



**CITY COUNCIL
MEETING MINUTES
October 19, 2021**

I) CALL TO ORDER/ROLL CALL

City Council members present include Frank Bertone, Dan Swartwout, Tom Counts, Heather Karr, Brian Lorenz, and Melissa Riggins. Jon C Bennehoof was absent. Also present were Andrew D White, City Manager; Yazan S Ashrawi Esq, Law Director; Jeffrey Tyler, Assistant City Manager / Community Development Director; Buddy Caplinger, Public Services Director; Claudia Husak, Planning Director; Jason Nahvi, HR Business Partner; and Elise Schellin, Development Planner.

II) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Boy Scout Troop #843.

III) PROCLAMATIONS

Hindu Heritage Month
[HinduHeritageMonth.pdf](#)

IV) CITIZEN PARTICIPATION

Mr. Bertone opened the citizen participation portion of the meeting, and hearing no comment, citizen participation was closed.

V) APPROVAL OF MINUTES

10052021 City Council Minutes
[10052021 Council Minutes.pdf](#)

MOTION: Brian Lorenz moved to approve 10052021 Council Minutes. Dan Swartwout seconded the motion.

VOTE: Y 6 N 0 (None) AB 0 (None)

VI) CONSENT AGENDA

September 2021 Departmental Reports
[Building_Sept2021.pdf](#)
[Communications_Sept2021.pdf](#)
[Development_Sept2021.pdf](#)

[Engineering_Sept2021.pdf](#)
[Finance_Sept2021.pdf](#)
[HR_Sept2021.pdf](#)
[Police_Sept2021.pdf](#)

MOTION: Brian Lorenz moved to approve VI) CONSENT AGENDA. Heather Karr seconded the motion.

VOTE: Y 6 N 0 (None) AB 0 (None)

VII) SPECIAL PRESENTATION

Preservation Parks Update

Matthew Simpson, Sr. Parks Planner, gave a PowerPoint presentation updating Council on the Preservation Parks of Delaware County.

Mayor Bertone thanked Mr. Simpson for his update and for giving an overview of the Preservation Parks ballot measure.

Capital Improvement Plan (CIP) Presentation

[CIP_Cover Memo.pdf](#)

Mr. White recognized Mr. Aaron Domini of OHM Advisors who is the City's consultant partner on this project. Mr. White noted that the newly approved income tax structure will help to fund this project. Over 70 different projects were reviewed by staff with guidance from the community, and this plan will act as guide to the City's future over the next five years. This presentation is an introduction to Council, and it is extremely important to have deliberation and discussion.

Aaron Domini, OHM Advisors, introduced Council to the draft version of the Capital Improvement Plan with a PowerPoint presentation.

Mayor Bertone thanked Mr. Domini for the presentation. He then opened the item for Council comments and questions.

Councilman Counts asked when Council will be receiving a copy of the plan. Mr. Domini said as soon as possible. OHM can deliver a copy of the priority projects chapter to Council, as that is ready and available in draft form.

Mayor Bertone asked if the 50 projects that were not determined to be top priority would be included in the document. Mr. Domini said yes. Mr. White said that is a very good point, these projects were evaluated by a small group. There is every opportunity to modify, there is also a financial component of the plan to be reviewed and prioritized.

Councilman Lorenz asked if the CIP Committee felt all 20 projects could be implemented within the next five years. Mr. Domini stated that he guesses the City will not be able to hit all 20 projects. It depends on how successful the City is at getting the projects funded. Funding sources will be identified, but it will take time and those programs can change. If 50% are completed, it will be really good. The intention with the 20 priority projects is to keep the plan focused. Councilman Lorenz asked if neighborhood street maintenance would be kept separate from the CIP. Mr. White stated that it will be kept completely separate. Street, sidewalk, and pathway maintenance are addressed yearly with capital maintenance programs. Councilman

Lorenz pointed out some of these projects are going to involve multiple jurisdictions. Mr. Domini stated that there are public/private partnerships opportunities on the list as well. Councilman Lorenz requested the project be uploaded to the website, as there is a lot of public interest. Mr. White said a link will be placed on the website for public access.

