



**CITY COUNCIL
MEETING MINUTES
April 6, 2021**

CALL TO ORDER/ROLL CALL

A regular Zoom meeting of Powell City Council was called to order by Mayor Frank Bertone on Tuesday, April 6, 2021 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, Law Director; Megan Canavan, Assistant City Manager; Stephen Hrytzik, Chief of Police; Karen Sybert, Finance Director; Jeffrey Tyler, Community Development Director; Claudia Husak, Planning Director; 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: March 16, 2021

MOTION: Councilmember Bennehoof moved to adopt the minutes of March 16, 2021. Councilmember Counts seconded the motion. By unanimous consent of the remaining members, the minutes were adopted.

CONSENT AGENDA

Item

Action Requested

- RESOLUTION 2021-06: A RESOLUTION APPROVING THE SUBDIVISION PLAT FOR CARPENTERS MILL, SECTION 3, PHASE B, AS REPRESENTED BY EMH&T, FOR THE PROPERTY LOCATED EAST OF STEITZ ROAD AND SOUTH OF HUNTERS BEND. (EX. A) (MEMO)
- RESOLUTION 2021-07: A RESOLUTION APPROVING THE SUBDIVISION PLAT FOR CARPENTERS MILL, SECTION 3, PHASE B, AS REPRESENTED BY EMH&T, FOR THE PROPERTY LOCATED EAST OF STEITZ ROAD AND SOUTH OF HUNTERS BEND. (EX. A) (MEMO)

Adoption

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.

SECOND READING: ORDINANCE 2021-04: AN ORDINANCE APPROVING A MAJOR AMENDMENT TO AN APPROVED DEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 265 N. LIBERTY STREET AS SUBMITTED BY LAFONTAINE ARCHITECTURE & DESIGN, INC. ON BEHALF OF EYECARE PROFESSIONALS.

Claudia Husak, Planning Director: This Ordinance is before you exactly as it was at the first reading. The architect is also here, as well as the owners from EyeCare Professional, to answer any questions you may have.

Councilmember Riggins: I want to bring up what I talked about at the last meeting. Under Section 1, number 1, I see that the language has not been changed. I understand that the City is responsible for making sure that everything is done correctly. As far as the cost, I want to pin down if the Applicant is going to be paying the costs of installing the traffic light, and if so, it needs to be included in this wording. I need some clarification that the intent is not for them to pay the cost to install, but let's make sure we have the actual intent of what is to be done in writing.

Andy White, City Manager: This is a major modification to the development text, which is why this is before Council. The specific nature of the traffic signalization's associated cost is something that needs to be looked at. I defer to the Law Director, but would suggest how that ultimately happens would not necessarily be involved with this legislative item. This is acceptance of the modification. The conditions that are listed within the text are items to be negotiated between Staff and the Applicant. I would not want to have those discussions now as it associates with this legislation. I would like to address the modification that is proposed for the site because there is a significant obligation to be borne by the Applicant.

If you consider the ingress/egress to the property, this address is 50 feet or so south of the intersection traffic signalization at Grace Drive. The City, through my direction and safety analysis would like to align those structures. At this point in time, we would like to address the modification of the text to bring in a live, new business to downtown with 13 full time jobs and the significant investment being made to a current vacant building in the downtown. Aligning those intersections are not absolutely necessary to provide this development. It was something that was provided through Staff direction and is going to actually cost the Applicant a significant amount of work to the closure of the existing ingress/egress. The establishment and the roadwork of a new access point, while we have not come up with a formal agreement to move forward, it would be my recommendation that the City consider the cost of installation as part of its partnership to see this safety improvement upheld. I would remind Council that we do have a program in place through the CIC to help offset this, but we also have some funding available. We have not gotten to that point. I think that we are a little bit ahead of ourselves with regard to those negotiations. That is the intent of Staff and our discussion with the Applicant. I hope this clarification provides some perspective.

Yaz Ashrawi, Law Director: Items 1 and 2 give Staff the direction and leeway to address costs and working with the business owner and developer on those costs. It is certainly not indicated right now before us today on how those costs are going to be determined, but those items certainly give Staff direction to move forward, addressing the costs, as Melissa has brought up, and also working with the Applicant, if anything else comes up.

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

Councilmember Bennehoof: Doctors, it is good to see you and your group are making an investment in the community, expanding your business, and moving into a facility that has been vacant for a little bit of time. I am thrilled to see this kind of investment in the community. Thank you.

Mayor Bertone: At our last meeting, we had significant input from Mr. Halley regarding his impact points with the surrounding community. What have we done since then to bridge the gap there?

Jeffrey Tyler, Community Development Director: We have had more than one conversation with the architect concerning the issues that were raised at that meeting. One of the main issues was the landscape plan. I do not believe we have actually received the landscape plan, but we are anticipating reviewing that plan and, within that review, hopefully addressing his concerns through the approval of a landscape plan that makes sense not only for the development, but also for the neighbors.

