



**CITY COUNCIL
MEETING MINUTES
October 20, 2020**

CALL TO ORDER/ROLL CALL

A regular meeting of Powell City Council was called to order by Mayor Frank Bertone on Tuesday, October 20, 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 Andy White, City Manager; Eugene Hollins, Law Director; Yazan Ashrawi, Legal Counsel; Megan Canavan, Assistant City Manager; Chris Huber, City Engineer; Karen Sybert, Finance Director; Elise Schellin, Development Planner; Karen J. Mitchell, City Clerk; and interested parties.

PLEDGE OF ALLEGIANCE

PROCLAMATION – Lung Cancer Awareness Month

CITIZEN PARTICIPATION

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

APPROVAL OF MINUTES: October 6, 2020

MOTION: Councilman Bennehoof moved to adopt the minutes of October 6, 2020. Councilman Counts seconded the motion. By unanimous consent of the remaining members, the minutes were adopted.

CONSENT AGENDA

Item
Departmental Reports – September 2020

Action Requested
Receipt of Electronic Reports

Ohio Division of Liquor Control – Annie's Wine Cottage, LLC

Waive Hearing

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

SECOND READING: ORDINANCE 2020-21: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A PRE-ANNEXATION AGREEMENT WITH LIBERTY RESERVE, LLC AND BELL PROPERTIES, LTD, AND DECLARING AN EMERGENCY. (EX. A) (MEMO)

Andy White, City Manager: As you are aware, this was on the last agenda. There have been some questions regarding some variables that were more appropriate for discussion during the entitlement review process. The action upon authorization of the pre-annexation agreement does not bind the City to any outcome. There is still the full unveiling of the project through the entitlement process, Planning & Zoning, ultimately the acceptance of whatever is to come through that process and the final product to Council. There have been some inquiries fielded internally regarding egress/ingress issues, turning radius, and tie in to other subdivisions. Those are all relevant to the entitlement process for review. At this point, we worked through a timeline that this would become effective in February of 2021. There is really no reason not to approve it now. The City's position is preserved for future modification. Mr. Ashrawi has also looked at it, as well as Gene Hollins prior to that, so I do not think there are any issues. At my request, Yaz reached out to the client's representative and worked through some of these issues so I think we are in good shape to move forward.

Yazan Ashrawi, Legal Counsel: We received some comments and suggested changes that are not incorporated in the document before you. I spoke with Aaron Underhill, the attorney for the applicant, to ensure that those changes were acceptable to him and they were. They will be put in to the agreement prior to any execution.

Councilmember Bennehoof: Just to render it explicit, it says 21 duplexes. Are those 21 dwellings or 42 dwellings?

Mr. White: It is 21 buildings that are subdivided into 42 units.

Councilmember Riggins: When we talk about it in the summary, it is referred to an 8.897-acre parcel, and in the actual paperwork, it refers to an 8.601 acres parcel. What is the difference?

Mr. White: I believe one incorporates the rights-of-way that would not be equal to the building footprint. Is that correct, Elise?

Elise Schellin, Development Planner: Yes, I believe that is correct.

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

MOTION: Councilman Lorenz moved to adopt Ordinance 2020-21. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2020-22: AN ORDINANCE ENACTED BY THE CITY OF POWELL, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY ("LPA"), TO ALLOW THE CITY MANAGER TO GIVE CONSENT TO THE STATE DIRECTOR OF TRANSPORTATION TO REPLACE/UPGRADE GUARDRAIL END ASSEMBLIES ON SR-750 WITH THE CITY LIMITS AS PART OF THE PROJECT PID 111195, D06 CITY NHS GUARDRAIL UPGRADE, AND DECLARING AN EMERGENCY. (MEMO)

Mr. White: This is simply acting upon that practice as administered through the FHA and the Department of Transportation. It is swapping out the existing infrastructure for a more modern receptacle. There are no costs to the City.

Chris Huber, City Engineer: I would add that this project is scheduled for the spring of 2021. This is 100% paid for by ODOT and is part of a much larger project.

Councilmember Swartwout: So there is no cost to the City and ODOT is doing all the work?

Mr. Huber: Correct.

Councilmember Swartwout: Then the City's obligation afterward is just to maintain them as we do today.

Mr. Huber: Correct. It is very similar to the State Route 315 project we did a few years ago with the retaining wall.

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

MOTION: Councilman Bennehoof moved to suspend the rules regarding Ordinance 2020-22. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bennehoof moved to adopt Ordinance 2020-22. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2020-25: AN ORDINANCE AUTHORIZING AMENDMENT TO THE FEE SCHEDULE OF THE CITY OF POWELL. (EX. A) (MEMO)

Mr. White: With this being, the first go-through with the fee schedule modification in my administration, I would recommend that we review this through Finance Committee. The Clerk and I compiled the information as was submitted by Staff, but I am not sure if we would like to go into additional detail with this being the end of the year, dealing with the budget process, etc. There is not a significant amount of volume or modification to the fees. It is simply making them current, but I did want to be careful to point out that this is something that could easily be added to a Finance Committee agenda should Council seek to have additional discussion on it, especially in relation to the conversation we have had with some of the new park infrastructure that is coming up. I wanted to get it in front of you for a first reading, getting it to the end of the year, but Staff is hoping for any direction Council would like to take, either additional readings or referral to a committee.

