



**CITY COUNCIL  
MEETING MINUTES  
October 1, 2019**

**CALL TO ORDER/ROLL CALL**

A regular meeting of Powell City Council was called to order by Mayor Jon C. Bennehoof on Tuesday, October 1, 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; Megan Canavan, Communications Director; Dave Betz, Development Director; Chris Huber, City Engineer; 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.

Nico Franano, 2855 Lexington Drive, Liberty Township: I wanted to make a special request of Council tonight. We have been in communication with Staff about this, but as the request is a little bit unusual, I wanted to come and make the request directly to you.

There are three candidates running for Liberty Township Trustee in November's election to fill one seat. Those three candidates have expressed the desire to participate in a media moderated debate. There are significant issues facing the township and, by extension, the City in this fall's election. One of the hurdles we have right now have coalesced around this Sunday, October 6<sup>th</sup>. We are looking for suitable space to hold the debate where it can accommodate both members of the public who would like to attend, but also has suitable audio-visual and lighting to be able to conduct it appropriately.

Therefore, I come before you tonight to request to allow us to utilize Council's chambers for the debate on the evening of October 6<sup>th</sup> to allow residents of both the City and township to come together and hear the candidates on the issues that are important to all of us as we move into the election season. I further ask you to consider waiving a rental fee as this is a community event. It is not a community-sponsored event like the Rotary Club.

Councilwoman Riggins: I am curious to know why you are not using Liberty Township Hall.

Mr. Franano: Frankly, the AV is not adequate. We would have to bring in a lot of extra equipment to make it work and to record and live stream it to Facebook and YouTube in an effort to reach a wider audience. Unfortunately, the township has not invested in the types of equipment that we would need to be able to conduct it. Therefore, it is a cost-saving issue.

Mayor Bennehoof: We are currently having a challenge here with our air conditioning, but I understand the temperatures will slide off to a more seasonal temperature by Sunday. How many people do you anticipate?

Mr. Franano: Perhaps 50-75 residents in addition to the candidates and media.

Councilman Lorenz: I have absolutely no problem with it. I support it 100%. We do not grant fee waivers under any circumstance because we do not want to get into a favoritism battle. I think the room rental is approximately \$30 per hour and I know these types of decisions are generally handled by the City Manager. If the finances become an issue, I would personally be happy to donate a part of the rental fee to accommodate this.

Mr. Franano: I think we could accommodate the room rental fee if that was something Council desired. We could make that happen, but thank you for the offer.

Councilwoman Riggins: Based on what has been happening at the Liberty Township Trustee meetings, has there been any discussion about the need for security and who would pay for that?

Mr. Franano: I think that you are right to point out that there has been some heightened emotion at some of the recent Trustee meetings. I think one thing that all three candidates share in this is an interest to move beyond that rancor and work with the community in ways to allow them to be heard. Frankly, I think many folks are looking forward to this opportunity to hear what is going on and are not looking to be rowdy or disruptive. However, if this is a concern of Council, I think we could look for ways to ensure that the meeting is safe and productive.

Councilman Counts: Steve, when we normally rent the room, I assume it is just renting the room, but here we are talking about using the audio equipment. Does that require someone to be here to run that?

Steve Lutz, City Manager: Karen is probably the best person to address that.

Karen J. Mitchell, City Clerk: We usually have the equipment locked up so someone would certainly need to be here to unlock the equipment, get it set up and put away.

Councilman Counts: So typically in meetings it is not being used?

Ms. Mitchell: That is correct.

Mr. Franano: And if there is a Staff cost along with that we certainly understand and would appreciate the City allowing us to be here.

Councilman Swartwout: When do you need to hear from us? Obviously, October 6<sup>th</sup> is not that far away.

Mr. Franano: Sooner would definitely be better because of all the schedule coordinating with three campaigns.

Councilman Swartwout: Perhaps we can discuss this under Other Council Matters.

