



**CITY COUNCIL
MEETING MINUTES
October 15, 2019**

EXECUTIVE SESSION: O.R.C. Section 121.22(G)(1) Personnel Matters. Those present included Frank Bertone, Tom Counts, Brian Lorenz, Melissa Riggins, and Daniel Swartwout.

MOTION: Councilman Lorenz moved at 5:30 p.m. to adjourn into Executive Session pursuant to O.R.C. Section 121.22(G)(1) Personnel Matters. Councilman Bertone seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Counts moved at 6:29 p.m. to adjourn from Executive Session into Open Session. Councilman Swartwout seconded the motion.

VOTE: Y 5 N 0

MOTION: Councilman Lorenz moved to adjourn the meeting at 6:29 p.m. Councilman Bertone seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

VOTE: Y 5 N 0

CALL TO ORDER/ROLL CALL

A regular meeting of Powell City Council was called to order by Mayor Jon C. Bennehoof on Tuesday, October 15, 2019 at 7:29 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; Rocky Kambo, Assistant Director of Development; 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.

Mike Perry, 3872 Village Club Drive: I have lived here for five years and I am here tonight to talk about speeding on Village Club Drive. I have looked at the data with Sergeant Sallows at the Powell Police Department. In August 2019, there were 12,000 speeds recorded of which over 70% were over the legal speed limit. If you look back over the past three years where these ten data sets are taken, by analyzing the data, there were over 800,000 speeders by extrapolating the data set out. Only 10 citations were issued over that time and 17 written warnings in the last two years and nine months. As you think of the number of kids and the speeds at which they are going, I am not concerned about people going 5 mph over. I am concerned about the speeds of 83, 53, 77, 44 mph in a 25 mph zone. That is unacceptable and I would like to see this City Council do something about it – potentially a stop sign on Village Club Dr. and Indian Springs Rd. There is a lot of through traffic that comes through to Kinsale Golf Club and it endangers our children. ([Exhibit 1](#))

Scott Donaldson, 1390 Picardae Ct: I am running for Liberty Township Trustee. I came here tonight to tell you that I want to be one voice for both the residents of the City of Powell as well as those residents of Liberty Township. For too long the concerns and the voice of these residents have been ignored and marginalized. We are one community and we need to work together for a more cohesive future. I want to do that and I want to partner with you. Other people will focus solely or drill down upon Fire and EMS. And while there have been many challenges with that, I think that we can work together as a cohesive unit and have better results than as separate parties.

Jennifer Stamolis, 417 N. Washington St., Delaware: I am the Mission Court Docket Coordinator for Delaware Municipal Court. For those of you that are not aware, the Mission Court is a specialized veterans' treatment court. We are always looking for mentors so feel free to find me if you are interested in mentoring. Mentoring is one of the reasons we have such a huge success with our Mission Court. We are having our second Mission Court graduation on November 8th. You are all welcome to attend. It is goose-bump good to see the progress that the participants have made. We have someone that is graduating who was very close to death and we are very thankful that he got in trouble with the law, [we could intervene], and he is alive today and doing amazing. To be a part of that, as the Mayor knows exactly what I am talking about, to see that transformation happen, is goose-bump amazing.

The reason I am here tonight is to talk to you about your Mayor. If you were unaware, the Mayor has been nominated and will be inducted into the Ohio Veterans Memorial Hall of Fame. Do you know why? It is because he is a Navy veteran who did three tours in Vietnam. He is also a mentor with our Mission Court and that is how I have come to know him. I know he is surprised that I am here. He also co-chairs our Mission Court Advisory Board. So I wanted to brag on, recognize, and congratulate your Mayor on his nomination and his induction next month.

Mayor Bennehoof: Thank you. I know that Mission Court is a passion for you as well as it is for me. Our next graduation is November 8th at 4:00 p.m. and you are all welcome to attend.

Councilman Swartwout: Congratulations on the induction Jon.

Brittany Zoecklein, Delaware General Health District: I want to remind everyone to get a flu shot. We have multiple clinics throughout the county where they will be provided. I will leave you a flyer with information about it and it is also available on our website. ([Exhibit 2](#))

We have had a lot of questions about vaping and all the issues surrounding that. The Center for Disease Control is mostly handling that on a national level. Ohio is working on it at the Ohio Department of Health and there is a lot of information about this issue on their website. They are advising people to stop using e-cigarettes for the time being. There is no currently conclusive link at this time.

Councilman Newcomb: The age to buy cigarettes goes up on Thursday to age 21 statewide.

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

APPROVAL OF MINUTES – October 1, 2019

MOTION: Councilman Lorenz moved to approve the minutes of October 1, 2019. Councilman Bertone seconded the motion. By unanimous consent of the remaining members, the minutes were adopted.

CONSENT AGENDA

Item

- *Departmental Reports – [September 2019](#)*
- *[Ohio Div. of Liquor Control – C Out LLC](#)*

Action Requested

*Receipt of Electronic Reports
Waive Hearing*

MOTION: Councilman Lorenz moved to approve the Consent Agenda. Councilman Bertone seconded the motion. By unanimous consent of the remaining members, the Consent Agenda was adopted.

