



**CITY COUNCIL  
MEETING MINUTES  
January 7, 2020**

**CALL TO ORDER/ROLL CALL**

A regular meeting of Powell City Council was called to order by Mayor Jon C. Bennehoof on Tuesday, January 7, 2020 at 7:29 p.m. City Council members present included Jon C. Bennehoof, Frank Bertone, Tom Counts, Heather Karr, Brian Lorenz, Melissa Riggins and Daniel Swartwout. Also present were Steve Lutz, City Manager; Thad Boggs, Legal Counsel; Karen Sybert, Finance Director; Megan Canavan, Communications Director; Karen J. Mitchell, City Clerk; and interested parties.

**PLEDGE OF ALLEGIANCE**

**COUNCIL OATHS OF OFFICE**, by the Honorable David Gormley, Delaware County Court of Common Pleas. Councilmembers Jon C. Bennehoof, Heather Karr, and Daniel Swartwout were sworn in.

**CITIZEN PARTICIPATION**

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

Chief Tom O'Brien, Liberty Township Fire Chief, 1405 Normandy Dr., Newark, OH: Happy New Year to you all. I wanted to let you know that I plan to try to attend at least once a month, if not once a quarter, to keep you in the loop if you have any questions on anything that we are doing at the Fire Department. It says Liberty Township Fire Department, but it also very proudly says Powell, Ohio on all our vehicles. We work for you guys and I am looking forward to moving ahead and establishing a good working relationship. Therefore, should you have any questions, please feel free to reach out to me and I will be more than happy to meet with you.

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

**APPROVAL OF MINUTES** – December 17, 2019

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

**RESOLUTION 2020-01:** A RESOLUTION TO ELECT \_\_\_\_\_ AS MAYOR OF THE CITY OF POWELL FOR A TERM ENDING DECEMBER 31, 2021.

Councilman Lorenz nominated Frank Bertone to be Mayor for the term ending December 31, 2021.

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

MOTION: Councilman Lorenz moved to adopt Resolution 2020-01 by nominating Frank Bertone as Mayor. Councilman Swartwout seconded the motion.

VOTE: Y 5 N 1 (Counts) AB 1 (Bertone)

**RESOLUTION 2020-02:** A RESOLUTION TO ELECT \_\_\_\_\_ AS VICE MAYOR OF THE CITY OF POWELL FOR A TERM ENDING DECEMBER 31, 2021.

Councilman Lorenz nominated Dan Swartwout to be Vice Mayor for the term ending December 31, 2021.

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

MOTION: Councilman Lorenz moved to adopt Resolution 2020-02 by nominating Dan Swartwout as Vice Mayor. Councilwoman Riggins seconded the motion.

VOTE: Y 5 N 1 (Counts) AB 1 (Swartwout)

**OATH OF OFFICE FOR THE MAYOR AND VICE MAYOR**, by The Honorable David Gormley, Delaware County Court of Common Pleas. Frank Bertone was sworn in as Mayor and Dan Swartwout as Vice Mayor.

**RESOLUTION 2020-03**: A RESOLUTION RATIFYING THE APPOINTMENT OF KAREN J. MITCHELL AS THE FULL-TIME CLERK OF COUNCIL FOR THE CITY OF POWELL.

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

Councilman Bennehoof: I want to express my sincere gratitude to Karen for helping me navigate the past couple of years though my mayoral duties.

MOTION: Councilman Counts moved to adopt Resolution 2020-03 by ratifying the appointment of Karen J. Mitchell as the Clerk of Council. Councilwoman Bennehoof seconded the motion. By unanimous consent of the remaining members, Resolution 2020-03 was adopted.

**COUNCIL APPOINTMENT OF CHAIRPERSON TO:**

- a. Development Committee – Brian Lorenz was nominated Chairman by Councilman Swartwout, seconded by Councilwoman Riggins.
- b. Finance Committee – Tom Counts was nominated Chairman by Councilman Lorenz, seconded by Councilman Bennehoof.
- c. Operations Committee – Dan Swartwout was nominated Chairman by Councilman Lorenz, seconded by Councilwoman Karr.

