



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

**CALL TO ORDER/ROLL CALL**

A regular meeting of Powell City Council was called to order by Vice Mayor Tom Counts on Wednesday, November 6, 2019 at 7:29 p.m. City Council members present included Frank Bertone, Tom Counts, Brian Lorenz, Brendan Newcomb, Melissa Riggins and Daniel Swartwout. Mayor Jon C. Bennehoof was absent. Also present were Steve Lutz, City Manager; Eugene Hollins, Law Director; Megan Canavan, Communications Director; David Betz, Development Director; Karen Sybert, Finance Director; Chris Huber, City Engineer; Karen J. Mitchell, City Clerk; and interested parties.

**PLEDGE OF ALLEGIANCE**

**CITIZEN PARTICIPATION**

Vice Mayor Counts opened the citizen participation session for items not included on the agenda. Hearing none, the Vice Mayor closed the public comment session.

**APPROVAL OF MINUTES – October 15, 2019**

MOTION: Councilman Bertone moved to approve the minutes of October 15, 2019. Councilman Lorenz seconded the motion. By unanimous consent of the remaining members, the minutes were adopted.

**CONSENT AGENDA**

Item

Action Requested

- Liquor Control – CNLW, LLC Waive Hearing
- ORDINANCE 2019-51: AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS ASSOCIATED WITH THE BUNKER LANE IMPROVEMENTS PLAN AS PART OF THE IMPROVEMENTS FOR POWELL GRAND, AS DEDICATED ON POWELL GRAND PLAT OR 1417, PAGE 1474, APPROVED ON MAY 10, 2016, AND CONSTRUCTED BY SCHOTTENSTEIN REAL ESTATE GROUP. Adoption
- ORDINANCE 2019-52: AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS ASSOCIATED WITH THE IMPROVEMENT PLANS ON SELDOM SEEN ROAD, AS PART OF THE SAWMILL PARKWAY AND SELDOM SEEN ROAD WIDENING PLANS ASSOCIATED WITH THE POWELL GRAND DEVELOPMENT, AS APPROVED ON AUGUST 9, 2016 AND CONSTRUCTED BY SCHOTTENSTEIN REAL ESTATE GROUP. Adoption

Councilwoman Riggins requested that the legislation be pulled off the Consent Agenda.

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

**FIRST READING: ORDINANCE 2019-51: AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS ASSOCIATED WITH THE BUNKER LANE IMPROVEMENTS PLAN AS PART OF THE IMPROVEMENTS FOR POWELL GRAND, AS DEDICATED ON POWELL GRAND PLAT OR 1417, PAGE 1474, APPROVED ON MAY 10, 2016, AND CONSTRUCTED BY SCHOTTENSTEIN REAL ESTATE GROUP.**

Steve Lutz, City Manager: This is concerning Bunker Lane and the portion that has been extended out to Sawmill Parkway. Two Council meetings ago, some new language was added to these type of ordinances. Under the first "Whereas" we have added that all of the major components of the public construction of the development

have been inspected and determined to be completed satisfactorily.

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

MOTION: Councilman Lorenz moved to suspend the rules regarding Ordinance 2019-51. Councilman Bertone seconded the motion.

VOTE: Y 5 N 0 AB 1 (Swartwout)

MOTION: Councilman Lorenz moved to adopt Ordinance 2019-51. Councilman Bertone seconded the motion.

VOTE: Y 5 N 0 AB 1 (Swartwout)

**FIRST READING: ORDINANCE 2019-52: AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS ASSOCIATED WITH THE IMPROVEMENT PLANS ON SELDOM SEEN ROAD, AS PART OF THE SAWMILL PARKWAY AND SELDOM SEEN ROAD WIDENING PLANS ASSOCIATED WITH THE POWELL GRAND DEVELOPMENT, AS APPROVED ON AUGUST 9, 2016 AND CONSTRUCTED BY SCHOTTENSTEIN REAL ESTATE GROUP.**

Mr. Lutz: This Ordinance addresses the turn lane off Seldom Seen Road unto Bunker Lane. It has been inspected and recommended for acceptance.

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

MOTION: Councilman Lorenz moved to suspend the rules regarding Ordinance 2019-52. Councilman Bertone seconded the motion.

VOTE: Y 5 N 0 AB 1 (Swartwout)

MOTION: Councilman Bertone moved to adopt Ordinance 2019-52. Councilman Lorenz seconded the motion.

VOTE: Y 5 N 0 AB 1 (Swartwout)

**FIRST READING: ORDINANCE 2019-49: AN ORDINANCE AUTHORIZING AMENDMENT TO THE FEE SCHEDULE OF THE CITY OF POWELL AND DECLARING AN EMERGENCY. (EX. A)**

Mr. Lutz: Every year at this time, we review our fee schedule. City Council went over the entire fee schedule last month as part of our budget review process. Highlighted in red are various adjustments to the fee schedule either to reflect the cost increases associated with the service or to be more in line with fees charged by other communities in the area. I would note that the fee schedule could be changed at any time by City Council. At last month's meeting, we talked about a new fee schedule, which will have to be adopted for the DORA, which is currently in Development Committee.

