



**CITY COUNCIL
MEETING MINUTES
September 3, 2019**

CALL TO ORDER/ROLL CALL

A regular meeting of Powell City Council was called to order by Mayor Jon C. Bennehoof on Tuesday, September 3, 2019 at 7:30 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; Karen Sybert, Finance Director; Dave Betz, Development 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.

PRESENTATION: DELAWARE COUNTY BOARD OF ELECTIONS, by Ally Solove and Amy Murphy. Ms. Solove explained some new changes to the ballot voting machines this year. ([Exhibit 1](#) – PowerPoint Presentation).

Councilman Newcomb: Do you have to be a member of a party to volunteer?

Ms. Solove: You do not have to be a member of a party to volunteer, but through the Ohio Revised Code, you do have to represent one of the two major parties. On Election Day, a nonpartisan would need to select to be an "R" or a "D" for that day. You are not allowed to discuss politics, we do not designate you in any way, but we do need to say we have equal bipartisanship for that day. It does not give you a party affiliation or put you on any lists.

Councilman Counts: How many stations to you need to fill for November?

Ms. Solove: Right now, we would like to get about 875 poll workers. By the time we have additional rovers and helpers, it is usually estimated about a 1,000 people needed just for our county. We have a large county with 48 locations and we are constantly growing and adding new precincts.

Councilman Lorenz: It looks like you added quite a few precincts in the county.

Ms. Solove: We added a few precincts. You are only allowed to have 1,400 voters per precinct. Sometimes it becomes a restriction by how much space, how many people you can have, how many people you can have parked in a parking lot, etc. We have bigger locations in Powell and the voters seemed to have liked that instead of constantly being moved around. When I lived in Powell, I was moved around a little bit more because of the growth. However, the impact on the voters this time was negligible.

Councilman Lorenz: It looks like you added one more precinct in the City.

Ms. Solove: Yes we did. The county is just growing leaps and bounds, so it is just something that has to be done. The Board of Elections tries to preempt growth to stay under 1,400 voters and makes the necessary changes to precincts before 2020.

APPROVAL OF MINUTES - [August 20, 2019](#)

MOTION: Councilman Counts moved to approve the minutes of August 20, 2019. Councilman Bertone seconded the motion. Mayor Bennehoof abstained. By unanimous consent of the remaining members, the minutes were adopted.

[RESOLUTION 2019-12](#): A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. ([EX. A](#))

Steve Lutz, City Manager: This is a Resolution that appears before Council every year at this time. It is a standard Resolution that establishes the millage that the Accounting Budget Commission will use, and identifies the millage that will be required to be charged for property taxes for both the City's General Fund and our voted Bond Fund. The millage remains the same as it was this past year.

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

MOTION: Councilman Counts moved to adopt Resolution 2019-12. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

FIRST READING: [ORDINANCE 2019-38](#): AN ORDINANCE AUTHORIZING AMENDMENT TO THE FEE SCHEDULE OF THE CITY OF POWELL AND DECLARING AN EMERGENCY. ([EX. A](#))

Mr. Lutz: This proposed Ordinance has been reviewed in great detail by the Development Committee. It has been recommended for approval. Dave Betz will review this with you.

David Betz, Development Director: We have not had anything come up quite like this before but we are now experiencing the possibility of a few things coming. One is for an amendment or creation of a new development plan text when an existing subdivision's deed restrictions or covenants are expiring. In order to allow for the same kind of things that the deed restrictions or covenants cover, under a zoning overlay or a zoning text for that subdivision, having to go through the same process as a zoning amendment all over when it is just changing the text involved with that subdivision is very costly. We thought creating a new fee to cover the costs of staff time and expenses only would be more affordable to the HOAs as opposed to going through a completely new development plan and process that can be quite expensive due to the large area that it contains. We are recommending a new fee for such an application.

Councilman Swartwout: This is slightly different from how we alter our fee schedule. Do you have any concerns with how we are doing this today?

