



**CITY COUNCIL  
MEETING MINUTES  
June 16, 2020**

**CALL TO ORDER/ROLL CALL**

A regular meeting of Powell City Council was called to order by Mayor Frank Bertone on Tuesday, June 16, 2020 at 7:30 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 Andy White, City Manager; Eugene Hollins, Law Director; Dave Betz; Development Director; Chris Huber, City Engineer; Rocky Kambo, Assistant Development Director; Megan Canavan, Communications Director; Karen J. Mitchell, City Clerk; and interested parties.

**PLEDGE OF ALLEGIANCE**

**CITIZEN PARTICIPATION**

Mayor Bertone mentioned that there was an email sent to Council just prior to the meeting from Shrya Eichhorn, Liberty Township Trustee regarding the Revolving Loan Fund. That email has been placed at Council's seats as well as inserted into the electronic packet.

**APPROVAL OF MINUTES: June 3, 2020**

MOTION: Councilman Lorenz moved to adopt the minutes of June 3, 2020. Councilman Counts seconded the motion. By unanimous consent of the remaining members, the minutes were adopted.

**CONSENT AGENDA**

**Item**

- *Departmental Reports – May 2020*

**Action Requested**

*Receipt of Electronic Reports*

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

**RESOLUTION 2020-13:** A RESOLUTION RECOGNIZING DAVID BETZ'S TENURE AS A DEVELOPMENT DIRECTOR OF THE CITY OF POWELL FROM 1992 to 2020.

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

Councilman Bennehoof: I would like to thank you for your tenure here, David, and your diligent work throughout the years. I have only known about a third of them, but I appreciate the things that you have done and the investment that you have made in the community.

Councilman Counts: I guess I am the old man here. I have been working with Dave since 1996. I am just amazed at the transformation of this community and all the battles that we have had during those years that now, today, seem somewhat meaningless – over Hardiplank, over the log house where Powell United Methodist Church is. The downtown area was nothing [back then] and yet we had a vision and Dave you were able to execute that vision through the whole development process so that we have what we have today. That is a long time and there were many battles over it, but this community is better for it and I appreciate that. Thank you.

Councilman Lorenz: I would like to thank Dave and recognize him in a similar fashion. Dave and I have the same professional certifications and degrees as planners and I have always looked up to him. I do not know if he knows that or not. Dave has done a lot of great stuff to position the City where it is today and I think the Resolution speaks to that. I am very proud to have known you, gotten to work with you, not only as a professional planner but also as

someone that is truly invested in the community. Dave has spent countless hours volunteering and working to better our community. I appreciate all he has done and hope you enjoy your retirement, but hope we continue to see you around.

Councilman Swartwout: I took the time to thank Dave during the Operations Committee meeting knowing that more would come. This Resolution speaks volumes but it certainly does not speak enough for the contributions that you have made to this community. I am excited for you to enjoy your retirement. I am happy to live in this community knowing that many of the things you have done have been instrumental in making this such a wonderful place to live and to raise my family. Dave, thank you. Enjoy your retirement. I look forward to watching some football with you in the fall.

Councilwoman Karr: Thank you Dave. I originally met you when we were both members of Sertoma. I thank you for showing me how to pour the beer. I did not know, and you pointed out, that I was putting too much foam in. Thank you Dave. Please enjoy your retirement.

Councilwoman Riggins: Thank you Dave. I remember the drive around the City we had after I arrived on Council. Just in reading this Resolution, I had no idea that you had been involved in so many things going back so far. It is very, very impressive. Congratulations on your retirement. I am a bit jealous, but you deserve it. Thank you and thank you for your service.

Megan Canavan, Communications Director: We have received a few congratulations on our Facebook livestream. After tonight's meeting, we will be sharing this information, the Resolution, and many of the comments within the Resolution, with the community and they will be given an opportunity at that time to recognize Dave. We are in unique circumstances, so unfortunately, we cannot have a community open house or anything like that, but we will use our social media forums to do that.

