



**CITY COUNCIL  
MEETING MINUTES  
December 15, 2020**

**CALL TO ORDER/ROLL CALL**

A regular Zoom meeting of Powell City Council was called to order by Mayor Frank Bertone on Tuesday, December 15, 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; Yazan Ashrawi, Legal Counsel; Megan Canavan, Assistant City Manager; Stephen Hrytzik, Chief of Police; Karen Sybert, Finance Director; Jeffrey Tyler, Community Development Director; Elise Schellin, Development Planner; Chris Huber, City Engineer; Aaron Scott, Assistant City Engineer; Karen J. Mitchell, City Clerk; and interested parties.

**PLEDGE OF ALLEGIANCE**

**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:** December 1, 2020

MOTION: Councilmember Bennehoof moved to adopt the minutes of December 1, 2020. Councilmember Lorenz seconded the motion. By unanimous consent of the remaining members, the minutes were adopted.

**CONSENT AGENDA**

**Item**

*Departmental Reports – November 2020*

**Action Requested**

*Receipt of Electronic Reports*

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

**FIRST READING: ORDINANCE 2020-31:** AN ORDINANCE ACCEPTING THE ANNEXATION OF 8.897 ACRES, MORE OR LESS, LOCATED AT 4026 HOME ROAD, FROM LIBERTY TOWNSHIP TO THE CITY OF POWELL. (EX. A) (MEMO)

Andy White, City Manager: This is an acceptance of the annexation of the acreage [at 4026 Home Road, from Liberty Township into the City].

Councilmember Swartwout: Typically, as we accept annexations that are tied to development plans, we have at the same meeting considered both the annexation and the final development plan. Is there a reason we are doing it differently today?

Mr. White: No. This is just a first reading. If Council prefers a different methodology, Staff is happy to accommodate Council's pleasure.

Yazan Ashrawi, Legal Counsel: This is just a first reading, so the annexation would not go through today. I think it is being coordinated, eventually, with the final development plan, and we can ensure that both are formally accepted at the same time.

Councilmember Bennehoof: I am not opposed to the annexation; however, I am concerned for my community members. Because of my grandchildren living on Hickory Rock, I have had more than a few people who live on Hickory Rock, as well as members of the church, approach me with an opinion about this matter. There are a number of concerns that I think need to be addressed in the final development plan before we approve any of this. There is supposedly a wetlands out

there. There are concerns about egress and regress. I have heard there is no traffic study, although I do not know that for certain. There are concerns about fire and police access to the property. Someone tried to make an argument on density, and I did the math and pointed out to them that the density fits well within our guidelines, so we cannot really address that in my opinion. The other items are significant enough that we should not be moving forward on the annexation until those items are addressed by the developer and the community at large is at a different comfort level than I know them to be now.

Councilmember Lorenz: This was reviewed by Development Committee and was unanimously moved up to Council. To Dan's point, whenever the plan is ready, it will have to be married together if we are going to bring it in as a planned district because you cannot have the site plan in a planned district without the annexation. We are just having our first reading on this and it is just procedural.

Councilmember Swartwout: With respect to some of Jon's concerns, I think this would be the third time that this particular parcel has been before Council. I believe we did the resolution of services, the pre-annexation agreement, and now the actual annexation, and there has not been any public comment that I am aware of at these three meetings about this. Therefore, I am not exactly sure what the concerns are because I certainly have not heard any myself and no one has brought any before Council yet. Brian, were there any concerns raised by the public in Development?

Councilmember Lorenz: No, we did not have any concerns in Development. I live close to the site too, like Jon, but I have not been contacted or heard anything from anyone on this one way or the other.

Mr. White: If it would help, I can pull some of the comments that were provided recently. We received an email late this afternoon that I can summarize and send out to all of Council.

Mayor Bertone: Has this been cleared through P&Z?

Elise Schellin, Development Planner: No. It came before P&Z last week as a sketch plan and many of the comments Jon mentioned were addressed in that meeting. Once the minutes are put together, we can send them out to you so you can see the discussion that was had.

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

Mayor Bertone: Andy, prior to our next meeting, let's make sure we have the sketch plan [minutes from P&Z]; let's reconcile the comments with where they are coming back from P&Z as well. I think that Council at-large would like to have a full line of sight to the comments or feedback that is not only being provided to Jon but to all Council members, or anyone working on this initiative within the City. Will this be put on our next standing meeting on January 5, or is there an alternate date?

Mr. White: I can pull the information together this week. Why don't we hold off and circle back as we get through next week and what your comfort level is. Just based on the conversation, I want to make sure that Council has everything that they need before taking any final action.

Ordinance 2020-31 was taken to a second reading.

**FIRST READING: ORDINANCE 2020-32: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2020. (MEMO)**

Karen Sybert, Finance Director: This is regarding the additional funds we received from the Coronavirus Grant from the county. We discussed this in Finance Committee that we received an additional \$50,523.15, which brings our entire appropriation to \$855,819.09. It needs to be spent by December 30. In order to do so, I need to ask for an appropriation into this fund so I can receive the funds and spend it.