Councilman Lorenz: On page 3, we have some sporting areas for rental, soccer fields; do we get many requests for this or is that in anticipation of the opening of Seldom Seen Park?

Councilman Bertone: It is. That is a park that has been set up for at least five united soccer fields, so it is expected and anticipated that we will have that plus the eleven fields there. 90 minutes is a typical usage for practice sessions and/or a game session. We do expect that to be a growing need for the City with that park.

Mr. Lutz: One thing that had changed because of the discussions last month was originally it was set up for 60-minute increments, and we learned that a game would take 90 minutes.

Councilman Swartwout: One of the things I mentioned in the budgetary review on the fee schedule was the pole banner rental, specifically the \$5 per banner fee for Group 2. It was relayed to us that it certainly cost the City more than \$5 to put up. We obviously don't want to overcharge the entities in Group 2, but we want to at least equal what the City spends for these banners, so have we gotten any more clarification on what an appropriate fee would be for this?

Megan Canavan, Communications Director: Silas and I met and discussed that specific fee. We looked back at

our banner policy and right now we do have three different categories. Group 1 is no fee, which typically includes City banners. Group 2 is \$5 and that is what we are charging non-profit groups such as the Health Department, Olentangy Rotary Club, etc. We get approximately five rentals per year and they vary in size and scope as far as how many banner posts they are actually renting. Group 3 is \$50 per banner. That group would include private organization promoting businesses. When we looked over everything and considered the limited amount we do put up banners for – such as last September when we put up 1 banner for Childhood Cancer Awareness – it was hard to assess how much time, or quantify that, because it is really going to be on a case-by-case basis. So in the end we felt comfortable with the \$5 per banner because it is typically going to be for service clubs and nonprofit groups and things like that. Then the \$50 per banner, which we rarely ever get, seemed suitable if it was a for-profit company.

Vice Mayor Counts: How many times in a given year do groups others than us put things up?

Ms. Canavan: Approximately five times per year, and it is normally the Health Department, Rotary Club, the school district, and a couple like the Childhood Cancer Awareness group that does it every year.

Vice Mayor Counts: So there is not this huge demand for banners.

Ms. Canavan: Right. We are typically the big users of the banners.

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

Ordinance 2019-49 was taken to a second reading.

**FIRST READING: ORDINANCE 2019-50: AN ORDINANCE TO ACCEPT THE PROPOSED BUDGET, AND TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF POWELL, DELAWARE COUNTY, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020. (EX. A)**

Mr. Lutz: Over the past 2 months, Council met over 3 nights to review the proposed budget page-by-page. Therefore, we are not going to do that tonight. Instead, we will provide you and the audience a broad overview of the proposed budget. Karen [Sybert, Finance Director] and I will provide a PowerPoint presentation regarding the budget.

Mr. Lutz and Ms. Sybert presented an overview of the proposed 2020 budget. (Exhibit 1, PowerPoint Presentation).

Councilman Lorenz: In the budget, we have a membership to the Ohio State Bar Association. Can you give me a little bit more information on why we have that, what that costs, and the need for it?

Karen J. Mitchell, City Clerk: That is the fee for my membership to the Ohio State Bar Association and is part of the requirement for maintaining my paralegal certification.

Councilman Bertone: Thank you very much Steve, Karen Sybert, Staff, and everyone for all your contributions. This has been tremendously fast and efficient this year than in comparative years, so nice work.

Vice Mayor Counts: I would add that the fact we all attended both meetings really helped [to facilitate things] and I think that was a good thing.

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

Vice Mayor Counts: In the past, this is something that we take to a second reading and, to the extent that any Councilmember wishes to modify anything, we need to do it at this meeting so we have appropriate time to make the changes before the end of the year.

Ordinance 2019-50 was taken to a second reading.

**FIRST READING: ORDINANCE 2019-53:** AN ORDINANCE AUTHORIZING THE CITY MANAGER TO GRANT A SANITARY SEWER EASEMENT FOR SEWER SERVICE TO THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY OVER A PORTION OF SANITARY SEWER LINE AND ONE SANITARY MANHOLE LOCATED WITHIN THE RIGHT-OF-WAY OF ADVENTURE PARK DRIVE WITHIN THE CITY OF POWELL. (EX. A)

Mr. Lutz: This is concerning the Morris Station subdivision that is the new single-family subdivision being developed just south of Adventure Park. As construction began, the County, the City, and the developer looked at a situation, where a resident along Liberty Street expressed concern about the route the County was taking the sanitary sewer. We identified an alternate route to avoid the conflict with the resident's driveway.