Mayor Bertone: Dave, I just want to thank you for everything you have done here over the last several years. It has been a pleasure to work with you, an honor, to learn things about the City I had no idea of. You are a walking almanac and institution of information. I hope you stick around and continue to stay engaged and involved in the community in some fashion. We value you and your input. We all enjoy living here and that is a direct reflection of a lot of work you put forth. Thank you.

MOTION: Councilman Counts moved to adopt Resolution 2020-13. Councilman Bennehoof seconded the motion. By unanimous consent of the remaining members, Resolution 2020-13 was adopted.

**FIRST READING: ORDINANCE 2020-11: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO GRANT AN EASEMENT FOR ELECTRIC SERVICE TO OHIO POWER COMPANY OVER A PORTION OF MURPHY PARK WITHIN THE CITY OF POWELL. (EX. A) (MEMO)**

Andrew White, City Manager: We have talked about this project before at a committee level. This is relative to the location of a service line so it is necessary moving forward. We are in discussions with them antidotally on some of the financial costs associated with this project and will continue to bear down on them. This is on its first reading and is recommended for approval so we can take care of that part of the project, but we will continue to have discussions relative to the scope of the project.

Councilman Swartwout: The other company that we were working with on this is EV United, correct. [Mr. White: That is correct.] During our Finance Committee meeting last week, Rocky [Kambo, Development Director] told us about some issues that have bubbled up with this. Is there any benefit to us to passing this before those issues are resolved or would it benefit us to pass this after those issues are resolved?

Gene Hollins, Law Director: It is a good point, Dan. We are still working within AEP and knowing the nature of the timing of this during a pandemic, they went ahead and installed the line, they are not waiting for the easement, and I believe it may be operational. We will continue to work on this. We have a final application, which is not complete until they have a fiscal officer's certification. We will be working on that, talking to Council about that, and we will be working with AEP to put specific language in the final application about the overage and how we don't support the overage at this point in time, but to expedite potentially getting some of the other charges paid, we wanted to go ahead and start the process with the final application. So that is a long-winded answer to your question to say if you would like to take this to the second reading that is fine. If you would like to pass it, this is the authorization for Andy to sign it. Andy may not sign it until we get all those issues worked out from an administrative standpoint.

Councilman Bennehoof: Andy, you said that you wanted to have some operational input into this. [Mr. White: If there were any questions about the operational, I would defer to Rocky or Dave.] My position would be to go ahead and authorize this but that we would ask you not to finalize anything until all those issues are resolved. I do not know how not passing this affords us any advantage. It does not feel like it does.

Mr. Hollins: That is completely within the discretion of Council. It works either way, but there are certain administrative steps still to be done and conversations with Council still to be had. Even if passed tonight, my guess is the City Manager will use his discretion as to whether he signs it.

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

Councilman Counts: I believe we should give Andy the authority to do this. It does not require that he do this and it could happen tomorrow that everything is worked out.

MOTION: Councilman Counts moved to suspend the rules regarding Ordinance 2020-11. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bennehoof moved to adopt Ordinance 2020-11. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

#### COMMITTEE REPORTS

**Development Committee:** Next Meeting: July 7, 2020, 6:30 p.m.

**Finance Committee:** Next Meeting: July 14, 2020, 7:00 p.m. We met last week and had a long discussion about the electrical charger and provided feedback to Staff. We also discussed the traffic signalization along Sawmill Parkway.

**Operations Committee:** Next Meeting: June 16, 2020, 6:30 p.m. We met before tonight's meeting and we discussed in depth the DORA and particularly the first DORA event on June 27 & June 28 from noon to 9:00 p.m. What a wonderful opportunity to visit our downtown.

**Planning & Zoning Commission:** Next Meeting: June 24, 2020, 7:00 p.m. We have Carriage Farms coming in for a final development plan.