Councilmember Swartwout: I went back and looked at what we did last year and we reviewed the fee schedule in association with the budget process, and I would appreciate referring this to the Finance Committee to go over it like we did

last year just because there are a lot of changes here and I would like to know a little bit about some of the reasoning behind a lot of these changes.

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

Ordinance 2020-25 was taken to a second reading.

COMMITTEE REPORTS

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

Finance Committee: *Next Meeting: November 10, 2020, 7:00 p.m. We met last week to discuss the budget and had a very high-level discussion, which is unusual for Finance Committee. It felt a little strange, but it allowed us to focus on some big picture items. We provided some feedback to Staff and we decided at the end of the meeting to have another committee meeting next Tuesday. I would encourage all of you to come and show up. The budget will be presented at our first meeting in November. Therefore, we will pick up the fee schedule issue next week.*

Operations Committee: *Next Meeting: October 20, 2020, 6:30 p.m. We met earlier tonight. We first discussed the potential for a winter market that would be a continuation of the farmers' market. The Chamber of Commerce has proposed having the winter market in Council Chambers and the East Room. We gave a tentative go ahead to continue that process. We picked up the discussion of Cares Act funding that Andy brought to us at our last meeting. One of the things we discuss in depth was the potential small business grant program. I believe that should be coming before Council soon. Our CIC chair, Jim Hrivnak, was here for that discussion.*

I am happy to report that Seldom Seen Park is opening tomorrow. All the safety concerns have been addressed and the first event in the park will be this weekend with Candy by the Carload. Moving forward there will be some discussion about a possible rebranding of the park with a new name with community involvement in the process as well as programming. Finally, we discussed the community diversity advisory committee and associated resolution. We expect to have that before Council at our next meeting.

Planning & Zoning Commission: *Next Meeting: November 11, 2020, 7:00 p.m. We met last Wednesday and we reviewed a sketch plan for the Dr. Campbell house at Powell Crossing. They are proposing a commercial or restaurant use there with a possible addition to the back of the home.*

Powell CIC: *Next Meeting: October 27, 2020, 6:00 p.m. I would like to thank Gene Hollins for helping to guide us through all our legal matters. There seems to be a better cohesiveness between the CIC and Council and I know Chairman Hrivnak would like to come and speak to us at some point in time as well.*

CITY MANAGER'S REPORT/CITY CALENDAR

Mr. White: We have some additional good news. I am pleased to announce that Jeffrey Tyler has accepted the position of the first director of our newly formed Community Development Department. He has a significant public service career and he will be a great addition. I have heard nothing but good things about him throughout the area. He has spent a significant amount of time at the state and with Dublin. He is currently at a similar role with Fairborn. He will be in the City this Friday morning to fill out some employment paperwork. I would like to spend some time with him to introduce him to staff. If anyone is available, I would love to extend those introductions to you as well.

As you heard, Seldom Seen Park will be opening tomorrow. I had a very good conversation about how that will transition into an active asset of the City's park system. I think we are on target to include it as part of the budget conversation as part of 2021, with some proceeds and resources together for that to have a Spring rebranding potential rollout. Candy by the Carload is a regulated process by sign-up. If you would like to attend, please contact Staff.

Our next meeting is scheduled on Election Day. Would you like to postpone the meeting to November 4?

We are moving fast on the Cares Act funding. I thought we had a good conversation with the Operations Committee tonight and appreciate the feedback. We are on a very tight schedule, including an application period that would open up on November 5 and close out some awards around December. We received the support of the committee to move forward. Staff will move to the next process of providing you with some legislation and updates on that.

I have been talking with my contact with CSX railway and was provided some good news on that front as well. The conduit that we have documented that exists, and I believe was put in a few years ago, could potentially provide us access to fiber broadband on the west side of the tracks to city hall. It would give a foothold to the downtown. The next steps would be to get into some contractual relationship for the use of the infrastructure. We have also had conversation with them on some use of their property on the north side of the intersection. As we have had more development within the DORA, it has become more popular. There are some issues with regulating traffic flow, both pedestrian and motor vehicle. I know the City has looked at this in the past as a potential procurement. Right now, there is an opportunity for

us to consider a lease option as an alternate to a straight-up procurement. I am going to get some more information on that, but those are two issues that I was pleased to bring to you tonight.

I wanted to highlight the Redwood development. I do not know if you have had a chance to go through some of the attachments they provided. They did an economic impact study and provided some additional commercial aspects to that project. Is a 70-acre site to be annexed into the City? I put that into the packet and I thought it represented some positive steps towards the commercial aspect, especially the inclusion of two, 3-story, and 29,000 square foot buildings in the medical component. I promised that I would relay that back to Council and if you are comfortable with that, we can schedule that for an upcoming Development Committee meeting for further review.