Eugene Hollins, Law Director: No. We are in a situation where we need to clarify a fee. We do not believe that the large fee on the schedule for amendments was intended when we do not have large engineering reviews associated with that amendment in planned district so we broke down the text. Other than that, we have reviewed fees, from time-to-time, and if there is any change in the fee, at this point, we do believe it is appropriate to bring those back to Council.

Councilman Newcomb: Development has done the work on the text, but is Gene going to have final say on the text and are legal costs included in the fee?

Mr. Betz: Gene will be reviewing it, as he does with all Ordinances at the time. When we did the cost analysis, we did take into account the time and effort for advertising, Commission meetings, our time, and Gene's time.

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 2019-38. Councilman Bertone seconded the motion.

VOTE: Y 6 N 1 (Newcomb)

MOTION: Councilman Counts moved to adopt Ordinance 2019-38. Councilman Bertone seconded the motion.
VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2019-40: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2019. (EX. A)

Mr. Lutz: Recently the City's Assistant City Engineer, John Moorehead, was hired by the City of Gahanna to serve as their city engineer. Chris Huber has a vacancy in his department. He is recommending, instead of immediately replacing the Assistant City Engineer position, to take some time to evaluate staffing of his department and utilize a contract engineering service to help make up the loss without John. This \$25,000 for contract engineering will be used primarily for plan review services and Chris can provide more detail.

Chris Huber, City Engineer: Right now we have a host of plan reviews that we have to do for the City. Staff's intention is to get those off our plate by having new plans coming in reviewed by the consultant as we need help and until we are caught up. Staff will still be heavily involved with these plan reviews, but a lot of the detail steps, check and balances of the plan review, would be done by the consultant to supplement Staff.

Councilman Lorenz: What would be the remainder of the Assistant City [Engineer]'s salary?

Mr. Huber: I defer that to Steve. [Councilman Lorenz: In other words, would the \$25,000 out...] I assume it would be less than what would be paid out for the remainder of the year. [Inaudible]

Councilman Lorenz: Do you have a firm in mind?

Mr. Huber: I do.

Councilman Lorenz: Wouldn't this go through a committee first? Finance Committee?

Councilman Bertone: Why did John leave?

Mr. Huber: Why did John leave?

Councilman Bertone: When.

Mr. Huber: Two weeks ago.

Councilman Bertone: Two weeks ago and we are \$25,000 in the hole already. What would this person be doing? Plan reviews for commercial or residential, or both?

Mr. Huber: All private development.

Councilman Bertone: Have you started your interviewing process yet to replace...?

Mr. Lutz: No, and maybe I was not clear on that. That was certainly one route we could take is just begin the hiring process of an Assistant City Engineer. What we are recommending is we do not begin that process. Instead of filling that position, we just use contract-engineering services for a period of time in order to allow Chris to assess the staffing of his department.

[Multiple speakers]

Mr. Huber: I believe we are looking at this as an emergency. [Inaudible].

Mr. Lutz: A lot of it is just to continue to provide service. We have many plans and oftentimes Chris will receive calls from businesses asking where their plans are. We are down a person – John – that spent a lot of his time reviewing those plans so now it is just Chris and Aaron who are doing that in addition to their other duties.

Councilman Swartwout: How long do you see this \$25,000 lasting? How long would it be until you came back and asked for another appropriation?

Mr. Huber: We do have some in the budget already for consultants, so I had planned to supplement that with what we have. I think we could have \$35,000 and it could take us to the end of the year. Depending on how the plans came in, we may have some left over. This would be an hourly, not-to-exceed, so it is not a lump sum payout to a consulting firm.

Councilwoman Riggins: What are you planning the approximate hourly rate being?

Mr. Huber: They have a schedule of rates and it varies based on that person's level of expertise. Certain plan reviews would demand a smaller hourly rate than a senior engineer that might spend less time but at a higher hourly rate. So some may be over a \$100 per hour and the actual plan reviewers might be less than that, but it would vary.

Councilwoman Riggins: So this would not just be a contract for one person, it would be for a company. [Mr. Huber: It is for a company, yes.] What level of person are you looking to bring in on this contract?