**Powell CIC:** Next Meeting: TBD. We met last Wednesday, had discussions with the chamber on upcoming events, and discussed the EV charging stations at Murphy Park and a bit about the DORA. There was also some discussion about replacing Dave due to his retirement. Welcome to the CIC Andy and Rocky.

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

Mr. White: I just wanted to express my appreciation for Council's recognition of Dave. It was a great run and he leaves an example for those of us left behind. I hope we can aspire to those same things that were attributed to him tonight. We really appreciate that. Although it has only been a couple of months, I have really appreciated getting to know and work with Dave.

I have clear direction and understand where we are going with EV United. I appreciate the discretion provided. It is consistent with the behavior that Staff has communicated with the third party. It has been assisted with legal review and specific language relative to our lack of acceptance of these overages. Therefore, we will continue to produce that type of communication to them.

I did want to advise Council I had spoken with Commissioner Gary Merrill within the first part of my tenure in an outreach effort to try to get to know things about the county. He had invited me up. Of course, we could not do it because of the pandemic. Last week, however, I did get the chance to go out there for a significant period of time and the county was very gracious. I got a tour of the modernization efforts that are underfoot with the old courtroom, the operations, key staff, all three Commissioners, the County Administrator and so I appreciated that.

We conferred on the DORA citywide. As I said at committee, I am excited to see this happen. I have worked in other organizations where there has been attempts to put this complicated legislation together and it didn't come to fruition, so the fact that we did this as a city and now we are unrolling it is great. I just wanted to commend everyone that worked on it.

We started a modified back-to-work schedule here at city hall this week. I hope we can continue to transition back to normal. It is just strange that this is the first meeting I have had with everyone. I really do feel like the

new kid at school. You guys all went to your seats and I do not know where I sit or anything. It is really great to feel part of the team in a way that I had not before tonight.

The Engineering Department has been working with our various projects. There will be or already has been a social media and a market push to identify June 22<sup>nd</sup> as the start date for the Sawmill Parkway resurfacing project that runs from Home Road to Seldom Seen. That is the major overhaul that we received significant outside funds for. If you recall, the construction bidding documents we put together outlined a work schedule for the majority of the work to be between 9:00 p.m. and 6:00 a.m. Some of the work that will be done during the day is underground infrastructure, but predominantly that should be done during the evening and finish up with a final walk through in October.

The Seldom Seen and Liberty traffic signal widening is coming along nicely. It is a traversable and great looking road. After some striping, I think we will be cleared up there very soon.

We had touched on the traffic signal. Chris [Huber, City Engineer] had reached out to the county. We do not have anything final at this point in time, as to whether or not it is even operational. The infrastructure and software package is in place within Delaware city hall. Through Chris's interaction with the County Engineer's Office, he expressed our need to tie this to the budget. One of the things I think we will be able to come away with is that they will start the program later this summer and we can incorporate the actual costs on an annualized basis starting with the January 2021 budget as opposed to trying to figure out what the prorated costs would be. In a sense, if this works out the way we have drawn it up internally, you will not see any transition with the traffic signalization. It will be seamless and then we would come back to you as part of the 2021 budget development and put this item in. We are still looking at where those funds would come from. For those not at Operations Committee, we are looking at some of the fund accounting structures within the City to right size our operational costs as well as traditional street resurfacing or TIF funds. Within each one of these funds, there is a managerial and a financial analysis that goes through. One of the things I have been thinking about is trying to offset some of the costs that are borne completely by the general fund right now with a responsible allocation to some of the other funds. We are trying to rush to get some of these short term capital items done while we put together a longer strategy of a financial perpetuation of the \$1.8 million a year in [of need for] roads and all the millions of dollars we have talked about in the downtown area.

Chris Huber, City Engineer: We met with ODOT last week regarding paving S.R. 750 in 2022. We are in the very early stages. That is a project where we anticipate ODOT will pay 80% and the City would pay 20%, which is a great deal for the City. We had our scoping meeting where we identify primers of the project. It is the first step.

