this charge. Moreover, since it is from our contingency, it is already budgeted for. I feel very comfortable in doing this because I feel by making the right selection, we will have great cost savings in the long run.

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

Mayor Bennehoof: This is the first time we get to speak publically about this. Frank has already said it: Steve, you have done a Yeoman's work and it is much appreciated. We understand that retirement is something that you are looking forward to and we wish you the best.

Mr. Lutz: The 23 years have flown by. It has always been a great pleasure. In this industry, city managers come and go quickly. I have had the opportunity to work with great Councils, great Staff members, and a wonderful community. I will continue to call Powell home for many years to come.

Mayor Bennehoof: I think I speak for Council when I say thank you for your service.

MOTION: Councilman Counts moved to suspend the rules regarding Ordinance 2019-35. Councilman Bertone seconded the motion.

VOTE: Y 5 N 1 (Newcomb) AB 1 (Lorenz)

MOTION: Councilman Counts moved to adopt Ordinance 2019-35. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0 AB 1 (Lorenz)

COMMITTEE REPORTS

Development Committee: *Next Meeting: August 6, 2019, 6:30 p.m. We met this evening to discuss a variety of topics, including the continued development of our DORA program. The legislative side is coming together well. The implementation side is starting to take shape. Stay tuned. We may have some legislation to review here in one of our upcoming meetings.*

Finance Committee: *Next Meeting: September 10, 2019, 7:00 p.m.*

Operations Committee: *August 20, 2019, 6:30 p.m. We will meet in two weeks. We will be talking about becoming a bike-friendly community and massage establishment regulations. Mr. Lutz: The first item of business will be reviewing our solid waste bids. That could take the majority of the meeting.*

Planning & Zoning Commission: *Next Meeting: August 14, 2019, 7:00 p.m.*

Powell CIC: *Next Meeting: TBD. We will meet toward the end of the month.*

CITY MANAGER'S REPORT

Powell received a grant for \$500,000 for the improvements that are being made on North Liberty Street and Seldom Seen Road. We will be adding turn lanes and a traffic signal. We are doing that project in conjunction with Delaware County. You may see some work taking place there. That is just preliminary work with some utilities relocating. The actual project will begin in the spring.

Councilman Counts: What is our share of the cost now that we have the grant?

Mr. Lutz: The City's share is \$500,000.

OTHER COUNCIL MATTERS

There was none.

EXECUTIVE SESSION: O.R.C. Section 121.22(G)(1) Personnel Matters; O.R.C. Section 121.22(G)(3) Pending or Imminent Litigation, and O.R.C. Section 121.22(G)(8) Economic Development.

MOTION: Councilman Counts moved at 8:08 p.m. to adjourn into Executive Session pursuant to and O.R.C. Section 121.22(G)(1) Personnel Matters; O.R.C. Section 121.22(G)(3) Imminent or Pending Litigation; and (8) Economic Development. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0



MOTION: Councilman Counts moved at 9:35 p.m. to adjourn from Executive Session into Open Session. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

ADJOURNMENT

MOTION: Councilman Counts moved to adjourn the meeting at 9:35 p.m. Councilman Swartwout seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

MINUTES APPROVED: August 20, 2019

	
Jon C. Bennehoof	Karen J. Mitchell
Mayor	City Clerk
Date <u>9/3/2019</u>	Date <u>9/4/2019</u>