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

MOTION: Councilmember Bennehoof moved to suspend the rules regarding Ordinance 2020-32. Councilmember Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilmember Bennehoof moved to adopt Ordinance 2020-32. Councilmember Counts seconded the motion.

VOTE: Y 7 N 0



**FIRST READING: ORDINANCE 2020-33:** AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT ON INVOICES FROM FROST BROWN TODD, LLC FOR LEGAL SERVICES AND DECLARING AN EMERGENCY. (EX. A) (MEMO)

Mr. White: This is required pursuant to our audit regulations. When we obligate ourselves to any type of expenditure, we do so by way of a purchase order. As you recall when we were going through all the account reconciliation from the myriad of legal issues we had going on in 2020, but also some of the bills that had come in from prior years and the reimbursements, we exhausted the amount of one of the purchase orders. This is an option available to Council to approve in order to certify this appropriately. Essentially this is activity that has already taken place, that we have already accounted for within the budget, but the purchase order itself that directed the expense needs to be modified and this certification process allows us to do that.

Ms. Sybert: I would like to add that with payment of these invoices, we would be current with Frost Brown Todd through this month.

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

MOTION: Councilmember Bennehoof moved to suspend the rules regarding Ordinance 2020-33. Councilmember Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilmember Bennehoof moved to adopt Ordinance 2020-33. Councilmember Counts seconded the motion.

VOTE: Y 7 N 0

**FIRST READING: ORDINANCE 2020-34:** AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH INTEGRATED WELLNESS PARTNERS AND SIGNET ENTERPRISES FOR THE PURPOSE OF PERFORMING A WELLNESS FEASIBILITY STUDY FOR THE CITY OF POWELL. (MEMO) (EX. A)

Mr. White: As was discussed within the memo, we have identified a number of initiatives that were outlined in previous City studies. Some of us had the opportunity to visit the Heit Center in New Albany. We could potentially reproduce this outcome here. Upon an initial review of our community profile, our demographics and the great opportunities within Central Ohio, Integrated Wellness Partners have proposed doing a feasibility study on a specific facility that, while we don't know what it would look like yet, they have waived half of their costs from \$60,000 to \$30,000. This has been a tight year and we are close on many of our budget projections, but with the flexibility within the CARES Act, especially with regard to our law enforcement salaries, we have some wiggle room. I believe it is a very smart, nonrecurring investment that will play out well for the community's development into the future. I think it is anchored to past comments we received from the community and initiatives that we have looked at. If Council approves this, I can provide some feedback from personnel associated with the outfit that will actually conduct facility analysis and provide coordination if we wish to look at some other facilities. I was very impressed with what we are able to see and excited that the company was willing to waive some of the cost because of the excitement they felt for the potential of our community.

Councilmember Lorenz: Andy summed it up well. I would like to bring a couple of things to Council's attention. For the record, part of our Comprehensive Plan calls for some sort of a possible community rec center. Now we are not saying we are doing that, but it calls it out. These plans, like the Comprehensive Plan and the Keep Powell Moving Plan, are things we need to utilize that are living documents. It is exciting to have an opportunity to further that down the road. Development Committee studied this and had a presentation on it back in October or November. We are all very excited about it and felt it would be a no-brainer to move forward with the feasibility study. Frank, Andy and I did get to attend and tour the facility and found many great things there, such as meeting spaces and community programming potential for all residents. I think that is a big priority for all of us on Council as well as the health and wellness component. There is nothing like this time we are in now to really implore and bolster everyone's ability for health and wellness. I am very excited about the opportunity to have this study done.

Councilmember Riggins: I see that this on for a vote on rules suspension. What is the reasoning behind that?

Mr. White: It is not necessary. There are a couple of items with that provision in it. There is no emergency. It is just an option for Council if they so desire. If Council would like to continue the conversation, we can take it to a second reading and I can have someone from the company in attendance for discussion.

Councilmember Riggins: Is this part of the money that needs to be spent by the end of the year?



Mr. White: No. We are okay there. The funds that we received from the Cares Act fund were deposited appropriately into the Cares Act Relief Fund. Essentially, we have created some flexibility because the Finance Director had credited numerous expenditures from the general fund back into the Cares Act Relief Fund. Therefore, you have essentially full discretion over the use of those funds as you would for any type of general operational expense.

Councilmember Counts: To be clear, this really has nothing to do with the Cares Act. The Cares Act has created the possibility that we have funds available in the general fund to use for other purposes.

Mr. White: That is correct.

Councilmember Counts: I know that this was subject to a request for proposal. Were there other applicants that prepared a proposal? How was this company chosen?

Mr. White: No, it was not. It was more of a development plan as opposed to a request for proposals. Assuming Council wanted to go in that direction, we could. However, this was a unique opportunity to a public-private partnership, so we have engaged solely with this enterprise. If Council wants to look at a different variation, that would be your pleasure.