Mr. Huber: It would be a team, which would have a PE, and people that have experience with other municipalities and have done plan reviews.

Councilwoman Riggins: And you do not know how much that hourly rate would be? A guesstimate?

Mr. Huber: It would vary based on who did the plan review. Some of it might be \$85-\$90....[Councilwoman Riggins: That is what I am asking. You are not just hiring one person; you are hiring a company that will have various people within it]. Exactly.

Councilwoman Riggins: The remaining salary that is not being paid out to the employee that left, where is the money flowing. Is the money that is not being spent, being put into the General Fund for this? [Mr. Lutz: Correct.] Then from the General Fund this company will be paid?

Mr. Lutz: Correct.

Mayor Bennehoof: I am assuming you are looking to save money by using contract services, over bringing in an hourly employee with benefits, costs, etc. Is that a fair assumption?

Mr. Huber: Not exactly, at least not long term.

Mayor Bennehoof: I do not mean long term, but you are looking to reevaluate your Staffing plan [Mr. Huber: Yes.] in the absence of the Assistant City Engineer. You are saying "Let's wait, let's pump the brakes here, look at our Staffing needs, project to the future, see if we need to replace that person right away, and in the interim we will use this contract service" and that could be less than the cost of a....

Mr. Huber: I am confident we do need three on our Staff. [In the past], I have had several months that I have just had two and it does not work very well. Rather what I want to do in these upcoming months is evaluate the Staff we have to see if that individual is ready for the [Assistant City Engineer] position so that I can promote internally and I would just have to hire a Staff Engineer.

Mr. Lutz: And some of it is just a triage basis. If we were to begin the hiring process now by the time we advertise, interview, and hire an individual that is going to be a 3 or 4-month process. In the meantime, we are down personnel trying to get the work out.

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

Councilman Newcomb: We all seem to have a lot questions about this. Should we consider sending this to Committee before voting on it?

Councilman Counts: Staff is usually the prerogative of the City Manager, filling those positions. Really, all we are doing in this Resolution is changing money around. Steve has recommended that on a short-term basis, we hire

a consultant to do fill-in work. I do not believe there is any reason for this to go to Committee. If we were making a complete Staffing change, a policy issue of how it is staffed by the Engineering Department, then I agree that it needs to go to Committee. But for the short-term solution, I do not believe it needs to.

Councilman Swartwout: Maybe it does not need to go to Committee necessarily, but I think a second reading is probably in order in light of all the questions that we have had. Just a little bit of math that I have done right here and the \$25,000 of this appropriation and the \$10,000 that is already budgeted for consultants, \$35,000, that gets us to the end of the year you said. So for next year, on a yearly basis we would be at an approximately \$105,000 expense so I am thinking that is a big expense and I would like a little more clarification. That is what I am saying.

Mayor Bennehoof: And how much of a backlog will the delay in acting on this create?

Mr. Huber: We try to get all our plans back in 30 days. Even with three people, we struggle to make that happen. We do everything we can to make that happen. With two people, we cannot make that happen on a consistent basis. I anticipate more plans coming in. There are plans out there that I do not know the timing of, such as OSU, Redwood, etc. Those large plans come in and that will consume a big chunk of our time and delay everything else we have going on.

Councilman Counts: We will be doing the budget in October, and if there is concern about continuing this on a cost basis for next year that is the time we have that policy discussion. We have to deal with the situation now, which again in my view, is a short-term fix for a problem we have.

Councilman Swartwout: We already have \$10,000 budgeted for consultants. That \$10,000 would be enough to carry us to two weeks for another reading. Do you think that is fair?

Mr. Huber: Yes, but then after that we have to get our contract together so if we wait another two weeks, it may be an additional two weeks after that to finalize our contract with the consultant and push us into October. That will not cover a large plan.

Mr. Lutz: Chris, does the City get reimbursed for plan reviews by the developers?

Mr. Huber: It is not a reimbursement. They will pay a plan review fee as the plans are submitted so most of these costs are being paid indirectly by the development through the plan review fee.

Ordinance 2019-40 was taken to a second reading.

