



**CITY COUNCIL
MEETING MINUTES
AUGUST 17, 2021**

I) CALL TO ORDER/ROLL CALL

City Council members present include Frank Bertone, Dan Swartwout, Jon C Bennehoof, Tom Counts, Heather Karr, Brian Lorenz, Melissa Riggins. Also present were Andrew D White, City Manager; Yazan S Ashrawi Esq, Law Director; Jeffrey Tyler, Community Development Director; Karen Sybert, Finance Director; Steve Hrytzik, Police Chief; Chris Huber, City Engineer; Claudia Husak, Planning Director; and Elise Schellin, Development Planner.

II) PLEDGE OF ALLEGIANCE

III) CITIZEN PARTICIPATION

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

IV) APPROVAL OF MINUTES

[08032021 Council Minutes.pdf](#)

MOTION: Tom Counts moved to approve the August 3, 2021 minutes. Jon C Bennehoof seconded the motion.

VOTE: Y 6 N 0 (None) AB 1 (Brian Lorenz)

V) CONSENT AGENDA

July 2021 Departmental Reports

[Communications_July21.pdf](#)

[Development_July21.pdf](#)

[Engineering_July21.pdf](#)

[Finance_July21.pdf](#)

[Police_July21.pdf](#)

[Building_July21.pdf](#)

RESOLUTION 2021-13: AN EMERGENCY RESOLUTION TO ACCEPT THE MATERIAL TERMS OF THE ONE OHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT

[Cover Page](#)

[2021-13_res.pdf](#)

MOTION: Jon C Bennehoof moved to approve V) CONSENT AGENDA. Brian Lorenz seconded the motion.

VOTE: Y 7 N 0 (None) AB 0 (None)

VI) SPECIAL PRESENTATION

Delaware Public Health Department Update

Ms. Shelia Hiddleston, Health Commissioner, gave an update from the Delaware Public Health Department. She stated that the Health Department has been on COVID response for 18 months. Mosquito fogging will take place next Monday night, weather permitting as one of the City traps tested positive for West Nile Virus. The river pickup is on Saturday, August 21, and volunteers are still needed. The Health Department is reminding people to grill safely, and the car safety technicians are reminding everybody to check backseats for animals and children before getting out. Hiddleston provided Council with an updated annual overdose report. Hiddleston stated that there is another wave of COVID, with the delta variant. The R-naught is much higher for the delta variant than the regular COVID from last fall. Delaware County has the highest vaccination rate, but with the delta variant there is some vaccine breakthrough. She stated that all vaccines are not 100 percent protective, but the goal of the vaccine is to protect from severe illness and death. Local data from March to July shows 99 percent of the cases were unvaccinated, 93 percent of hospitalizations were unvaccinated, and 100 percent of the deaths during that period were unvaccinated. The ACIP, Advisory Committee on Immunization Practices, are recommending a booster for immunocompromised people. The DPHD will give the Moderna and Pfizer boosters for those who need one. The Health Department is now recommending wearing a mask indoors, even for those who are vaccinated at this point.

Councilman Lorenz asked for clarification on the breakthrough cases. Ms. Hiddleston stated that Delaware Public Health Department keeps track of the vaccination status for those who test positive for new cases. Lorenz asked for the number of people who have received the vaccine in Delaware County. Hiddleston responded 63 percent of those persons 12 and over have received the vaccine. For those over 20 years, the vaccination rate is 70 percent, which originally was the number for herd immunity, but the delta variant is throwing that number off.

Councilman Bennehoof asked if you've had COVID, and you've been vaccinated, are you at any higher level of protection. Hiddleston stated that you would likely have some natural antibodies. Natural antibodies and the vaccine start to lose effectiveness over time, so studies are showing boosters may be needed months later.

Mayor Bertone thanked Ms. Hiddleston for the information and her leadership over the last year and a half.

Integrated Wellness Partners Presentation

1. [IWP_Memo.pdf](#)
2. [IWP Feasibility Study_History.pdf](#)
3. [IWP Final Study_081721.pdf](#)

Jim Ellis gave his presentation on the Integrated Wellness Partners Feasibility Study for the City of Powell.