Councilmember Counts: I was not at the meeting when all of this was discussed, so if you could help me out on how this was generated.

Mr. White: We did not advertise it as an RFP process for this program.

Councilmember Counts: What was the reason for that?

Mr. White: Just the unique opportunity we saw with the enterprise in the New Albany area and the fact that they were willing to waive a significant portion of the expense, and for the feasibility portion of this analysis. That is solely what this would be about now. Moving forward, if it were to get to a more comprehensive effort, I think we would have to get into a different type of agreement. As to the legality or what type of an appropriate agreement or legislation would be put in place, perhaps you would want to have additional conversation. We could bring in the Law Director for part of that.

Councilmember Counts: What is the connection with this company and the New Albany site?

Mr. White: They have worked with 19-20 facilities of this type in the United States. They partnered with the City of New Albany on the Heit Wellness Center. It was a 501(c)(3), the City and a medical provider. There were various elements that may come together, but now, without the feasibility study and approach, we lack some detail on how we might proceed.

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

Ordinance 2020-34 was taken to a second reading.

**FIRST READING: ORDINANCE 2020-35: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SAPERSTEIN & ASSOCIATES FOR THE PURPOSE OF PERFORMING A COMMUNITY ATTITUDE SURVEY FOR THE CITY OF POWELL. (MEMO) (EX. A)**

Mr. White: I thought we had a good conversation tonight at Operations. Mr. Saperstein was there. He has also made himself available to several of us over the last few weeks to discuss some of his findings and the process he utilizes to our satisfaction. I cannot speak for everyone, but in the overall, I would say it has been a very productive conversation. The time for a decision to roll something out on a sprinted timeline. There was some discussion about the potential to postpone the study until later this year. There was also discussion about the relevance of it as a survey for the community versus a campaign tool. My observation is that it is much more of a community survey as opposed to a campaign survey and that it would be useful. Staff's recommendation is to proceed with Mr. Saperstein. I think the collection of data at this point would be very informative in your policy decision-making going forward. One of the things we did talk about is the potential to review material that is in existence to add any additional commentary or have some deletions within the methodology we have used previously. I think that is a wise decision if we move forward. I will put out some information for your review tomorrow and request an expedient return. In order to proceed, I think we will need to move with a degree of expedience so that Mr. Saperstein can get started and produce a timely report.

Councilmember Swartwout: Marty joined us and talked about the community attitude survey that we had done every two years from 2010-2018, with the exception of 2020, but picking it back up this year. The thought had been to have an aggressive timeline for completing the survey so that we can use that data to implement policies that the community wants.



The sooner we get that data, the sooner we can move forward with making decisions that are more informed. We talked a little bit about logistics. There are probably going to be some new topics added based on events in 2020. Marty has mentioned that some of the surveys have become rather long as people address some of the questions they have dealt with in the past, as well as some of the newer, more specific to 2020-type questions. One of the things Marty said that would be an invaluable tool is for everyone to go through our 2018 survey and delete questions that no longer need to be asked because they are no longer relevant or because we have seen such a continual baseline from 2010-2018, that we have a pretty good feel for how the public thinks about that particular topic. We talked about potentially putting together a small group to go through that survey. We gave some additional insight into some of the topics that Marty should cover, or we would like to see covered and then Marty talked about the logistics of us getting the proposed deletions and new topics back to him so he could craft a document and bring it back to us. He would also test that document through phone calls. There seemed to be a consensus as to methodology to go forward with phone survey. This is probably as good a time as any, if you were not able to participate in tonight's Operations Committee, to jump in with some thoughts regarding some of the things we have talked about so far.

Councilmember Counts: If there was ever a time that people would be home, it is right now, so they are either going to answer the phone or they are not.

Mayor Bertone: To Marty's point of deleting questions, I would say let's look at the merit of certain questions that have been asked historically, and perhaps we put some on a pause for this iteration of the survey and they can be brought back on a future survey if the group sees fit. Overall, there are questions about Covid and the response of the City. There has been efforts of questions from other communities regarding diversity inclusion. Whitehall, as well as New Albany, have expanded their surveys over the past year or two to include those types of questions as well. More or less, we know what we are expecting. Marty does a fantastic job. His methodology is tried and true. We are looking for a list of priorities. We are looking for the rudder we are seeking to give us a greater lens and guidance as to what we are doing here, and Staff as well. I am all in favor of us continuing forward with Marty. I think he has a tremendous reputation and a great relationship with each of us. Dan, you called out the need for refinement of the questions. To that end, if anyone is interested, please let Dan know, but speed is of the essence.

Councilmember Bennehoof: I am an advocate and supporter of the survey process. It has been in place during my entire tenure. I find a lot of value in it. I find Marty and his organization to be consummate professionals, thorough and helpful. The survey can provide us the guidance we need and express to our community our commitment to the community by wanting their input. I fully support going forward on this.