Mr. White: That is a project similar to the Sawmill Parkway project where we get this outside funding. I do not think we will share with Council yet what their estimate was because I think it is too low and I do not want to get anyone excited, but it is a substantial overlay. The 2022 budget year allows us to plan some other strategic initiatives capital-wise or some things we want to do in that vicinity.

#### **OTHER COUNCIL MATTERS**

Councilman Bennehoof: I think it is very important that we hammer hard the fact that we get federal money - these grants and things for the traffic light, Sawmill and in the future for Powell Road because there is a lot of not understanding. I will not say misunderstanding, but many people do not understand this. When I talk to folks they say 'Oh there's the sign that says that Sawmill Road is going [to be done]. Where are you guys getting the money?' So I think we really need to make sure that folks are aware that we are getting these outside funds for these projects. I make it very clear in those conversations, but that is me, one-on-one. I think we really need to advertise that a little bit more if we can.

The other bit of news that was brought to my attention today is that Chief Bernans passed. He had cancer. He was a Marine, a veteran, and all around great guy. RIP.

Mayor Bertone: We talked about this briefly tonight in Operations Committee, but regarding our strategic planning sessions, Andy and I were looking at June 25, a Thursday, to meet. Can we get some feedback, post meeting, about availability? We can set up here for a few hours that evening, and then follow it the next week, perhaps on the 30<sup>th</sup> or the 1<sup>st</sup> with an additional hour or so to finalize our strategic approach.

**EXECUTIVE SESSION:** Ohio Rev. Code §121.22(G)(8) Economic Development.

MOTION: Councilman Lorenz moved at 7:59 p.m. to adjourn into Executive Session pursuant to Ohio Rev. Code

§121.22(G)(8) Economic Development. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

Councilman Bennehoof left Executive Session at 8:02 p.m.

Councilman Swartwout left Executive Session at 8:32 p.m.

MOTION: Councilman Counts moved at 8:49 p.m. to adjourn from Executive Session into Open Session.

Councilman Lorenz seconded the motion.

VOTE: Y 5 N 0

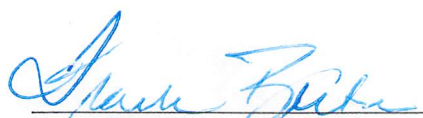
Councilman Counts: One of the things that I mentioned last fall was that, as a Council, we should do a team building session. We also talked about a goal setting session, but I believe that a team building session is essential before we do a goal setting session. I recognize this is now June, we have many things going on and we have to do the goal setting session. But it has become very apparent to me that there are trust issues, confidence issues, among Councilmembers and until those issues are resolved, it is going to be hard for us to go forward as a City on the things we need to be focused on. I know that I have had absolutely two conversations with my fellow Councilmembers since December. One was with Frank in December and one was with Dan on Friday. I do not believe Council knows what I believe and what I have seen going on. Likewise, that is true. We have seen out there all sorts of protests and things. You need to listen to what other people are saying and I think it is time that Council needs to listen because many of the things that we talk about other groups is true of our own group. I am willing to have a very frank discussion with anyone about those topics. I wish all of you would have those conversations with me because I think you need to hear that. We have a new City Manager. The last thing we need to do is to get Andy on the wrong foot. We need to be behind the Executive Officer and give him direction, but we cannot allow what has happened in the last year and a half especially to happen to Andy. It is going to be incumbent upon us to make those changes. I encourage you to really think about having that team building session. I encourage you to have a discussion.


Councilman Lorenz: I concur with Tom that there is a significant trust issue. I am happy to have that frank talk with you anytime about these very important issues or with any other member of Council.


#### ADJOURNMENT

MOTION: Councilman Counts 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: July 7, 2020

 7/21/2020  
Frank Bertone  
Mayor

 7/22/2020  
Karen U. Mitchell  
City Clerk



#### City Council

Frank Bertone, Mayor

Jon C. Bennehoof

Tom Counts

Heather Karr

Brian Lorenz

Melissa Riggins

Daniel Swartwout