Councilman Swartwout asked for clarification on the two options for the Adventure Park tunnel. Mr. Domini stated one option is more intentional with a higher quality and branding experience. The tunnel can either make a statement as a landmark, or it can simply be a way to move people through. Mr. Bertone stated that the opinion will vary.

Councilman Counts noticed that a lot of the primary and secondary projects are somewhat related. He asked to what extent that played into either their ability to be done together, or what the thoughts behind that was. Mr. Domini responded that yes, some projects are related and there is some logic in things happening together. There is also some logic in them having a big community impact. A lot of the projects are located in the downtown area because there are some challenges and problems to be solved downtown. Once you start to solve one problem it creates opportunity for something else. Construction sequencing and economics are the two main drivers. Mr. White mentioned that many projects overlap with the Keep Powell Moving Plan. With the planning efforts happening downtown, a lot of projects may potentially line up for traditional financing through operational resources, long term financing through borrowing, but also the downtown TIF. Councilman Counts stated these projects are very land intensive, capital improvement intensive, and very expensive. It seems to have a general focus on Keep Powell Moving, and the costs associated with that plan have to be even more expensive now. He keeps thinking about the smaller projects outside of the downtown, and what projects will be best for the entire community.

Councilman Swartwout noted he is excited for the next step. He is excited to implement this plan and get things done that have been needed for some time.

Mayor Bertone thanked Mr. Domini and all those who have participated, and expressed his excitement. Mr. Domini stated he will be back in a short time to present the final plan to Council.

VIII) ORDINANCES: SECOND READING(S)

ORDINANCE 2021-28: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO AWARD A BID TO CARGILL CORPORATION FOR HIGHWAY ROCK SALT.

1. [Ord. 2021-28_Memo.pdf](#)
2. [Ord. 2021-28_Ordinance.pdf](#)
3. [Ord. 2021-28_Attachment.pdf](#)

Mr. White introduced the legislation. Tonight is the second reading of Ordinance 2021-28. The City is planning to provide snow maintenance for 2021-2022 through a variety of options, but one of the most important applications is the distribution of road salt. This contract, if approved, would procure 1,000 tons of road salt through an agreement of southwest Ohio purchasers. The total cost per ton was about \$52,000 or \$52 per ton. It was up \$10 per ton compared to last year's standard but still below the \$86 a ton from two years ago. Mr. White noted other applications options are also being considered for the future. Staff is recommending adoption of this ordinance.

Mayor Bertone moved to Council for any comments or questions. No Council comments were made. Mayor Bertone opened public comments, and hearing none, closed public comment.

MOTION: Tom Counts moved to approve ORDINANCE 2021-28: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO AWARD A BID TO CARGILL CORPORATION FOR HIGHWAY ROCK SALT. Brian Lorenz seconded the motion.

VOTE: Y 5 N 0 (None) AB 1 (Dan Swartwout)

IX) ORDINANCES: FIRST READING(S)

ORDINANCE 2021-29: AN ORDINANCE AMENDING CHAPTER 905 OF THE CODIFIED ORDINANCES REVISING SIDEWALK MAINTENANCE REQUIREMENTS.

1. Ord. 2021-29_Memo.pdf
2. Ord. 2021-29_Ordinance.pdf
3. Ord. 2021-29_Exhibit A.pdf
4. Ord. 2021-29_Exhibit B_Tracked Changes.pdf
5. Benchmarking Sidewalk Maintenance.pdf

Mr. White introduced the legislation. He explained the current practice of sidewalk maintenance is the responsibility of the property owner through notification process by City staff of failing or deteriorating walks. Over the last several months, with the adoption of the tax structure, staff has been working with Council on a policy directive to take that burden and shift it away from the property owners. It would become a functionality of road maintenance. The City provides annual road maintenance, with this policy that would grow to include sidewalk maintenance as well. Through the committee structure, the policy has been narrowed. There are still some potential modifications to be made. Mr. White noted this is only the first reading without expectation of adoption tonight. If there are additional concerns or considerations that Council would like to address with staff, we are happy to hear that. Mr. Caplinger stated that it would be a Sidewalk Maintenance Program. As the policies are adopted and we move on, it will be within a five year plan. Reflection from Council and staff will allow the City to be proactive in the approach and making sure we are doing our due diligence to making sure our community is being provided with the best service. Mr. White pointed out that within the packet Council received a copy of the text with its current formatting and also track changes. There was some additional discussion that staff had internally relative to limiting the City's liability and required investment. In its current form there is still some additional exposure even though we have pulled back some of the curbs and drainage ways that were talked about, specific to things outside the scope of an actual sidewalk program.