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

MOTION: Councilmember Counts moved to suspend the rules regarding Ordinance 2020-35. Councilmember Bennehoof seconded the motion.

VOTE: Y 6 N 1 (Riggins)

MOTION: Councilmember Bennehoof moved to adopt Ordinance 2020-35. Councilmember Counts seconded the motion.

VOTE: Y 7 N 0

**FIRST READING: ORDINANCE 2020-36: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PAVEMENT MANAGEMENT GROUP FOR ANNUAL STREET RATINGS, AND DECLARING AN EMERGENCY. (MEMO) (EX. A)**

Mr. White: Thanks to Dan for letting me steal the last portion of the Operations Committee agenda to introduce this new concept. I know that typically this sort of effort would go through committee first for a review. The project cost is approximately \$20,000 and would outsource the pavement ratings for the City. Through PMG, which is a company that has produced a good product in Westerville and Hilliard, using greater technology, a longer-term report. It has not gone through the committee level. While the budget appropriations are available, we had some conversation tonight in Operations about what the Committee and/or Council would want to do going forward. I think with the reduced footprint we have within the Engineering Department and looking at our expenditures year-over-year, I think we are in good shape to outsource this. I want introduce Jeff, Aaron and Chris for additional conversations and comments. They have more familiarity with the product and need some direction in terms of where Council would like to go next. However, as it stands, this is an effort help us manage our capital improvements for 2021 for road resurfacing. We increased the budget to a million by \$250,000 and I know Staff is eager to get those dollars programmed and bid out the projects for 2021 to deliver upon for the community.

Jeff Tyler, Community Development Director: One of the things I think we have to look at is this is also a resource allocation issue. If this particular consultant did not do the work, then we would have to rely on our existing Staff to do this work. This puts them in the field and pulls them away from other projects that I think are more akin to what it is that they should be doing on a daily basis. I would also say that it also brings in an engineer that has this specific expertise in this area and we would bring that to the City through this consulting phase. It allows Chris and Aaron to work on things that fit each of their experience and expertise more effectively.

Aaron Scott, Assistant City Engineer: As I mentioned in Operations earlier tonight, this is something we have been tossing around for a while now. As we have discussed this internally, we realize just how advantageous this is. Jeff has been working with us on succession planning and making sure that the Engineering Department could still function in the event Chris and I were not around. We do not do a lot of that throughout the City right now. Street ratings is another area where we feel we are weak. This would give us a tool to allow us to roll this information over a bit more cleanly and allow street ratings to continue and keep it up to date.

Chris Huber, City Engineer: I would just like to highlight some of the different tools we will be getting PMG. One is a video of every street in high definition so that anyone in the City, or Council, could go in, look at their street, and see the assessment themselves. They also use that video for the rating so that information can be captured more safely with one person driving, videoing the street, going offsite and doing the ratings versus having two guys in the car with the laptop in their lap going through the streets very slowly. This program is also GIS-friendly and I would love to get that linked better with our GIS system where it is more useable versus the system we are using now where we are manipulating a lot of data to get it into the GIS. This is much more efficient.

Councilmember Counts: Chris, I do not recall if it was the street or sidewalk program that was done by outside consultants before, so this is not the first time we have done this.

Mr. Huber: Correct. When I came to the City in 2000, we had been using a firm for about 10 years that used a similar program. We also used one other consultant when Public Service did the street program for a year or two. Since then, Staff has taken that over during the recession of 2008, but we have never relinquished it after the recession was over.

Councilmember Counts: What is the time deadline for getting the ratings done for purposes of our street program?

Mr. Huber: They have 90 days per their contract. They will have the street ratings done well before that. There is a lot of other information for analytics that they will put in within those 90 days. The plan would be that we would be working on our street program simultaneously. We know where our bad streets are now. We would refine that based on the final results, but there is a lot of up-front work that Staff could be working on simultaneously with PMG to get our bid documents prepared earlier. That is another point I would mention – I would love to get our bids in earlier in the year than late spring, early summer because we get better bid prices that way.

Councilmember Riggins: Just following up on that or if that is the reasoning, but there is a recommendation that this be declared an emergency and then there is also this space to vote on suspension of rules. What is the basis for that?

Mr. White: That is on me. I started to address it before with Operations Committee, but getting familiar with the process, I missed this. Because it is new and you have not done it before, it probably should have gone to committee first, then to Council for a full discussion. Timing-wise though, I think Staff makes a good point in that it is a balancing act between getting a deliverable, but also accommodating the process that you are comfortable with and you have established over time. I will try to flag that stuff more carefully moving forward.

Councilmember Lorenz: Chris, for the record, the pavement rating system is utilized by Staff to make decisions on where to do the annual street maintenance, among other things, correct? I just do not think that for those that may be listening may be wondering why we are spending this money to have someone come out and survey our roads.