Council unanimously gave a thumbs up on all nominations.

**COUNCIL APPOINTMENTS OF AT LEAST ONE, BUT NO MORE THAN TWO, COUNCIL MEMBERS TO SERVE ON THE DEVELOPMENT, FINANCE, AND OPERATIONS COMMITTEES.**

Heather Karr: I agree to serve on Operations Committee and Development Committee.

Brian Lorenz: In addition to Development Committee, I am willing to serve on either Operations Committee or Finance Committee as needed.

Jon C. Bennehoof: In light of the letter we have on our desk and the olive branch extended by Liberty Township, I prefer to reserve myself for One Community.

Mayor Bertone: In terms of Ad Hoc committees, we can pick this up at a later day. For this group, we definitely want to focus the first quarter on trying to get the City in order first. So let's hold off on the Ad Hoc for now.

Tom Counts: I will serve on Finance Committee only.

Dan Swartwout: In addition to Operations Committee, I am willing to serve on Finance Committee.

Melissa Riggins: I prefer to serve on Operations Committee and/or Development Committee as needed.

**SECOND READING: ORDINANCE 2019-57**: AN ORDINANCE WAIVING SECTION 1115.05(e) RELATING TO THE ISSUANCE OF ZONING CERTIFICATES FOR BUILDING CONSTRUCTION WITH REGARD TO ONE LOT AT MORRIS PLACE. (EX. A)

Mr. Lutz: Morris Place is a subdivision being built directly south of Adventure Park. This Ordinance will permit the builder to build a model home prior to conditional acceptance of the roads.

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



Councilman Lorenz: I think one of the things I would like Development Committee to look at is what is causing these Ordinances to come through and possibly recommend a Code change of some variety.

MOTION: Councilman Counts moved to adopt Ordinance 2019-57. Councilman Bennehoof seconded the motion.  
VOTE: Y 6 N 0 AB 1 (Swartwout)

**SECOND READING: ORDINANCE 2019-58:** AN ORDINANCE WAIVING SECTION 1115.05(e) RELATING TO THE ISSUANCE OF ZONING CERTIFICATES FOR BUILDING CONSTRUCTION WITH REGARD TO ONE LOT AT CARRIAGE PLACE. (EX. A)

Mr. Lutz: Carriage Place is a new subdivision being built on North Liberty Street adjacent to the YMCA and schools. This Ordinance would permit a model home to be constructed prior to the conditional acceptance of the street.

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

MOTION: Councilman Counts moved to adopt Ordinance 2019-58. Councilman Bennehoof seconded the motion.  
VOTE: Y 6 N 0 AB 1 (Swartwout)

**SECOND READING: ORDINANCE 2019-59:** AN ORDINANCE WAIVING SECTION 1115.05(e) RELATING TO THE ISSUANCE OF ZONING CERTIFICATES FOR BUILDING CONSTRUCTION WITH REGARD TO ONE LOT AT HARPERS POINTE. (EX. A)

Mr. Lutz: Harper's Pointe is a development being constructed west of Beech Ridge Drive, north of east Olentangy Street. This Ordinance would permit a model home to be constructed prior to the conditional acceptance of the streets.

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

MOTION: Councilman Bennehoof moved to adopt Ordinance 2019-59. Councilman Counts seconded the motion.  
VOTE: Y 7 N 0

**SECOND READING: ORDINANCE 2019-60:** AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A TAX INCREMENT FINANCING AGREEMENT WITH HARPERS POINTE LAND COMPANY, LLC, AND DECLARING AN EMERGENCY. (EX. A)

Mr. Lutz: It is recommended that we table this Ordinance until our January 21, 2020 meeting. The developer is here tonight, Mr. David LaRue. We have had some conversations and tabling is requested in order to provide Messrs. LaRue and Pivar an opportunity to meet with Staff and the Law Director to review the proposed edits to the proposed Ordinance before it comes to Council for consideration.