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

#### **APPROVAL OF MINUTES – [September 17, 2019](#)**

Councilman Swartwout made one correction to the minutes.

MOTION: Councilman Counts moved to approve the minutes of September 17, 2019 as amended. Councilman Bertone seconded the motion. Councilman Lorenz abstained. By unanimous consent of the remaining members, the minutes were adopted as amended.

#### **CONSENT AGENDA**

##### ***Item***

- [RESOLUTION 2019-15](#): A RESOLUTION TO CONDITIONALLY ACCEPT AND BEGIN THE REQUIRED MINIMUM TWO-YEAR MAINTENANCE PERIOD FOR PUBLIC IMPROVEMENTS WITH REGARD TO THE VERONA SUBDIVISION, PHASE 3, AS THE SAME IS DELINEATED UPON THE PLATS THEREOF RECORDED IN O.R. BK 1618, PAGE 684-688, DELAWARE COUNTY, OHIO RECORDS.
- [ORDINANCE 2019-44](#): AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS ASSOCIATED WITH THE IMPROVEMENT PLAN OF SENIOR LIVING COMMUNITY LOCATED AT 10351 SAWMILL PARKWAY AS APPROVED ON APRIL 15, 2015, CONSTRUCTED BY S-K-POWELL OWNER, LLC.
- [ORDINANCE 2019-45](#): AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS ASSOCIATED WITH THE IMPROVEMENT PLAN OF GERMAIN COLLISION CENTER LOCATED AT 354 W. OLENTANGY STREET, AS APPROVED ON JANUARY 13, 2016, CONSTRUCTED BY GERMAIN COLLISION CENTER.
- [ORDINANCE 2019-46](#): AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF

##### ***Action Requested***

Adoption



THE PUBLIC IMPROVEMENTS ASSOCIATED WITH THE IMPROVEMENT PLANS OF TIRE DISCOUNTERS LOCATED AT 10732 SAWMILL PARKWAY, AS APPROVED ON SEPTEMBER 12, 2014, CONSTRUCTED BY SLATE RIDGE HOLDING, LLC.

- **ORDINANCE 2019-47:** AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS ASSOCIATED WITH THE IMPROVEMENT PLANS OF WES BANCO, AS APPROVED ON APRIL 24, 2015, CONSTRUCTED BY WES BANCO.
- **ORDINANCE 2019-48:** AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS ASSOCIATED WITH THE IMPROVEMENT PLANS OF OFFICE BUILDING LOCATED AT 75 LINCOLN STREET, AS APPROVED ON OCTOBER 1, 2015, CONSTRUCTED BY ELITE LAND TITLE.

Councilwoman Riggins: This is the first time I have seen this many items on the Consent Agenda. When I look at the Resolution and Ordinances that are proposed for us to vote on, I do not see anything in our packet that relates to any of these to have the information to just vote to consent. My request is to have some kind of explanation by the City Manager or Engineer to tell us that each of these things have happened or give us some basis on which to adopt these.

Councilman Counts: First, the Ordinances were included in our packets so you have those. Second, the Consent Agenda is specifically provided for in our Rules and identifies those things that are appropriate for the Consent Agenda. The Staff has identified these items as being appropriate for the Consent Agenda.

Councilman Swartwout: At the same time one member, and only one member, can remove an item from the Consent Agenda. It does not require anything more than one member's request.

Mayor Bennehoof: That is correct. Is this your request Councilwoman?

Councilwoman Riggins: I guess that it is my request. Can we have a brief summary on each Ordinance to tell us what it is? Councilman Counts, I have read the Ordinances and the Resolution and that is why I am saying how can we vote on something that we do not really have anything before that tells us, such as Ordinance 2019-45, "all major components of the public construction of the development are completed?" I think someone needs to tell us that not just put an ordinance in front of us and tell us to vote on it.

Councilman Riggins requested to have all the legislation removed from the Consent Agenda.