Mr. Huber: That is correct. Right now we use a PCR rating system, which is a system that is developed by ODOT. PMG is a PCI rating system, which is a similar type of rating system, with a slightly different scale, and it is actually a better tool for local streets versus the PCR, which is really geared toward longer streets for ODOT.

Councilmember Lorenz: Do you have a general idea of how many man-hours this is going to save you? I know you mentioned being able to complete bid documents earlier in the year which will perhaps allow for cost saving on contracts and things like that.

Mr. Huber: I anticipate with Aaron and I being out in the car [it would take] two weeks rating the streets, there would be a week of just manipulating the data from Excel to Access to get it into GIS. Rocky used to do that for us as the GIS person, so I am not even sure if we have the capability now to get it into the mapping. However, I would say to 2-3 weeks of man-hours, two weeks of that with two people.

Councilmember Bennehoof: For clarity, I understand that there are additional metrics that will be available that we have not had in the past, that it will speed up the bid process and therefore, possibly avail us to better bids, getting in earlier in the year and having a lower cost savings. I love the idea of having the video available. I would be interested in how that plays out. I would like to see one of their other videos from somewhere else. I support this. I think it sounds like a good idea, but I do have a question. Is this a reoccurring thing or a contract for this year and then we would re-engage in a couple of years for a second addition? I did not see it in the contract, although I may have missed it.

Mr. Huber: This would be an annual contract. Therefore, we would rate the streets every 2 years like those that we do now. For some time, we had been doing it every year, but the last four years or so we have gone to a bi-annual to save the man-hours. We would do this contract every two years. On the off years, there is a data management fee, a much smaller fee, for reports or maps.

Councilmember Bennehoof: I am not opposed to suspending the rules on this, but that is just me. I am glad to know that it is not a reoccurring thing that we get to revisit it because there is a performance issue. You want to know that you are getting the value and turnaround. I think this is a great idea and out-of-the-box thinking, and I support it and will be asking to suspend the rules.

Councilmember Swartwout: I would appreciate taking this to at least a second reading. I would like to know more about this. When we are changing something that has been done in the City for the last 12-13 years with additional cost to our taxpayers, I think it is incumbent upon us to know as much about it as I possibly can and to make sure that I am making the wisest decision possible. With the memo that was included with this Ordinance, it says that one of the benefits of this program is that the additional information would more closely track a particular street's change from year-to-year. Therefore, it seems like to get the benefit from this program, or at least a considerable benefit from this program, we are almost locked in to a year-to-year contract to attain the benefit that this program is supposedly giving the City. Because of that kind of commitment on behalf of the City, I would like to see more.

Councilmember Karr: Curious. Were other companies considered besides PMG?

Mr. Huber: Yes. We did get a couple of other quotes that came in higher by a few thousand dollars.

Mr. Tyler: We also did a reference check with the cities of Hilliard and Westerville and they both came back positive. In fact, the city of Hilliard suggested that there is more to this program than even what we are using at this point. There is the potential of path markings, curb and gutter ratings, street marking locations, etc. In the future, there is a possibility of doing more with this. I am not suggesting that we do that at this time, but there is the ability for expansion.

Councilmember Counts: I just remind everyone that we did have three engineers on Staff. By reducing it to two engineers, we have had considerable cost savings. However, by reducing it to two people, suddenly you had to rely on two people what three did and one of those things was the street rating. If there is anything that is absolutely crucial to the City, it is the maintenance of our roads. We know how bad they are in some sections of our City. This is a very critical piece that we have to do. As any community is going to do, they will do it on a regular basis. I think this is part of City services.

Councilmember Riggins: I am not arguing about the thought of having this done or outsourced. My question is don't we normally see the other proposals before a decision is made? I would like to see the other proposals. I am not questioning anything. I am glad to take any recommendations, but I would like to see the other proposals.

Councilmember Bennehoof: Out of respect for my peers, I will not be moving to suspend the rules, but I do want to clarify something about the added cost comment. This is not an added cost. Tom summarized it very well. We have a reduction in force and we have a service need. That service supplies us greater service than what we can get from our own Staff because of their pure [lack of] manpower ability. It is not an added cost if you weigh that against the cost of manpower and ongoing head count. However, I agree with the concerns raised about needing to understand it a little bit more. I read through the packet and I understood the recommendation so that is why I was in a prepared mood to move forward.

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

Ordinance 2020-36 was taken to a second reading.



**FIRST READING: ORDINANCE 2020-37: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2020. (MEMO)**

Mr. White: This is the total amount of appropriations sought to address potential actions taken on the wellness feasibility study and the community attitude survey. Together, the totals are around \$52,000, but the combination of appropriate dollars in existence, plus the request before you tonight, would actually only amount to \$41,250. These funds are driven by the credit created through the Cares Act Relief Fund.

Councilmember Counts: Since we passed the Ordinance with respect to the community attitude survey but did not pass the Ordinance, at this point, on the wellness feasibility study, how would you propose that we handle this tonight?