MOTION: Councilmember Bennehoof moved to adopt Ordinance 2021-04. Councilmember Swartwout seconded the motion.

VOTE: Y 7 N 0

Dr. San-San Cooley, 9711 Sawmill Parkway, Applicant: Dr. Miller and I wanted to thank you all. We are excited to join the community. As I mentioned before, we have been a part of the Powell community even though we were not actually in it. Now we will actually be a part of it and are excited and looking forward to it.

FIRST READING: ORDINANCE 2021-09: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2021.

Mr. White: As we march toward May 4, some of the obligations that are our responsibility are now being addressed. This Ordinance is a request to appropriate \$75,000 for election expenditures in association with the special May ballot. I want to be careful to point out that this is an estimate that was provided well in advance of any actual activities. Upon adoption of this measure, we are required to provide a percentage of that total amount. Upon full and complete accounting of the exercise of the election, we will be provided a final bill. I think this is a hefty sum and am a little bit surprised by it, but I think we will have ample opportunity to account for these costs. I think the single most expensive item is the requirement of the voting center, which is established to support a countywide election available throughout the month of April and to the closure. We will keep Council apprised of those numbers as they come in, as well as the accounting of that toward the end of the election and consider a recommendation to Council on how to proceed with that final bill.

At this point in time, Staff is recommending adoption of the Ordinance as presented for the payment of 65%, which totals \$48,000 of that estimate.

Mayor Bertone: We knew this would be a significant cost expense. This is a cost of doing business and the short runway we have in order to get a handle on what our future is going to look like is and what is driving this specialized approach. We have talked about that a number of times. \$75,000 might seem like a lot of money, and it is, but I do not want to undercut that. However, to make sure I understand you correctly, we do have an opportunity to meet back with the county and reconcile those figures at some point in the future, is that accurate?

Mr. White: At the closure of the election process, the Board of Elections is required to provide a full account of operational expenditures, which are reasonable. I think we will weigh in at that point in time. I think it is an important exercise to go through. I also want to point out that the City is sitting on contingency funds that are available and we also have resources remaining from the CARES Act distribution just received in 2020. I think it is even more important to point out that Council unanimously supported the policy that went into this decision because it is a standalone issue and it is important enough to utilize these one-time funds that were available and its unique circumstance for this question to be heard and addressed by the citizenry. Regardless of where the funds have been established, Staff will take a full accounting and provide a serious overview for Council. We can discuss this with the Finance Committee. I have had discussions with the Law Director in terms of how we may proceed with that discussion after the May 4 period closes.

Mayor Bertone: It is an important time for us here at Council as well as for our community. This is a big investment for us and we are all working hard to get this across the finish line.

A couple of questions you and I have fielded over the last few weeks have been about why the rush. Again, for the community at large, we really need to get a handle and understand what our budget process is going to look like. If this were on the fall ballot, we would have been knee deep in the throes of the budget cycle and not understanding any opportunities that we can prepare for in 2022 and beyond. The need for this special ballot measure is highly evident to those of us within the room. Many in the community are starting to hear about that message. Early voting has begun so to the extent that we can we need to emphasize the importance of this. I would like to thank the Board of Elections in making services available to us. If you have not done so already, please go out and vote.

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

MOTION: Councilmember Counts moved to suspend the rules on Ordinance 2021-09. Councilmember Swartwout seconded the motion:

VOTE: Y 7 N 0

MOTION: Councilmember Counts moved to adopt Ordinance 2021-09. Councilmember Swartwout seconded the motion.

VOTE: Y 7 N 0

COMMITTEE REPORTS

Development Committee: *Next Meeting: April 6, 2021, 6:30 p.m. We met tonight over two big items. First was about bringing forth legislation regarding short-term rentals, otherwise known as Air BnBs. The committee debated over the merits of a registration process, a timing process, and whether or not a requirement for the individual homeowner to be in place at the time the home is being occupied by the renter. Staff will bring some recommendations and sample legislation sooner or later, probably next month. The second topic was regarding the P&Z entitlement development process, ways to streamline it, and talking about ambiguities/redundancies in the Code, and the work an Applicant has to go through as far as number of hearings, etc. Staff will bring forward code change recommendations. We have not had a major code update in a very long time. We will also be looking at updating the comprehensive land-use plan because the way things change in the development world, we have to make sure we are annexing and zoning in accordance with the comprehensive plan. We also talked about doing some training with boards and committees and I also recommended that we have a little here at Council. I have mentioned before that we get stuck playing Planning Commission at Council. When an applicant comes before us it should be more interest in operational if we can allow our boards and commissions to stay in their lanes and function as they are set up. We are going to try to focus on streamlining that and make it a better product for everyone involved.*

Finance Committee: *Next Meeting: April 13, 2021, 8:15 p.m. due to the conflict with the Town Hall. We will take a 15-minute break from that and then have an 8:15 p.m. start time via Zoom.*