**FIRST READING: RESOLUTION 2019-15:** A RESOLUTION TO CONDITIONALLY ACCEPT AND BEGIN THE REQUIRED MINIMUM TWO-YEAR MAINTENANCE PERIOD FOR PUBLIC IMPROVEMENTS WITH REGARD TO THE VERONA SUBDIVISION, PHASE 3, AS THE SAME IS DELINEATED UPON THE PLATS THEREOF RECORDED IN O.R. BK 1618, PAGE 684-688, DELAWARE COUNTY, OHIO RECORDS.

Mr. Lutz: This is the one conditional acceptance and the others [Ordinances] are final acceptance. When a development occurs and a developer says they are ready for conditional acceptance, that means the City Engineer goes out and looks at the public infrastructure improvements that have been made in conjunction with that project, whether it is curbs, sidewalks, streets and they are inspected to make sure that they meet our standards. Conditional acceptance is for a 2-year period. That allows us time to have another bite at the apple if something happens.

The Ordinances are when the developer seeks final acceptance. That means they have already gone through the conditional acceptance 2-year time period. The Engineering Department will go through this one-by-one and Chris can confirm that the improvements associated with that project have been completed.

Councilwoman Riggins: Has the public improvements been completed to the extent that it does not appear to present undue health, safety and welfare hazards to the citizens?

Chris Huber, City Engineer: Yes. It is the connection for Verona that connects into Seldom Seen Road and is the last section.

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

MOTION: Councilman Lorenz moved to adopt Resolution 2019-15. Councilman Swartwout seconded the motion.  
VOTE: Y 7 N 0

**FIRST READING: ORDINANCE 2019-44:** AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS ASSOCIATED WITH THE IMPROVEMENT PLAN OF SENIOR LIVING COMMUNITY LOCATED AT 10351 SAWMILL PARKWAY AS APPROVED ON APRIL 15, 2015, CONSTRUCTED BY S-K-POWELL OWNER, LLC.

Mr. Huber: This is the senior living community, known as Spectrum Development. Their public improvements were the pathway in front of the project and the right-hand turn lane on Sawmill Parkway. Those have been in maintenance for over two years and they are in good shape.

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

MOTION: Councilman Lorenz moved to suspend the rules regarding Ordinance 2019-44. Councilman Swartwout seconded the motion.  
VOTE: Y 7 N 0

MOTION: Councilman Lorenz moved to adopt Ordinance 2019-44. Councilman Swartwout seconded the motion.  
VOTE: Y 7 N 0

**FIRST READING: ORDINANCE 2019-45:** AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS ASSOCIATED WITH THE IMPROVEMENT PLAN OF GERMAIN COLLISION CENTER LOCATED AT 354 W. OLENTANGY STREET, AS APPROVED ON JANUARY 13, 2016, CONSTRUCTED BY GERMAIN COLLISION CENTER.

Mr. Lutz: The Engineering Department has conducted the inspections and Chris can identify the public improvements involved with this.

Mr. Huber: The majority of the Germain development public part was on Industrial Parkway with a storm sewer crossing that went under the existing road. It looks fine, it has been two years, and it is ready for final acceptance.

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

MOTION: Councilman Lorenz moved to suspend the rules regarding Ordinance 2019-45. Councilman Swartwout seconded the motion.  
VOTE: Y 7 N 0

MOTION: Councilman Lorenz moved to adopt Ordinance 2019-45. Councilman Bertone seconded the motion.  
VOTE: Y 7 N 0

**FIRST READING: ORDINANCE 2019-46:** AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS ASSOCIATED WITH THE IMPROVEMENT PLANS OF TIRE DISCOUNTERS LOCATED AT 10732 SAWMILL PARKWAY, AS APPROVED ON SEPTEMBER 12, 2014, CONSTRUCTED BY SLATE RIDGE HOLDING, LLC.

Mr. Lutz: This and the next Ordinance deal with businesses that are located in front of Target. Chris can identify what public improvements were involved with these projects.