Mr. White: You could go either way. The most conservative methodology would be to reduce the appropriation request by that amount. However, moving forward and thinking about some of the conversation, we could also encumber those funds for the end of the year assuming that there will be additional conversation coming up in early January. I do not think it would be bad to tie those dollars up for potential use. Obviously, they cannot be utilized without authorization by Council attached to an agreement, which would come back to you for a second reading as early as January 5.

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

MOTION: Councilmember Counts moved to suspend the rules regarding Ordinance 2020-37. Councilmember Bennehoof seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilmember Bennehoof moved to adopt Ordinance 2020-37. Councilmember Counts seconded the motion.

VOTE: Y 7 N 0

**FIRST READING: ORDINANCE 2020-38: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A PRE-ANNEXATION AGREEMENT WITH BREAGHA PLANA II, LLC AND REDWOOD USA LLC. (MEMO) (EX. A)**

Mr. White: This is on its first reading. Council has the discretion to suspend the rules and pass it by an emergency and that is included in the text of the legislation itself; however, I believe that this is the first time we are reading this together at Council. It has been through a number of discussions at committee level and Staff has had input over the last couple of years as they have worked to try to determine what the best outline is for this particular site.

This is two, thirty-five acre parcels located along the east side of the CSX line and south of Home Road. Half of the property is in the City, and half is in the township. Throughout our conversation at committee level, there had been some push back originally on some of the density. There was a drive to have additional commercial presence relevant. The developer has been responsive to that. The frontage along Home Road includes two medical components for the first phase and two, three-story 29,000 square foot commercial buildings to be erected in a future phase. Similar to some of the conversation we have had with density along the northern corridor on Home Road, there has been some concerns expressed relative to that density traffic, but I believe the developer has put in a lot of due diligence and tried to be open to suggestions that have come before the various committees.

Mr. Tyler: The density proposed is 331 units on 58 acres, which is approximately 5.6 dwelling units per acre. They propose this to be rezoned as a Planned Commercial district, per code. The residential sub area in a Planned Commercial district are to be designated, PR, Planned Residential district. By comparison, the Code says that you cannot exceed nine dwelling units per gross acre, so the 5.6 is below that. Additionally, the Code requires 20% open space and Redwood has proposed 43% open space.

Mr. Ashrawi: This is just the authorization, the pre-annexation. The annexation, along with the development and zoning process, will move hand-in-hand after this is executed, but this does not lock the City into anything in particular, just roadmaps of the process from here.

Mayor Bertone: Elise, can you shed some light on their timeline within P&Z?

Ms. Schellin: Redwood came forth in the Development Committee to give us an overview in November. We have not seen anything through the formal Planning & Zoning Commission yet. They will need to come to P&Z with a sketch plan, then the preliminary plan and final development plan. All of those meetings will have open public comment.



Councilmember Lorenz: We have been working with these folks for the better part of 16 to 18 months. The latest rendition of what Development Committee saw seemed to be appealing to them and so we have brought it forward. Density is always an issue here, but as Jeff illustrated, it meets the parameters within our Code and certainly is much less dense than what is going on in the township POD. Additionally, there is value added with commercial property, so through the pre-annexation agreement you can see some of that in there as well. I think that Development Committee and Staff did a lot of good legwork on this and, I hope that when they are ready, they will bring through a good product for us to welcome into the City.

Councilmember Swartwout: Brian is right that this project in some iteration has gone on for quite some time. I do believe the last time it was before P&Z would have been in August 2019, is that correct, when some iteration of a sketch plan from Redwood was presented?

Ms. Schellin: I am not sure, but I can check.

Councilmember Swartwout: One of the things that I find unusual is that in the sketch plan that was presented in August 2019, it proposed 325 apartment units and that was based on previous P&Z comments about having fewer units. Now what we have here in our pre-annexation agreement is 331 units. So how did we get from 325 to 331 when P&Z asked for less?

Mr. White: I do not have that answer since it predates me, but I will go back and take a look at it.

Councilmember Swartwout: Another question I have is procedural. It seems to us, and we have done this before with this project and property, in July 2019, Council passed 4-3 a Resolution of Services to be provided, post-annexation, but that was before the pre-annexation agreement. It seems to have been the standard procedure to do the resolution of services provided before the pre-annexation agreement. Is there a reason we are doing that differently this time?

Mr. Ashrawi: There is no prescribed timing per law. Typically, it makes more sense to have the pre-annexation agreement in place prior to the services resolution and the annexation submittal going forward to the county. That makes procedural sense, but there is not necessarily prohibition on initiating that annexation process prior to the pre-annexation agreement, although it is counter intuitive. However, it is just one piece of that larger process. I do not know that I have been through a complete start-to-finish annexation development, but this is the closest one I have been to. I am not familiar with your previous submission that was pulled, but I think that as we sit here today, this is the first step as far as I know in the process.