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

Steve Lutz, City Manager: At our last Council meeting, we had the first reading of the proposed DORA. Tonight Rocky Kambo will give another brief review regarding this proposed legislation, which has been worked on for the better part of a year through the Development Committee.

Rocky Kambo, Assistant Director of Development: At your last meeting, Development Director Dave Betz gave a thorough overview of what the DORA legislation is and about, so I will give a very brief overview tonight.

A DORA is an acronym for "Designated Outdoor Refreshment Area." It designates a specific area within the City where specific permit holders can do events, partner with other businesses, allowing patrons to go into each and every one of those participating establishments, purchase an alcoholic beverage, and take it out onto the street or go into other businesses who are participating in the DORA event. If a drink is purchased at one establishment, it cannot be taken into another establishment serving alcohol, but it can go into a retail store or a park, etc. We have seen other communities around Central Ohio and in Ohio in general that have done these DORA events. The main purpose is economic development to help our businesses by bringing more people into the downtown core to enjoy our beautiful downtown.

Mayor Bennehoof: We need to have four qualified permit holders to establish the DORA. If we only had four and someone decided they did not want to be part of the DORA any longer, does the DORA go away?

Mr. Kambo: You have to have four permit holders within the designated area. Whether or not they choose to participate in the DORA event is an entirely different thing. I do not have it on hand, but I believe there is approximately eleven establishments in the DORA. So it is not about participating, it is just about whether they are located within the DORA area and we have a sufficient number.

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

Councilman Lorenz: I would like to commend Staff, Frank and his leadership of the Development Committee to get this off the ground and get it running. This is going to be a great thing for the City from an economic development standpoint. I am excited for this to be implemented. It helps to bring people downtown and invigorate our businesses. Kudos to Staff and Development Committee.

Councilman Bertone: Thank you Brian. Thank you to Rocky and Staff. As Steve pointed out, this has been something of a long, laborious process we have been going through for the better part of the year, but with the help of our business partners, we were able to get this to the point we are at tonight from a legislative standpoint. We have a lot of work yet to do from an implementation side, but a very narrow window, 30 days assuming approval tonight, that we will have to get our implementation plan side all lined up. Thank you for all your help as well.

Mayor Bennehoof: While I am in favor of the DORA, I continue to have concerns about the infrastructure within that space: sidewalks and lighting, etc., but I think that those can be addressed.

MOTION: Councilman Swartwout moved to adopt Ordinance 2019-43. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

COMMITTEE REPORTS

Development Committee: *Next Meeting: November 6, 2019, 6:30 p.m. This meeting will be moved to Wednesday due to the Election. Mayor Bennehoof will be absent due to a scheduling conflict.*

Finance Committee: *Next Meeting: October 22 (Budget) and November 12, 2019, 7:00 p.m. We spent a lot of time going over the budget last week and we will continue that discussion next week. In that meeting last week, we received some comments and I would like to discuss those comments, and any additional comments, toward the end of the meeting so that we have some sense of where we are going with the budget.*

Operations Committee: *October 15, 2019, 6:30 p.m. We met earlier tonight. We had another Open House/public forum on massage establishment restrictions. We had good turnout and conversation. The Committee continues to work hard to evaluate those comments and looks forward to possibly putting forth an Ordinance later this year.*

Planning & Zoning Commission: *Next Meeting: October 23, 2019, 7:00 p.m. We have a development application coming forward.*

Powell CIC: *Next Meeting: TBD. We do not have a specific date set, but I think we are targeting October 30th, which is a Wednesday. I will let you know.*

CITY MANAGER'S REPORT

A reminder that this coming Saturday is the Community Bonfire from 6:00 pm – 8:00 pm. The following Saturday is Candy by the Carload from 4:00 pm – 6:00 pm.

OTHER COUNCIL MATTERS

Mayor Bennehoof: I will mention that I did not know Jennifer was going to be here. I thought she was here to invite you to the graduation. I invite you to it. I am passionate about the Mission Court, so I will leave it at that.

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

MOTION: Councilman Counts moved at 7:54 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 Lorenz seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Lorenz moved at 8:40 p.m. to adjourn from Executive Session into Open Session. Councilman Swartwout seconded the motion.

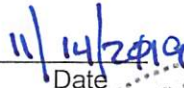
VOTE: Y 7 N 0

ADJOURNMENT

MOTION: Councilman Counts moved to adjourn the meeting at 8:40 p.m. Councilman Bertone seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

MINUTES APPROVED: November 6, 2019


Jon C. Bennehoof
Mayor


Date


Karen J. Mitchell
City Clerk


Date



City Council

Frank Bertone Tom Counts Brian Lorenz Jon C. Bennehoof, Mayor Brendan Newcomb Melissa Riggins Daniel Swartwout