Mr. Huber: Tire Discounters had a public sidewalk that was built with the project along the roadway. It has been on maintenance for two years and looks fine and is ready for final acceptance.



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

MOTION: Councilman Lorenz moved to suspend the rules regarding Ordinance 2019-46. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Lorenz moved to adopt Ordinance 2019-46. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

**FIRST READING: ORDINANCE 2019-47:** AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS ASSOCIATED WITH THE IMPROVEMENT PLANS OF WES BANCO, AS APPROVED ON APRIL 24, 2015, CONSTRUCTED BY WES BANCO.

Mr. Huber: Similar to the previous Ordinance, this was a public sidewalk in a public right-of-way. It has been in maintenance for two years, it has been re-inspected, and is ready for final acceptance.

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

MOTION: Councilman Lorenz moved to suspend the rules regarding Ordinance 2019-47. Councilman Swartwout seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Swartwout moved to adopt Ordinance 2019-47. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

**FIRST READING: ORDINANCE 2019-48:** AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS ASSOCIATED WITH THE IMPROVEMENT PLANS OF OFFICE BUILDING LOCATED AT 75 LINCOLN STREET, AS APPROVED ON OCTOBER 1, 2015, CONSTRUCTED BY ELITE LAND TITLE.

Mr. Huber: This development had a sidewalk and storm sewer in a public right-of-way that was installed two years ago. It has been on maintenance. It has been re-inspected, looks great, and is ready for final acceptance.

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

MOTION: Councilman Lorenz moved to suspend the rules regarding Ordinance 2019-48. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Swartwout moved to adopt Ordinance 2019-48. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

**FIRST READING: ORDINANCE 2019-43:** AN ORDINANCE CREATING A DESIGNATED OUTDOOR REFRESHMENT AREA IN DOWNTOWN POWELL AND ESTABLISHING REGULATIONS AS REQUIRED BY LAW. ([EX. A](#))

Mr. Lutz: This Ordinance is being brought to you because of the hard work of the Development Committee over the past several months to obtain a DORA for the City of Powell. Dave will review that with you. I would like to

point out that Section 3 of this Ordinance calls for a 30-day period for implementation. Pursuant to state law, this requires two readings

Dave Betz, Development Director: ([Exhibit 1, DORA PowerPoint Presentation](#)). We will have a first reading tonight and the second reading on October 15<sup>th</sup>. [Assuming the Ordinance passes], there will be a 30-day waiting period and we will work on an implementation strategy in that time within Development Committee.

*Mr. Betz went through the presentation and outlined the proposed DORA district.*

Councilman Swartwout: From when we started looking at this process to now, there has been a change as far as how DORA's relate to temporary permit holders, a question we have received multiple times. Can you go through how the DORA mechanism addresses temporary liquor permit holders and fill in Council exactly how that fits in under a DORA now?

Mr. Betz: A temporary liquor license within a DORA still has established boundaries within the F-permit. It would be up to the F-permit holder as to whether or not they want to participate. An F-permit holder does not necessarily have to participate within a DORA as a DORA event. It could just be their own event. If they want to participate in the DORA, then that leads to responsibilities of whether or not the area gets fenced in and how to handle when drinks come in from one to another. You still have to have identified locations on where to enter or exit the F-permit area. It acts like an F-permit outdoor establishment the same as an indoor one with an entrance and exit and boundaries.

Councilman Swartwout: Beyond that, there are also limitations on the number of F-permit holders that can be within a DORA, the types of permits holders that can be within a DORA.

Mr. Betz: Yes. The F-permit system has not changed, it is just the number. For example, a non-profit can do two F-permits per year. In addition, you cannot have F-permits covering the same territory at the same time. If there were more than one, you would have to juggle how that is going to work.

Councilman Counts: I have not been a part of the discussions at the committee level, so I am coming at this relatively uneducated. Are the boundaries of the F-permit defined like there is when you have a fence around a beer tent or is it just an area that is defined on a piece of paper?