Mayor Bertone opened the Council comment session. Councilman Bennehoof asked questions regarding the New Albany center, and operational costs. He asked if IWP has talked to healthcare providers that may consider a partnership with the wellness center. Ellis stated that IWP has had conversations with multiple healthcare systems, and many have been receptive to a partnership. Bennehoof asked how many IWP installations there are, Mr. Ellis answered that there are four. Councilman Bennehoof expressed his excitement. Councilwoman Karr thanked Mr. Ellis for the tour of the New Albany Center and expressed her excitement. Councilman Lorenz asked if IWP considered an aquatics center, and the feasibility of a competition pool. Mr. Ellis stated that there will likely be a pool, just not a true competition pool because it is too expensive to program and maintain. Lorenz congratulated the presenter on the project, and thanked him for providing a good synopsis. Councilman Swartwout asked a question regarding on-site parking, specifically for the Village Green location metrics. Mr. Ellis stated that the site planning team is confident the Village Green location could accommodate adequate parking. Councilman Counts asked for clarification regarding aquatics. Mr. Ellis explained that the aquatic area will likely be similar to the New Albany center, with a warm water pool and a lap pool with swim lanes. Counts asked how important a clinical partner is to the success and financial stability of the project. Mr. Ellis responded that a clinical partner would lead to higher membership counts, which increases revenue generation. It also gives an opportunity to offer programs that you wouldn't normally get at a typical facility. Having a close medical connection adds a level of comfort and safety for members. Counts talked about the challenges of the Village Green site, and asked where exactly on the site the center would be located. He noted there is not much visibility for retail along street frontage. Mr. Ellis stated that the plans call for more office rather than retail space due to this lack of street frontage. Counts asked for clarification on who operates the facility. Mr. Ellis responded that IWP is an operating company, but ultimately, the City decides who operates it. Councilwoman Riggins asked what the price of a membership would cost. Mr. Ellis said about \$50/month, which is competitive rate. Riggins asked for hours of operation. Mr. Ellis stated the facility will be open every day of the week, Monday through Friday hours, Saturday and Sunday hours differ. The hours will then be evaluated after the facility has been open. Riggins asked about security of the facility. Mr. Ellis said that will be determined down the road. There is no on-site security at any of IWP's other facilities, but noted that there are always people working in the buildings. Mayor Bertone appreciates the work that the IWP has done. He sees tremendous opportunity for this project. Bennehoof asked if Mr. Ellis could see a City Hall component in the new facility. Mr. Ellis responded yes, IWP has seen many unique components work well, and be very well received, with this project.

VII) ORDINANCES: SECOND READING(S)

ORDINANCE 2021-24: AN ORDINANCE APPROVING A ZONING MAP AMENDMENT WITH PRELIMINARY DEVELOPMENT PLAN FOR 8.6 +/- ACRES AT 4026 HOME ROAD AND KNOWN AS LIBERTY RESERVE, AMENDING THE ZONING MAP FROM FR-1, FARM RESIDENCE DISTRICT - LIBERTY TOWNSHIP TO PR, PLANNED RESIDENCE DISTRICT.

1. [Ord 2021-24_CoverMemo.docx](#)
2. [Ord 2021-24.docx](#)
3. [2021-24_ord Exh A.pdf](#)
4. [Liberty Reserve History.pdf](#)

Claudia Husak, Planning Director, introduced the legislation, and recommended approval.

Councilmember Bennehoof asked about the building facades and materials. Ms. Husak said that those details will be addressed during the Final Development Plan phase, by both Planning and Zoning Commission and City Council. Councilman Swartwout asked which two divergences were being requested by the applicant.

Mr. Underhill was called upon to give the applicant presentation and answer questions from Council. He stated the two divergences were in relation to the building setbacks and the building separation. Mr. Underhill also explained that the applicant is putting together a façade matrix so the neighborhood will not look homogenous.

Mayor Bertone opened the item for public comment, and hearing none, the public comment session was closed.

The Mayor asked for any other Council questions or considerations. Councilman Lorenz stated that from a regulatory standpoint this is a development that makes a lot of sense, as demographically there is a need for this type of housing within our community and across central Ohio. It is not overburdened from a density standpoint.

MOTION: Tom Counts moved to approve ORDINANCE 2021-24: AN ORDINANCE APPROVING A ZONING MAP AMENDMENT WITH PRELIMINARY DEVELOPMENT PLAN FOR 8.6 +/- ACRES AT 4026 HOME ROAD AND KNOWN AS LIBERTY RESERVE, AMENDING THE ZONING MAP FROM FR-1, FARM RESIDENCE DISTRICT - LIBERTY TOWNSHIP TO PR, PLANNED RESIDENCE DISTRICT. Brian Lorenz seconded the motion.

VOTE: Y 7 N 0 (None) AB 0 (None)

VIII) ORDINANCES: FIRST READING(S)

ORDINANCE 2021-25: AN ORDINANCE DECLARING THE NECESSITY OF, DETERMINING TO PROCEED WITH, AND LEVYING ASSESSMENT FOR THE PURPOSE OF IMPROVEMENT, CONSTRUCTION, AND RECONSTRUCTION OF THE PUBLIC SEWER MAIN INFRASTRUCTURE ON THE NORTH SIDE OF POWELL ROAD AND ON PROPERTY OWNED BY VERONA LLC AND KNOWN AS THE VERONA SUBDIVISION, AND DECLARING AN EMERGENCY.

1. [Ord 2021-25_CoverMemo.pdf](#)
2. [Ord 2021-25.pdf](#)
3. [Ord 2021-25 Exhibit A.pdf](#)

Mr. White introduced the legislation.

Mayor Bertone opened the item for Council questions and comments.

Councilman Lorenz asked for clarification on the assessment timeline. Karen Sybert, Finance Director, stated that each property is assessed for three to seven years.

Hearing no other comment, the Mayor closed the Council comment portion, and opened the item for public comment. Hearing none, public comment was closed.

