



**CITY COUNCIL  
MEETING MINUTES  
December 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, December 3, 2019 at 7:30 p.m. City Council members present included Jon C. Bennehoof, Frank Bertone, Tom Counts, Brendan Newcomb, Melissa Riggins and Daniel Swartwout. Brian Lorenz was absent. Also present were Steve Lutz, City Manager; Eugene Hollins, Law Director; Dave Betz, Development Director; Chris Huber, City Engineer; Megan Canavan, Communications Director; Karen J. Mitchell, City Clerk; and interested parties.

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

**MOTION:** Councilman Counts moved at 7:30 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 6 N 0

**MOTION:** Councilman Counts moved at 8:11 p.m. to adjourn from Executive Session into Open Session. Councilman Bertone seconded the motion.

**VOTE:** Y 6 N 0

**OPEN SESSION**

**PLEDGE OF ALLEGIANCE**

**CITIZEN PARTICIPATION**

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

**PROCLAMATION – In Recognition of Marlene Casini,** Delaware County Foundation.

The Mayor proclaimed December 3, 2019 Marlene Casini Day to celebrate her retirement from the Delaware County Foundation and to recognize her years of service and contribution to the countywide area.

**PROCLAMATION – My Special Word Day,** Dwight Smith

The Mayor presented a proclamation to Mr. Smith proclaiming December 3, 2019 My Special Word Day. Mr. Smith explained the genesis of My Special Word Day and gave some examples of how a positive word benefited not only that individual, but also an entire group.

**PRESENTATION:** Powell Sertoma Club, Dave Betz, Bill Eddy, Larry Coolidge and Chip Vance.

The Powell Sertoma Club presented a check for \$3,500 to the City to purchase a flagpole and flag for Seldom Seen Park.

**APPROVAL OF MINUTES – November 19, 2019**

**MOTION:** Councilman Counts moved to approve the minutes of November 19, 2019. Councilman Bertone seconded the motion. By unanimous consent of the remaining members, the minutes were adopted.

**FIRST READING: ORDINANCE 2019-56:** AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR ANDY JOHANNI TO CONSTRUCT FIVE OFFICE BUILDINGS AND A DAYCARE ON 4.44 ACRES, MORE OR LESS, LOCATED AT 8930 LIBERTY ROAD ZONED PC, PLANNED COMMERCIAL DISTRICT. (EX. A)

Dave Betz, Development Director: This proposal has been before P&Z Commission and approved unanimously. It now comes to Council for review. It is a Final Development Plan. The zoning already exists for this. It was approved when the annexation occurred in 1988 as Planned Commercial District for office park uses. The property is located at the southwest corner Liberty & Seldom Seen Roads.

The proposal includes five office buildings, including an office building at the corner for Dr. Milton, who currently owns the property and is a pediatric dentist in the area. Also included is a proposed daycare building (Building 6).

We have looked at this extensively in coordination with the Delaware County Engineer's improvement at the Liberty and Seldom Seen Roads intersection with the new light and turn lane. [There is still] a little bit of further design coordination as we go through the process when the construction begins with the entrances. There were a couple of divergences allowed for setbacks to bring the center building back out a little bit beyond the set point of Seldom Seen Road that gave it a little bit of design presence, and some for the number of parking spaces and landscaping because they have done so much green space around the edge. P&Z thought the interior landscaping, as planned, was sufficient.

Building designs include cupulas and materials such as Hardiplank siding and stone. The elevations of the buildings are provided for the first building. The other buildings will come through P&Z as they get owners and tenants, but will have the same design aesthetic as the original building for Dr. Milton. There is a daycare facility with the same design components.

As I mentioned, P&Z reviewed all the details and approved the plan. This is the first reading with a second reading at the next meeting. Staff also recommends approval.

Mayor Bennehoof: On the plot plan there is a modification off the Liberty Road entrance/exit. It looks like a different looking pork chop than what is in the....

Mr. Betz: It is the same. This was coordinated some time ago with a previous plan that ended up not going through. But what it creates is a right in, right out, left in to the site, restricting left turns out. The beginning of the turn lane for Seldom Seen Road – there is a long left turn lane on Liberty Road – will accompany left turn lanes for this site off Liberty Road. It is also being coordinated with the entrance to Ashmoore Drive.

Chris Huber, City Engineer: The reason [inaudible] if we had the left coming out of the site, the way that Ashmoore is lined up, we would have a conflict with traffic turning right out of the subdivision. This creates an alignment with Ashmoore Drive.

Mayor Bennehoof: Has Chris Bauserman, [Delaware County Engineer] approved this, I assume?

Mr. Huber: Yes.

Andy Johanni, Senior Vice President, Equity: I do not have anything to add. We have worked almost a year with Staff to get through the details here. The Ashmoore Drive thing does create some quirkiness there. However, the fact that they would be turning in the same way we would be turning in is why we moved it to align with their "in" and not their exit so that our left turns do not conflict. I am comfortable with it. We worked with our traffic engineers and the City's traffic engineers, and I think it makes some sense.