Mr. Betz: I will use the example of Powell Fest. During Powell Fest, we have a fence all around the site with entry/exit points that have someone there making sure that liquor is not coming in and the F-permit area is secure. It is like having a restaurant with two doors with someone there making sure that liquor does not go in from another establishment. An F-permit is a temporary permit to allow liquor sales and the area has to be defined and outlined.

Councilman Counts: I assume that a DORA can happen where there is not a temporary permit. There is a DORA where there is an existing establishment, so how do you define the outdoor boundaries when you have an event that is for those establishments?

Mr. Betz: You set up the boundaries where the DORA limits are. For example, say Ill-Mannered wants to do an event where patrons can go between Ill-Mannered and Gallos for this event. They apply for this assemblage permit for a DORA district along Grace Drive. They would establish a boundary, outline where those boundaries are, and place signage along the outer boundaries.

Councilman Counts: Do the event sponsors pay for all of that?

Mr. Betz: Yes. That is how we make sure that all of our costs are recouped. We may need to have a public service person or two, or a police officer, etc.

Councilman Counts: So you had a slide that listed the benefits of a DORA. With anything, there are associated risks. What risks has the City identified?

Mr. Betz: The risks involved are in alignment with public safety. Whenever you have alcohol out in the public, there is certainly a possibility of things such as a half-empty glass left where an underage kid might be able to drink it. Therefore, we need to make sure that there are proper sanitation rules and regulations for that, proper containers

for the beverages.

Liability on the part of the restaurant or permit holder that sells liquor is going to run with the person that carries the drink around the DORA. We looked into the liability issue and that has been left up to the particular permit holders that want to participate. It follows along with their liability.

Councilman Counts: I presume you would not have Ill-Mannered and say the Daily Growler joining together for an event either because that DORA would be so large.

Mr. Betz: You could. You could have an event for the entire DORA area. But when we review the application for the particular event, we would have to be sure it fits in with our Ordinance and within requirements for sanitation, police and service, etc.

Councilman Counts: What have the surrounding communities had DORA events for?

Mr. Betz: Worthington has had various events, downtown Delaware has their First Friday, Grove City has had events on regular times in their bandstand area. Some communities have had DORAs from noon to 10:00 p.m. and patrons can browse around that entire area carrying a drink. That was something we decided not to do. Ours will be an event-driven type of DORA.

Mayor Bennehoof: I think I saw that there needs to be four permit holders to hold event, is that correct?

Mr. Betz: No. There has to be at least four permit holders within the DORA area to establish the DORA, but once established a DORA event can be a single permit holder or multiple permit holders within the DORA area.

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

Councilman Bertone: Tom, you raised some good points from the standpoint that many of you have not been fully engaged from the Development Committee point of view so by all means throw those questions at us so we can identify them and close those gaps. The business community has been incredibly helpful in this conversation and helping us frame what we can do, should do, should not do, etc. When you start discussing the implementation side of this and the challenges associated with setting a boundary, how to effectively monitor, etc., these are where our concerns come in as a committee. Some of the vendors started to think about that differently as well. Some vendors are larger than others are. One may only have six doors; someone else may only have two doors, so how do we segment that? Layering this part in, as part of the application process, will require us to spend some time understanding how this works, how it is going to fit for this event, and how to execute this effectively to keep people safe as well as allow people to have a good time.

Mr. Betz: Staff has had a lot of discussion about how the implementation will work. We go through this process of establishing the application process so that we can come out and say this is going to be the way it is going to have to be run.

Councilman Counts: Does the Staff, when they receive the application, have the discretion to say that there needs to be x, y, and z in order to appropriately safeguard the public in this DORA? Moreover, if they do have that discretion, is that discretion broad in the sense that a requester cannot say that it is unreasonable? Has there been any kind of discussion or precedent on what the City can do through the requirements that they can put on a particular request?

Mr. Betz: We have not figured out an appeal process at this point. Certainly, we can create something like that. I do not think the statute says anything about that.