Operations Committee: *Next Meeting: April 20, 2021, 6:30 p.m.*

Community Diversity Advisory Committee: *Next Meeting, April 21, 2021, 6:00 p.m. We had our initial meeting a few weeks ago. It was mainly administrative. We swore in the committee members, approved the bylaws, and started on potential action items, which we will begin assessing at our next meeting.*

Planning & Zoning Commission: *Next Meeting: April 14, 2021, 7:00 p.m. We have four items to address.*

Powell CIC: *Next Meeting: April 27, 2021, 7:00 p.m. We met a few weeks ago. We had a pretty good meeting talking about the proposed tax restructuring process and how CIC can support it; having conversations with businesses and about some ideas on how that may affect them and how we mitigate some exposure. That was really well received. Many of the business partners understand the need for what we are bringing forth to the residents and how the majority of the residents are going to benefit from this. We also spoke about looking to extend another round of business grants as well. We will keep our business partners in the loop and try to market that as much as possible to help offset some of these COVID issues they are dealing with.*

CITY MANAGER'S REPORT/CITY CALENDAR

Mr. White: I want to recognize all of Staff and Council who assisted in the first Powell Citizens' Academy. For several weeks, we met with a group of individuals and I felt hopeful that it would be an engaging exercise. The feedback we got was positive, that they enjoyed the context perspective. What was most impressive to me was the observation of the passion that the individuals representing the City bring to the table and it was obvious throughout the presentation and that was commented on a few times. Thank you everyone that stepped up. I look forward to having another one in 2022 that we can have in person. The graduation ceremony was last Thursday and the Mayor, Vice Mayor and Melissa attended. It was a great opportunity to get together with our constituents and talk about things and I felt it was very well done. It was an idea we had when I first got here and to see that come into fruition and conclusion was rewarding.

Tomorrow, the Finance Director and I will be meeting to discuss the City's ratings call as it is relative to the bond refinancing. This is an important step in the process to close out that savings opportunity, but essentially, we will just go over a lot of Q&A about the City's financial position, any liabilities that are outstanding, future plans, investment policies, etc.

We have had a preliminary discussion regarding the Community Attitude Survey. There will be a lot of good stuff to noodle on there. It was very informative and will provide us with a lot of good information. This is my first opportunity to go through that with the City. I commend the City of Powell for its investment of time. It is really important to be able to look over the historical context of data and the many years that this has been done. Mr. Saperstein will be here to discuss his findings.

We are in full swing with some of our informational efforts on this tax restructure. Thursday is a big day and is booked solid. We are meeting with our constituents, business groups and the press. In the middle of the day, we are also going to work in a meeting with some of the folks with the Delaware County Economic Development and have some conversation about supporting our income tax restructure.

OTHER COUNCIL MATTERS

Councilmember Lorenz: I want to congratulate and thank Staff. We were selected to host a pretty big running race on September 12 - Columbus 10K. I mention it because it is very important that we continue to impress on our residents a wellness component in times of struggle. I think it is also indicative that our City stands out, that we were selected because we have the facilities and infrastructure to support this, as well as great police who are respected. There are somewhere around 4,500 participants. It speaks to the spirit of our community that we are able to do that, the good work of our Staff to get something like this done, and the trust of an organization that they would make this sort of investment. I could not be more proud and excited about this. With the DORA and street market, we will really be able to showcase our community that day.

Mr. White: There was a modification at the state level with some of the COVID regulations and we are working with the Health Department to sort those out. It seems that there is some real potential for us to begin to have more of our normalized events. Thank you for bringing this up Brian. This is a significant event for the City.

EXECUTIVE SESSION: Ohio Rev. Code §121.22(G)(1) Personnel Matters, policy updates; Ohio Rev. Code §121.22(G)(2) Purchase of Property for Public Purposes; Ohio Rev. Code §121.22(G)(3) Pending or Imminent Litigation.

MOTION: Councilmember Bennehoof moved at 7:59 p.m. to adjourn into Executive Session pursuant to Ohio Rev. Code §121.22(G)(1) Personnel Matters, policy updates; Ohio Rev. Code §121.22(G)(2) Purchase of Property for Public Purposes; Ohio Rev. Code §121.22(G)(3) Pending or Imminent Litigation. Councilmember Lorenz seconded the motion.

VOTE: Y 7 N 0

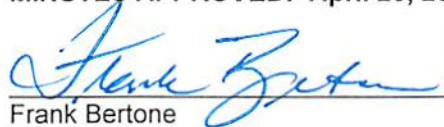
MOTION: Councilmember Bennehoof moved at 9:38 p.m. to adjourn from Executive Session into Open Session. Councilmember Counts seconded the motion.

VOTE: Y 7 N 0

ADJOURNMENT

MOTION: Councilmember Bennehoof moved to adjourn the meeting at 9:39 p.m. Councilmember Counts seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

MINUTES APPROVED: April 20, 2021


Frank Bertone
Mayor
Date 5/4/2021


Karen J. Mitchell
City Clerk
Date 5/5/2021



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