We are appreciative of the support and give-and-take we have had with your Staff. I think this will be a great project. It has been well received. We have three buildings right now that we have users for and we have some interest in the others.

Mayor Bennehoof: Is the daycare relocating to this spot from somewhere else?

Mr. Johanni: It is a new center. We are working with that group in multiple places. It is a large group that has locations across the country. We work with them in several places across Ohio, as well as Florida.

Councilman Newcomb: The dental office and daycare center will be built first and the other buildings will be built in stages?

Mr. Johanni: That is correct. We have three users right now. Dr. Milton, who is on the corner, and the daycare are going to be part of the first phase. One of the other buildings is sold, but that user wants to wait, around a year or so, to start that building. The other three are still being marketed.

Councilman Newcomb: Was there any thought to extending the path on the south side of Seldom Seen Road going west?

Mr. Betz: The Planning & Zoning Commission did talk about that. The folks from OPAL have discussed it with them at that meeting. The pathway is on the north side of Seldom Seen Road and there is one crossing of the railroad at the north end of Seldom Seen Road versus having something on the south end. P&Z recommended no pathway be constructed along the south side and to keep it on one side of Seldom Seen Road, the north side, where it currently exists.

Councilman Swartwout: Can we get a copy of the Staff report before the second reading?

Mr. Betz: Yes.

Councilman Bertone: It looks like from P&Z's point of view and everyone else that it is a very solid plan. I have a question about traffic and the folks at Ashmoore. Have you met with their HOA or discussed your road improvements or anything? Has Staff had that opportunity?

Mr. Johanni: I have not. I do not know if Staff has.

Councilman Bertone: I only ask from the standpoint that they are a group that is concerned with the improvements to the road that are already going in. I am not suggesting that your design would create conflict, but conversationally, bringing them along would help in those conversations with us.

Mr. Johanni: I am glad to meet with them if someone can put me in contact with whomever I need to talk with.

Mr. Betz: We can make those arrangements.

Councilman Counts: Is Church Drive still there and nothing happening to that? In my experience, that has been the bigger issue. Not that this is really part of your issue, but I was just curious.

Mr. Huber: That is not changing.

Councilman Counts: On the dentistry building, the north side that rather juts out there that really is the prominent view as you come from the north to the south. I just wanted to confirm what we are seeing if that is the view?

Mr. Betz: Yes.

Mr. Johanni: The idea there is Dr. Milton is anticipating doing an expansion on the eastside of the building so the tower is on the west side to balance that future expansion.

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

Ordinance 2019-56 was taken to a second reading.

## **COMMITTEE REPORTS**

**Development Committee:** *Next Meeting: December 3, 2019, 6:30 p.m. We met tonight and discussed the DORA and its implementation path and the application process, etc. We will reconvene in January with updates to the rollout of that plan.*

**Finance Committee:** *Next Meeting: December 10, 2019, 7:00 p.m. I suspect our next meeting will probably be cancelled, but I will confirm that and let you know.*

**Operations Committee:** *January 21, 2020, 6:30 p.m.*

**Planning & Zoning Commission:** *Next Meeting: December 11, 2019, 7:00 p.m. We will have another hearing on the proposed zoning text for The Retreat.*

**Powell CIC:** *Next Meeting: Next Meeting: December 16, 2019, 6:00 p.m. at the Liberty Tavern. You are all*



invited to attend.

### CITY MANAGER'S REPORT

This Saturday is Holidays in Powell from 2:00 pm to 5:00 pm. There will be a tree lighting at around 5:30 pm. It should be over before the Buckeye pre-game activities.

We have been slowly starting to fill some of our vacant positions. We have recently filled our Assistant Finance Director position and our Planning & Zoning Clerk position. The next position we would like to run past Council is to begin the recruiting process for our Assistant City Engineer. Before we begin that, we wanted to get feedback from Council to determine if you are comfortable with that or not?

### OTHER COUNCIL MATTERS

Karen J. Mitchell, City Clerk: Brittany Zoecklein from the Delaware General Health District has asked that you complete the survey that I left on each of your chairs tonight. If you can fill them out and return them to me, I will forward them back to Brittany.

**EXECUTIVE SESSION:** O.R.C. Section 121.22(8) Economic Development.

Councilman Swartwout asked to add O.R.C. Section 121.22(1), Personnel Matters, and O.R.C. Section 121.22(3), Pending or Imminent Litigation, to Executive Session.

MOTION: Councilman Counts moved at 8:43 p.m. to adjourn into Executive Session pursuant to O.R.C. Section 121.22(1) Personnel Matters, O.R.C. Section 121.22(3) Pending or Imminent Litigation, and O.R.C. Section 121.22(G)(8) Economic Development. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Counts moved at 9:18 p.m. to adjourn from Executive Session into Open Session. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

### ADJOURNMENT

MOTION: Councilman Counts moved to adjourn the meeting at 9:30 p.m. Councilman Bertone seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

**MINUTES APPROVED: December 17, 2019**

	
Jon C. Bennehoof	Karen J. Mitchell
Mayor	City Clerk
Date	Date