Councilmember Lorenz: Yes, I think we should probably go ahead and do that on our first November meeting.

Mr. White: We have some additional things to discuss in Executive Session. In addition to the items listed, I would also like to add updates to the pending litigation and purchase/sale of real property.

OTHER COUNCIL MATTERS

Mayor Bertone: With respect to the November election issue. Normally Council will postpone that meeting to the next evening. I am open to conversation about it, but this usually works well for us. This is expected to be a big election and by moving our meeting, it frees everyone to exercise his or her right to vote.

[Council agreed to move both the Council and Development Committee meetings to Wednesday, November 4, 2020]

Councilmember Lorenz: We may want to start Development Committee at 6:00 p.m. if the other members are okay with that. I would like to have ample time and not rush through.

Mayor Bertone: I would like to take this opportunity to recognize Gene Hollins and his service to this community over these many, many years. Gene is moving on to a new opportunity with the City of Obetz. Gene it is going to be a very different road without you, but what else is new in 2020? Everything is changing. Over the years, you have done a tremendous amount of heavy lifting for the City and we thank you for all of your time, effort, energy and creativity in some of the challenges we have faced. You will be missed.

Gene Hollins, Law Director: I am humbled by the opportunity to have served you. You pick a great client. I do not have to tell you, but the City of Powell is recognized in national publications and there has been a succession of folks filling your chairs that were nothing less than the most intelligent, city-minded, well-intentioned, quality people that I have had the opportunity to serve. That is the first ingredient in the recipe. The second ingredient is my team, who has always been there. While I attend the meetings, I have had the opportunity to work with some of the most fantastic attorneys in both this firm and the firm before. You always gave us the opportunity to have the freedom to creatively problem solve and that was everyone's doing. I appreciate Council's engagement on those issues and projects and the great results that have happened because of that effort by everyone. In addition, at the end of the day that is why we are here – to solve problems.

Councilmember Counts: I have done this too many times in the last year in saying goodbye and how much I will miss you. The one thing I will remember is we were a City when you first came on board, but we were sort of a sleepy City. We needed someone that could help us navigate all the ends and outs of sophisticated developments and TIFs and litigations of all kinds. I can say that I received wise and experienced counsel with you and I very much appreciate having you on board because you are very much a part of what this City is today. Thank you Gene.

Councilmember Lorenz: A few years back I was running the Planning Department in Pickerington. I was sent down to the Village of Canal Winchester to pick up some information. There was a bit of a rivalry between the two municipalities. As the young, new person, just doing what my boss told me to do, I went down, picked up the zoning guide, and was met with a little hostility. Thankfully Gene intervened in the conversation and ever since then, I have appreciated his candor, demeanor and calming ability. We have had some tenuous things happen here in Council chambers over the years and Gene has a great knack of smoothing the process and getting us all to understand. I thank you for all that you have done for us and hope we will cross paths again in the future.

Councilmember Bennehoof: About 15 years or so ago, I started showing up to the Council meetings on the other side of the dais. Gene always treated me with the greatest respect and I appreciate that. Regardless of the position it took, he always listened and was insightful. I appreciate that and thank you Gene.

Councilmember Swartwout: When I look at the [Staff] table in front of me, I see a new City Manager, a new Finance

Director, loss of a Development Director leave; we have a new Police Chief. So many big, big changes in such a short period of time, I am especially thankful to have your steadying hand, your guidance, and institutional knowledge and perspective that you bring to guide this City through the tremendous changes that we have had in the last 18 months. I am grateful for that and I am certain all the citizens of Powell are grateful as well. Best of luck in your new job. You will be tremendously missed.

Councilmember Karr: Thank you for your service to the City of Powell. Have fun in Obetz. We will miss you.

Councilmember Riggins: Thank you Gene for listening to all of my comments on various things. I do appreciate that as well as being around for so long to have all the institutional knowledge that we have relied on up until now.

EXECUTIVE SESSION: Ohio Rev. Code §121.22(G)(1) Personnel Matters (hiring and compensation of personnel) and Ohio Rev. Code §121.22(G)(4)

MOTION: Councilman Bennehoof moved at 8:05 p.m. to adjourn into Executive Session pursuant to Ohio Rev. Code §121.22(G)(1) Personnel Matters (hiring and compensation of personnel); Ohio Rev. Code §121.22(G)(2) Purchase/Sale of Real Property; Ohio Rev. Code §121.22(G)(3) Pending Litigation; and Ohio Rev. Code §121.22(G)(4) Bargaining. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved at 9:32 p.m. to adjourn from Executive Session into Open Session. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

ADJOURNMENT

MOTION: Councilman Counts moved to adjourn the meeting at 9:32 p.m. Councilman Bennehoof seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

MINUTES APPROVED: November 4, 2020

Frank Bertone 11/17/2020
Date
Frank Bertone
Mayor

Karen J Mitchell 11/18/2020
Date
Karen J Mitchell
City Clerk