Eugene Hollins, Law Director: It is a permit-driven process. [Inaudible due to microphone being turned off]. What particular issues it raises would be addressed before we issue a permit.

Councilman Counts: I would think on a public safety aspect, there would be at least some deference given to the City.



Mr. Hollins: There is broad discretion. [Inaudible]

Councilman Lorenz: I would like to commend Frank and the Development Committee for your leadership on this project. I know we are not there yet, but I think that this is something that is a long time coming. It is something that the community is excited for and it addresses one of those comments that we frequently see in our bi-annual surveys where our residents are looking for us to continue to implement ways to keep a vibrant downtown going. This is another mechanism to help us get there and realize our residents' wants.

For Council, I would suggest that if you have the opportunity to participate in one of these before our next meeting, consider doing so. I have participated in a few of these events and have seen them in action. In June I participated in a race in downtown Delaware and part of the race had Sandusky Street blocked off for a DORA event. At the end of the race, I got a cup and a ticket and was allowed to go to one of six vendors. It ran very smoothly. I envision our DORA working in a similar fashion. However, I think you almost have to see and experience it to get the full understanding.

Councilman Bertone: Compliments to Staff. Everybody had been working very hard to build this out. We know there is still a lot of heavy lifting to do yet. We have a DORA subcommittee that has been created and engagement with the business community is crucial. If they will be paying assemblage fees, we want to make certain what our costs are as well as what theirs are. Jumping into this with both feet is not necessarily the desire of any party. We want to make certain we understand it is going in the right way. So raise any and all questions you may have because we want this thing to work and work effectively, not be an albatross.

Mayor Bennehoof: I would also like to thank Staff and Frank's leadership on this matter. I have expressed in Committee my only real concern about this. I am in favor of this, but I do have a concern about lighting and infrastructure issues and related safety issues.

Councilman Bertone: Lighting, signage, designated areas, these are all germane topics we need to touch on and make certain we button up. Megan [Canavan, Communication Director] did a great presentation earlier today in Development Committee talking about Keep Powell Moving, signage, and branding of that. We have many elements we need to talk about in 2019 but also from a budgetary point of view going into 2020. Signage is key. You cannot just roll out a paper sign and say here is where we are.

Councilman Swartwout: When you talk about the DORA, it is the flexibility of the DORA area. We had a long runway up to where we are today. One of the things we did is we had the Development Director from the City of Worthington come and speak to members of the DORA subcommittee as well as quite a few of the permit holders within the DORA area. They discussed the flexibility of what this could do. This could be an area-wide event. One of the initial reasons for the Worthington DORA was that the restaurants in downtown did not have outside patios. Any kind of outdoor seating would have been in the right-of-way. Therefore, they created little mini-DORAs that were essentially serving as patios for those particular restaurants. So when you talk about the events that can be held within the DORA area, it is an exceedingly flexible tool that creative people behind these events can really utilize in creative ways to tailor the events to very specific areas or if permit holders get together, it can be a very wide event.

Ordinance 2019-43 was taken to a second reading.

## COMMITTEE REPORTS

**Development Committee:** *Next Meeting: October 1, 2019, 6:30 p.m. We met tonight and discussed the DORA legislation, wayfinding signage, the Four Corner turn restrictions signage that is ready to be implemented. A Seldom Seen Park update was provided by Steve and Chris. We are still a few weeks out from the final touches being applied, but all efforts are moving forward.*

**Finance Committee:** *Next Meeting: October 8, 2019, 7:00 p.m. We will be discussing the budget so I encourage all to attend.*

**Operations Committee:** *October 15, 2019, 6:30 p.m. We will hold a public forum/event for businesses on the proposed massage parlor regulations. We had many questions on that and we want to be sure we have everything covered there before we move it up the ladder. We will also be talking about implementing new signage for City vehicles so we can identify maintenance trucks, etc. Councilman Counts: May I suggest the Operations Committee look at Council Rules on Consent Agenda items and the types of things that might be*



helpful in having Consent Agenda items. Councilman Lorenz: I would be happy to do that but I will push that to November if that would be okay.