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

MOTION: Councilman Bennehoof moved to table Ordinance 2019-60 to a date certain of January 21, 2020. Councilman Counts seconded the motion.  
VOTE: Y 7 N 0

#### **COMMITTEE REPORTS**

**Development Committee:** Next Meeting: February 4, 2020 at 6:30 p.m.

**Finance Committee:** Next Meeting: January 14, 2020 at 7:00 p.m.

**Operations Committee:** Next Meeting: TBD

**Planning & Zoning Commission:** Next Meeting: January 15, 2020, 7:00 p.m. Ms. Mitchell reported that this meeting has been rescheduled for January 29, 2020 at 7:00 p.m.

**Powell CIC:** Next Meeting: It has not been finalized, but will be either January 29 or 30, 2020 at 6:00 p.m.

## **CITY MANAGER'S REPORT/CITY CALENDAR**

I would recommend that Council consider for your next Council meeting on January 21<sup>st</sup> to begin the meeting at 7:30 pm in Executive Session to discuss pending or imminent litigation and then to have open session start at 8:00 p.m.

The City has obtained a 1.1 million dollar federal grant to mill and overlay Sawmill Parkway this year. Pursuant to federal regulations, the City is required to follow a specified process for hiring a contracted administrator for this project. The contract administrator will provide the construction inspection services and assist in administering the federal funding process. The City is required to establish a committee to evaluate the qualifications of firms that respond to the City's RFQ. We would like one Council member to volunteer for this committee tonight.

Councilman Lorenz volunteered to be on this committee.

## **OTHER COUNCIL MATTERS**

Councilman Bennehoof: I would like to say that it has been an honor to preside over these proceedings and other official acts over the past two years. I look forward to the next four years as a Council member. I am proud to serve this City, its constituents, and the community at large.

Mayor Bertone: I would like to take a moment to recognize both Jon and Tom for your leadership over the last few years, and several years for that matter, leading us through some very tough times. Thank you both for all of your diligent efforts, not only in terms of finance efforts, but managing difficult relationships – both of you excel at that – and I am looking forward to working with you for at least the next few years.

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

Thad Boggs, Legal Counsel: There was a recent case in December that directed Council to be more specific on what the personnel issue is.

MOTION: Councilman Counts moved at 7:55 p.m. to adjourn into Executive Session pursuant to O.R.C. Section 121.22(G)(1) Personnel Matters – Board & Commission Appointments. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Swartwout moved at 8:30 p.m. to adjourn from Executive Session into Open Session. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved to appoint and/or reappoint Board and Commission members as listed below. Councilman Swartwout seconded the motion.

### **Board of Tax Appeals: (2-year term)**

Peter Splawnyk

Chris Connelly

### **Planning & Zoning: (4-year term)**

Bill Little

### **HDAC: (3-year term)**

Tom Coffey

Larry Coolidge

Deb Howell

### **Board of Personnel Review: (3-year term)**

Diane Schleb

Sandi Crnko

### **TIRC: (3-year term)**

Enas Yunas

**Powell CIC:**

**(2-year term)**

Jim Hrvinak  
Don Emerick  
Mike Linehan  
Brian Lorenz  
Dave Betz

**Delaware Gen. Health Dist. Rep.** (2-year term)

David Karr

**Council Representative to MORPC**

Jon C. Bennehoof

**ADJOURNMENT**

MOTION: Councilman Swartwout moved to adjourn the meeting at 8:33 p.m. Councilman Lorenz seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

**MINUTES APPROVED: January 21, 2020**

 2/3/2020

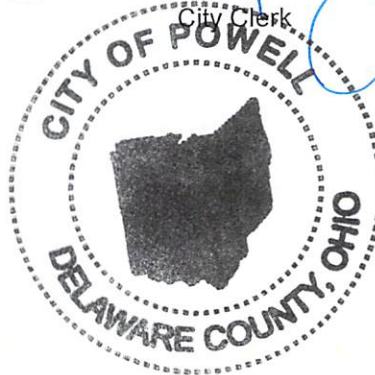
Frank Bertone  
Mayor

Date

 2/5/2020

Karen J. Mitchell  
City Clerk

Date



**City Council**

Frank Bertone, Mayor

Jon C. Bennehoof

Tom Counts

Heather Karr

Brian Lorenz

Melissa Riggins

Daniel Swartwout