Chris Huber, City Engineer: The new alignment being proposed will go north of Adventure Park Dr. There is an existing sewer on Adventure Park Drive that services the pool area. However, that existing sewer is private now. So in the last couple of weeks, the County has inspected that private sewer line and gave it a clean bill of health so that they are willing to accept that. This is good for us because we will not have to maintain that sewer anymore. In turn, we will give them an easement to have those sanitary sewers, and the developer ties in there. It is a good plan.

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

MOTION: Councilman Lorenz moved to suspend the rules regarding Ordinance 2019-53. Councilman Bertone seconded the motion.

VOTE: Y 5 N 0 AB 1 (Swartwout)

MOTION: Councilman Lorenz moved to adopt Ordinance 2019-53. Councilman Bertone seconded the motion.

VOTE: Y 5 N 0 AB 1 (Swartwout)

**COMMITTEE REPORTS**

**Development Committee:** *Next Meeting: November 6, 2019, 6:30 p.m. We met tonight to discuss the implementation plan associated with the DORA and variety of other projects such as the crossing grade update for Murphy Parkway & Liberty Street. It is a very expensive project. I think we will be delaying that and preparing that conversation for 2020. In preparation for our goal-setting session, please be mindful of that. We also discussed car-charging stations going in at Giant Eagle with the assistance of a grant and AEP. Wayfinding signage and associated costs were also discussed.*

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

**Operations Committee:** *Next Meeting: November 19, 2019, 6:30 p.m. We will discuss proposed legislation to enact massage establishment regulations. We will also be discussing the broadband initiative. Rocky has come up with some savings that give us a possible foothold on some other possibilities.*

**Planning & Zoning Commission:** *Next Meeting: December 11, 2019, 7:00 p.m.*

**Powell CIC:** *Next Meeting: Next Meeting: November 12, 2019, 6:00 pm*

**CITY MANAGER'S REPORT**

I would like to congratulate Dan Swartwout and Heather Karr on last night's [election] results. Unfortunately, Jon Bennehoof and Nicole Scott will have to wait a while on a recount.

**OTHER COUNCIL MATTERS**

Vice Mayor Counts: Now because of an election we are going to be facing a reorganization of Council in January as well as the selection of a City Manager. I thought it would be appropriate at this time to start thinking about that whole process. I wanted to give you some ideas of what I have been thinking about as a result.

Normally in January, we have some sort of goal-setting session. My thought is that maybe we should not do that in January but wait to have that goal-setting session after we have selected a new City Manager so that the new City Manager can be a part of that. I throw that out to you to think about. I do not want any discussion about it right now, but I believe it is important for the new City Manager to part of that process.

Likewise, I think it would be helpful to have some sort of team-building exercise retreat for Councilmembers. Obviously, we will have a new Council organized and that, to me, is an appropriate time to do that. Given that we

are going to be interviewing a City Manager candidate, it would be helpful to see if we can all get onboard and know each other better. I recommend that as something to be done. If that is something we want to do, now is the time to consider it and try to get a facilitator online. Please think about that and at our next meeting, let's talk more about that.

I have some material for you to read. It was very helpful to me and I think you will find it interesting. Again, it relates to the fact that we are going to be hiring a new City Manager and reorganizing Council. It has many good thoughts about how we as Council can be productive in the upcoming term.

Lastly, I would like Operations Committee to look at these proposed additional rules to our Council Rules. It deals with the relationships of Council, the City Manager, and the Mayor. My goal was to define what those rules are more clearly. Particularly in the last two years, we have had some real issues with not understanding what certain of those rules are. This is just a first draft. I use it as merely a means to engage us in conversation about what that is. I throw those things out [for discussion]. Heather, I have copies for you as well. I am more than happy to talk to anyone off line or we can talk about the first part of it at our next meeting.

Councilman Lorenz: Provided we retain the status quo with Committees and wait until we have a new City Manager for goal-setting sessions, one of the things I have been thinking about is holistically looking at all of our organizational paperwork, rules, and procedures. This dovetails very nicely in there and I appreciate you providing it. When we get to that point, we would love to have you come in and participate in that discussion.

**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 Lorenz moved at 8:10 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 and further invited Councilwoman-elect, Heather Karr, to attend the meeting. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Bertone moved at 8:55 p.m. to adjourn from Executive Session into Open Session. Councilman Lorenz seconded the motion.

VOTE: Y 6 N 0

**ADJOURNMENT**

MOTION: Councilman Swartwout moved to adjourn the meeting at 8:55 p.m. Councilman Lorenz seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

**MINUTES APPROVED: November 19, 2019**

Jon C. Bennehoof 12/3/2019 Kevin Mitchell 12/4/2019  
Jon C. Bennehoof Date: Kevin Mitchell Date  
Mayor City Clerk



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