**Planning & Zoning Commission:** Next Meeting: October 9, 2019, 7:00 p.m. The main item is a new office/daycare at the corner of Liberty & Seldom Seen Roads.

**Powell CIC:** Next Meeting: TBD. We have not had a need for a meeting recently but I am sure we will have an October meeting at some point.

### **CITY MANAGER'S REPORT**

The turn restrictions at the Four Corners are being extended from 7:00 am to 7:00 pm every day. Those signs will go up early next week. The police department will be out there to issue warnings for the first week. Following that, there will be an increased enforcement area to be sure people are abiding by the new law.

### **OTHER COUNCIL MATTERS**

Mayor Bennehoof: There was suggestion that we have a short conversation about the proposed debate for the township offices. I think it is the City Manager's discretion there, but I think we can give him guidance.

Councilman Swartwout: I agree with Brian's position.

Councilman Lorenz: For the record, I would clarify that I have no issue allowing the group to rent the room at the normal rental fee with approval of the City Manager. Should you need, I am happy to help with donations on that.

Councilman Counts: And what would you suggest about the audio equipment and the cost associated with that?

Councilman Lorenz: I would not be able to guess on that rate. I would assume having an employee here that can be here to monitor the audio/visual equipment and that it would be at that employee's normal hourly rate.

Councilman Swartwout: I think the rules that we are discussing this under are exceedingly broad as far as the definition of an organization. An organization is an unincorporated association, which is essentially just people working together for a common cause. We have people working together for a common cause to put on this debate, so I do not have any issues whatsoever or think we are moving beyond what our rules specify or call for in approving the room rental for this specific group.

Mayor Bennehoof: I do not have any problems supporting it, but I leave that to your discretion and whatever those accommodations might be.

Councilman Swartwout: Like Brian, if it needs be, I would be willing to help offset costs as well.

### **EXECUTIVE SESSION: O.R.C. Section 121.22(G)(1) Personnel Matters.**

Councilman Swartwout: I would like to add O.R.C. Section 121.22(3) Pending or Imminent Litigation to our Executive Session.

**MOTION:** Councilman Counts moved at 8:34 p.m. to adjourn into Executive Session pursuant to O.R.C. Section 121.22(G)(1) Personnel Matters and O.R.C. Section 121.22(3) Pending or Imminent Litigation. Councilman Bertone seconded the motion.

**VOTE:** Y 7 N 0

Mayor Bennehoof left at 9:25 p.m.

**MOTION:** Councilman Bertone moved at 9:50 p.m. to adjourn from Executive Session into Open Session. Councilman Lorenz seconded the motion.

**VOTE:** Y 6 N 0

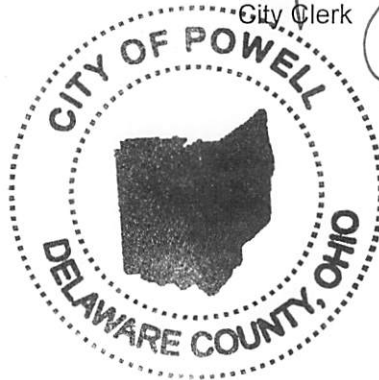
## ADJOURNMENT

MOTION: Councilman Counts moved to adjourn the meeting at 9:50 p.m. Councilman Bertone seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

MINUTES APPROVED: October 15, 2019

Jon C. Bennehoof 10/28/2019  
Jon C. Bennehoof Date  
Mayor

Karen J. Mitchell 10/28/2019  
Karen J. Mitchell Date  
City Clerk



### City Council

Jon C. Bennehoof, Mayor

Frank Bertone

Tom Counts

Brian Lorenz

Brendan Newcomb

Melissa Riggins

Daniel Swartwout