Karen J. Mitchell, City Clerk: The services resolution is prepared and placed on Council's agenda based on when the actual annexation petition is filed with the Clerk. Our practice is that once the petition is filed with the Clerk, the services resolution is drafted and placed on the next Council agenda in order to comply with the statutory requirements. That event triggers the timing of the services resolution.

Councilmember Swartwout: But with the annexation, we considered in Item 6, I do believe we did the resolution of services on September 15 of this year and the pre-annexation on October 6. Then when we dealt with this property before, we did the resolution of services and had not done a pre-annexation agreement.

Mr. Ashrawi: I have no reason to doubt those dates. I do not know why it was done that way specifically. I will say though that the City is at the mercy of the applicant because, as Karen mentioned, that services resolution has to be entertained and passed within 20 days after receipt of the annexation petition. There may have been a situation where the applicant itself had submitted that thereby forcing the City to turn that around prior to any pre-annexation agreement. To your point, not a natural course of action or the most ideal process, but it does happen from time-to-time.

Councilmember Swartwout: When we are talking about the additional commercial here, on page 5 in the first full paragraph continued from page 5, it is very specific as to the type of commercial we are dealing with here, the assisted living facility, the nursing facility, the memory care facility, the medical offices and/or something similar. Is that what we are really looking at for the commercial here, is all specifically this type of stuff? Is that what is going to be brought before P&Z?

Mayor Bertone: To my knowledge, that was the plan that we were discussing during Development Committee. Brian can speak to that.

Councilmember Lorenz: Yes, that is the thought. Development Committee was also provided with an economic feasibility study that can be shared with Council. I believe they gave that to us at our last meeting.

Councilmember Swartwout: I know it has been a while since we last dealt with this. This is currently zoned Industrial,

correct?

Ms. Schellin: Yes.

Councilmember Swartwout: Our Comprehensive Plan envisions it being Industrial, correct?

Ms. Schellin: I believe so, but I would have to double-check.

Councilmember Counts: I always look to P&Z to fine tune these things, so I do not get too concerned about particular numbers because I know they, like we, will go back and look to see what was done in the past and what their concerns were in the past. Secondly, the commercial portion of this property is very challenging. If you talk about retail or office, the parcel just does not lend itself by virtue of the overpass. I actually think that these medical uses work quite well in this particular location. They simply do not have the traffic that might be generated by other commercial uses. The other thing is that I think they would potentially generate a great revenue for the City then say traditional retail. I think these two uses go hand-in-hand as good transitional development for this area.

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

Ordinance 2020-38 was taken to a second reading.

**FIRST READING: ORDINANCE 2020-39: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2020. (MEMO)**

Mr. White: We put this on pro-actively because we were not certain what activity was going to take place last night with the CIC. We had a good response to the small business program. We proposed a figure of \$100,000 not knowing exactly. I think the total award was an additional \$28,000. In the original project scope we came up with a very rudimentary set of assumptions was \$200,000. It looks as though we have eclipsed that. I would suggest that a modification to appropriation legislation could be made to reduce that \$100,000 figure down to the specific \$28,000, which would return the balance to the general fund. Additionally, we have talked about a next phase, perhaps in the spring, but I think it is something to consider, a further partnership with the CIC. As it stands, we put a placeholder in of \$100,000, not knowing exactly what to expect. We are at \$28,000, which is the final amount - \$228,000.

Councilmember Riggins: We are past the deadline to apply for this round, correct?

Mr. White: Correct.

Councilmember Riggins: And what was that deadline?

Councilmember Lorenz: End of business on Friday.

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

Councilmember Lorenz: I am incorrect. The deadline was Friday the 4<sup>th</sup>. CIC received 44 applications and I believe we acted on around 32 of them. We extended the deadline for additional information/documentation for PPE until end of business on Friday, December 11.

MOTION: Councilmember Bennehoof moved to amend Ordinance 2020-39 to strike the amount of \$100,000 and to add the amount of \$28,000 in Section 1. Councilmember Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilmember Bennehoof moved to suspend the rules regarding Ordinance 2020-39. Councilmember Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilmember Bennehoof moved to adopt Ordinance 2020-39. Councilmember Counts seconded the motion.

VOTE: Y 7 N 0

## COMMITTEE REPORTS

*Development Committee: Next Meeting: January 5, 2021, 6:30 p.m.*

*Finance Committee: Next Meeting: January 12, 2021, 7:00 p.m. We met last week and had a preliminary discussion*



on income tax restructuring.

**Operations Committee: Next Meeting: December 15, 2020, 6:30 p.m.** We initially discussed the community attitude survey that was also discussed here. We also discussed moving forward and ways of implementing and staffing the new Community Diversity Advisory Committee. We hope to have action taken on that as early as January 2021. Then we discussed the street maintenance proposal that was discussed again here.