FIRST READING: [ORDINANCE 2019-41](#): AN ORDINANCE AUTHORIZING THE CITY MANAGER OF THE CITY OF POWELL TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE SAWMILL PARKWAY RESURFACING PROJECT (DEL-CR609-2.24, PID 105806, AGREEMENT NO. 31598). ([EX. A](#))

Mr. Lutz: This is related to the Sawmill Parkway mill and overlay project that is scheduled for next year. The City received a grant that includes federal and state funding that will help cover a significant portion of this project cost. This agreement allows the City to locally administer the project under the watchful eyes of ODOT. This is the legislation required by the state and feds to allow us to oversee this project.

Councilman Lorenz: In Section 10.3 [of the Exhibit] it talks about good faith efforts and it gives criteria of good faith efforts "...by submitting information including but not limited to the following to the LPA:" Are you okay with that?

Mr. Hollins: It comes with the territory. This is federal money flowing through ODOT and MORPC to us. When this project moves forward next Spring, we will make sure we have a certified contract administrator to actually do that certification as well to ensure we comply with all the federal requirements that come along with accepting a grant of \$1.2 million.

Councilman Lorenz: For the record, can you state what an LPA is?

Mr. Hollins: Local Public Agency.

Councilman Swartwout: It seems like there is something unresolved in Section 4.3. Can you explain that for us?

Mr. Hollins: We do have the design. This is a mill & overlay project. It is already designed. We would have used ODOT standards for that so we can probably finalize this with ODOT and drop the options on this.

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 2019-41. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2019-41. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

COMMITTEE REPORTS

Development Committee: *Next Meeting: September 3, 2019, 6:30 p.m. We met tonight and continued the DORA conversation. We are dividing our project efforts between legislation and implementation right now. Council should be receiving draft legislation at one of the upcoming meeting.*

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

Operations Committee: *September 17, 2019, 6:30 p.m.*

Planning & Zoning Commission: *Next Meeting: September 11, 2019, 7:00 p.m. On the agenda is a preliminary development plan for the southwest corner of Liberty Street & Seldom Seen Road to include a small office park and a daycare in Wolf Commerce. It is the last parcel to be developed there.*

Powell CIC: *Next Meeting: Next Meeting: TBD*

CITY MANAGER'S REPORT

- Proposed DORA Application & Proposed Legislation

Included in your packet was the application to City Council regarding the DORA. This matter was discussed within the Development Committee over the past several months. Under state law, the first step in this process is for the City Manager to present the application to City Council to let you know our intent to proceed. Under state law, we are required to advertise this for two weeks, which we will do on September 7th and 14th, and then we would bring the legislation before you at the October 1st and 15th meetings.

- The Chamber of Commerce will be holding its Fall Street Market on Sunday. As you recall, this Street Market is going to be held in a new location on North Liberty Street, just north of the Four Corners.

- City Council will have a Special Meeting on Thursday, September 12th at 7:00 p.m. That meeting will be an Executive Session meeting.

- I would like to introduce the City's new Finance Director, Karen Sybert. Karen arrives from northeast Ohio where for the past 10 years she has served as the Assistant School Treasurer for Shaker Heights.

OTHER COUNCIL MATTERS

There was none.

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

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 and O.R.C. Section 121.22(G)(3) Imminent or Pending Litigation. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

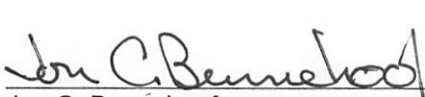
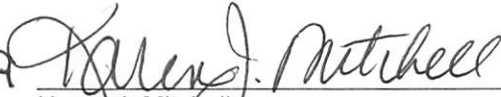
MOTION: Councilman Counts moved at 9:00 p.m. to adjourn from Executive Session into Open Session. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

ADJOURNMENT

MOTION: Councilman Bertone moved to adjourn the meeting at 9:00 p.m. Councilman Swartwout seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

MINUTES APPROVED: September 17, 2019

	
Jon C. Bennehoof	Karen J. Mitchell
Mayor	City Clerk
9/24/2019	9/26/2019
Date	Date