MOTION: Tom Counts moved to suspend the rules for ORDINANCE 2021-25: AN ORDINANCE DECLARING THE NECESSITY OF, DETERMINING TO PROCEED WITH, AND LEVYING ASSESSMENT FOR THE PURPOSE OF IMPROVEMENT, CONSTRUCTION, AND

RECONSTRUCTION OF THE PUBLIC SEWER MAIN INFRASTRUCTURE ON THE NORTH SIDE OF POWELL ROAD AND ON PROPERTY OWNED BY VERONA LLC AND KNOWN AS THE VERONA SUBDIVISION, AND DECLARING AN EMERGENCY. Jon C Bennehoof seconded the motion.

VOTE: Y 7 N 0 (None) AB 0 (None)

MOTION: Jon C Bennehoof moved to approve ORDINANCE 2021-25: AN ORDINANCE DECLARING THE NECESSITY OF, DETERMINING TO PROCEED WITH, AND LEVYING ASSESSMENT FOR THE PURPOSE OF IMPROVEMENT, CONSTRUCTION, AND RECONSTRUCTION OF THE PUBLIC SEWER MAIN INFRASTRUCTURE ON THE NORTH SIDE OF POWELL ROAD AND ON PROPERTY OWNED BY VERONA LLC AND KNOWN AS THE VERONA SUBDIVISION, AND DECLARING AN EMERGENCY. Brian Lorenz seconded the motion.

VOTE: Y 7 N 0 (None) AB 0 (None)

ORDINANCE 2021-26: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2021 AND DECLARING AN EMERGENCY.

[1. Ord 2021-26_CoverMemo.pdf](#)

[2. Ordinance 2021-26.pdf](#)

Karen Sybert, Finance Director, introduced the legislation to modify Downtown TIF funds to support a downtown investment evaluation. Mayor Bertone stated that this item was brought to Development Committee, and asked if it had also been reviewed by Finance Committee. Councilman Counts said that the item had been reviewed by Finance Committee, just to determine the appropriateness of the TIF funds for the appropriation. Councilman Bertone stated that this is an extension of the Keep Powell Moving Plan to organize and facilitate next steps to get projects activated utilizing monies from the Downtown TIF.

Councilman Swartwout stated he would like to take this item to a second reading. Mr. Tyler explained the reason for suspending the rules is to take a look at development opportunities and make sure that we can coalesce those opportunities, and begin to provide some direction. He asked that Council take into consideration the expediency and sensitivity of this item with their review. Councilman Swartwout clarified that his concern is with the process, rather than the proposal itself.

Councilman Counts asked what the timeline for completion is for this contract, and how it relates to the CIP timeline. Mr. Tyler stated the contract is for two months, the CIP completion is farther out, however the projects will work together. Councilman Counts stated he wants the projects to jive together in an orderly fashion.

Mr. White stated that this type of activity is routinely acted upon without legislative consideration. Moving forward, this type of need would be anticipated and included in the annual budget process. The process will be refined moving forward.

Councilman Bennehoof mentioned that he understands the need for sensitivity and taking action while the iron is hot. He is in favor of suspending the rules.

Councilwoman Karr stated this item went to Development Committee, and the members wanted to move it forward.

Mayor Bertone closed the Council comment portion. He opened the item for public comment, hearing none, public comment was closed.

MOTION: Jon C Bennehoof moved to suspend the rules for ORDINANCE 2021-26: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2021 AND DECLARING AN EMERGENCY. Brian Lorenz seconded the motion.

VOTE: Y 5 N 2 (Melissa Riggins, Dan Swartwout) AB 0 (None)

MOTION: Jon C Bennehoof moved to approve ORDINANCE 2021-26: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2021 AND DECLARING AN EMERGENCY. Brian Lorenz seconded the motion.

VOTE: Y 7 N 0 (None) AB 0 (None)

IX) COMMITTEE REPORTS

X) CITY MANAGER'S REPORT/CITY CALENDAR

Mr. White gave his report to Council. He discussed staffing and succession planning; thanked staff for their efforts, and Council for their support of a wellness center; and discussed next steps for the wellness center with IWP.

XI) OTHER COUNCIL MATTERS

Councilman Bennehoof expressed the expectations for natural materials for the Liberty Reserve development.

XII) EXECUTIVE SESSION

Councilman Bennehoof proposed that economic development also be included on the executive session agenda.

MOTION: Jon C Bennehoof moved at 9:08 p.m. to enter executive session XII) EXECUTIVE SESSION. Dan Swartwout seconded the motion.

VOTE: Y 7 N 0 (None) AB 0 (None)

MOTION: Tom Counts moved at 9:49 p.m. to adjourn from executive session into open session. Jon Bennehoof seconded the motion.

VOTE: Y 7 N 0 (None) AB 0 (None)

XIII) ADJOURNMENT

MOTION: Tom Counts moved to adjourn the meeting at 9:50 p.m. Jon Bennehoof seconded the motion.

VOTE: Y 7 N 0 (None) AB 0 (None)