**Planning & Zoning Commission: Next Meeting: January 13, 2021, 7:00 p.m.** We had a long meeting last week. There were three items on the agenda: (1) a Certificate of Appropriateness for Huli Huli to build a permanent patio to the back of the building. That was tabled to go to HDAC for review; (2) a major amendment to an approved development plan for the property at 265 N. Liberty St., which is currently the Eyethink Building for eye care professionals to move in. That proposal is for an addition to the building and site improvements, including realigning the drive and access with Grace Drive & North Liberty intersection for safety purposes. That was approved with a number of conditions; and (3) the sketch plan for Liberty Reserve at 4026 Home Road. That was approved to move on for a Preliminary Development Plan.

**Powell CIC: Next Meeting: December 22, 2020, 6:00 p.m.** We met last night. A special thanks to Yaz, Megan, and Andy for processing these applications. I believe we approved 32 applications. I think the program was a huge success. If funds are available, I would like us to do it again. I have received calls from folks that missed the deadline. We tried to accommodate as many people as we could and it is really helping businesses get back on their feet. I am excited to go into next year with the partnership we are building between Council and the CIC. There is many great things we can do working together. I appreciate everyone's interest in what we are doing.

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

Mr. White: I would be remiss if I did not mention one more CIC meeting. We have an accounting issue that we might want to take care of three days before Christmas. But at the risk of costing myself any more political capital, Brian, if you would entertain having one. [Councilmember Lorenz: No problem at all. Whatever you need.]

Ms. Sybert: At the beginning of the year or end of last year, an official budget was adopted by CIC, which did not include this surprise money that is coming in at the end of the year. To be able to spend it appropriately, we need to modify the budget. It can be a very short meeting just to modify the anticipated receipts, modify the anticipated budget, which will then allow me to make the expenditures for these small business grant loans for the program.

Councilmember Lorenz: I think as long as you alert Chairman Hrivnak, we will be fine.

Mr. White, continued: We covered a lot of ground tonight and I appreciate Council's consideration with all that we talked about tonight. I think Staff has a number of items to get back to you with. One of the things I wanted to point out, and Brian referenced it, the impact study that was provided to us. I will make sure Council gets a copy of that for the Redwood development. Dan, I think it would help give you some additional context. I think it speaks to some of the questions that you asked. It is a good document to look at in preparation for our next meeting.

We did meet this afternoon briefly with representatives for The Ohio State University project. I am trying to breathe some life back into that and get that going again. With Jeff's arrival on the scene, we are going to be reaching out to many of our development partnerships. There is a lot of stuff going on downtown that we want to be ready for going into the New Year. It is just interesting that this has been a pretty quick several months working with you again. I really appreciate the opportunity and looking around at the Brady Bunch panel, there are a lot of new faces and new titles. If you think about where we were when we started together in April, in addition to new faces, there are people in new roles and I am very grateful. I like to look back at this time of year every year and express my thanks to Council. I appreciate all of your support, but Staff likewise. The only way we get this thing moving forward is a collective effort. A lot of the good work that has been done had many different handprints on it. I wanted to thank everybody and appreciate everyone's effort and energy. It sets up a great start for 2021. I wish you all a happy holiday and new year.

#### **OTHER COUNCIL MATTERS**

Councilmember Bennehoof: I would like to acknowledge, as Andy said, that we have a much different team at the helm. You and Andy have done a remarkable job of shepherding us through this rather difficult year and I think you are to be commended. A lot of the energy surrounding us now is because of that new leadership team. I am grateful that we have that new team in place and I am looking forward to a great 2021.

Mayor Bertone: I want to commend each one of you. It has been a year to speak of and it has certainly been both positive, not only personally, but professionally. We have also endured many personal and professional challenges, each one of us. We have been through a lot this year. I could not be any prouder of this group and the team we have today. I feel very confident that we will succeed and get things going in the direction we all desire to see them go moving forward. Thank you all for coming together, your positive ideas, and your positive feedback, and the creative ways to get things done. It is much appreciated. Thank you all for all you do and I wish you all a happy holidays.

**EXECUTIVE SESSION: Ohio Rev. Code §121.22(G)(3) Pending or Imminent Litigation.**

MOTION: Councilman Bennehoof moved at 9:01 p.m. to adjourn into Executive Session pursuant to O.R.C. Section 121.22(G)(3) Pending or Imminent Litigation. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

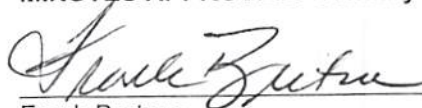
MOTION: Councilman Bennehoof moved at 9:44 p.m. to adjourn from Executive Session into Open Session. Councilman Counts seconded the motion.

VOTE: Y 7 N 0


**ADJOURNMENT**

MOTION: Councilmember Bennehoof moved to adjourn the meeting at 9:45 p.m. Councilmember Counts seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

**MINUTES APPROVED: January 5, 2021**

 1/18/2021  
Frank Bertone  
Mayor

Date

 1/20/2021  
Karen J. Mitchell  
City Clerk

Date