Mayor Bertone opened the item to Council questions or comments.

Councilwoman Riggins stated substantial changes have been made since the Development Committee reviews. She would like to take it back to Development Committee and then bring it back to Council for a first reading, as it is premature.

Councilman Swartwout asked for a walk through of the process if a sidewalk has been determined to be fixed at the City's expense. Andy responded, hypothetically the City would increase the budget for road resurfacing, staff would revert the process of identification of maintenance responsibility. We would try to coordinate sidewalk work with existing work in the roadways. There could be deficiencies throughout the structure of the City that we want to identify and fix that are outside that scope. There would be potential bike paths that would be outside that scope. There are also linkages that do not exist within the City that could be considered. Staff would work with Council as part of an annual program and present a plan

through the committee structure that could then be endorsed, refined, edited, and that would become part of the budget.

Councilman Counts gave a brief history of the street maintenance and sidewalk maintenance in the past. He stated that the City has problems with curbs and gutters. Road resurfacing and curb and gutter maintenance have not always aligned historically. If we are going to take on the sidewalks, we still have between road maintenance programs our residents having to take care of the curbs and gutters. Additionally, he expressed Council needs some time to think about the cost. He wants a budget document before making a decision.

Mayor Bertone closed Council comment and opened public comment. Leif Carlson, 178 Beech Ridge Dr, is thrilled with the way the law reads, but is stunned at the possible expense. Mayor Bertone closed public comment.

Mayor Bertone stated the consensus amongst Council sounds to be moving the item back to Development Committee for further consideration and it may broaden beyond Development Committee. Councilman Lorenz added the item can be put on pending items on the Development Committee agenda, as the budget should be completed before reviewing. Councilwoman Riggins noted she thought the intention was to have a certain dollar amount, the City can determine what is affordable or what areas will be done.

Council and Mr. Ashrawi discussed procedurally how to remove the item from the Council agenda and formally refer it back to Development Committee.

MOTION: Tom Counts moved to remove ORDINANCE 2021-29: AN ORDINANCE AMENDING CHAPTER 905 OF THE CODIFIED ORDINANCES REVISING SIDEWALK MAINTENANCE REQUIREMENTS from the City Council agenda and refer it back to Development Committee. Brian Lorenz seconded the motion.

VOTE: Y 6 N 0 (None) AB 0 (None)

X) COMMITTEE REPORTS

XI) CITY MANAGER'S REPORT/CITY CALENDAR

Mr. White stated the next Council meeting will be pushed to November 3rd as the 2nd is election day; notified Council the City will hold a meeting with HOA leadership next Monday; notified Council that Thursday, October 28 a work session will be held with Planning Next; he also discussed a formal adoption of meeting dates for 2022; and touched base on the sidewalk project and financing limitations.

XII) OTHER COUNCIL MATTERS

Councilman Lorenz discussed confusion with the Candy by the Carload event. He stated messaging needs to be more clear. Mr. White will work with staff to clarify.

XIII) EXECUTIVE SESSION

MOTION: Dan Swartwout moved at 8:43 P.M. to enter into EXECUTIVE SESSION. Brian Lorenz seconded the motion.

VOTE: Y 6 N 0 (None) AB 0 (None)

MOTION: Dan Swartwout moved at 9:17 P.M. to enter back into PUBLIC SESSION. Brian Lorenz seconded the motion.

VOTE: Y 6 N 0 (None) AB 0 (None)

XIV) RESOLUTIONS

RESOLUTION 2021-20: A RESOLUTION APPOINTING ROSA OCHELTRREE TO SERVE AS THE CITY'S FINANCE DIRECTOR.

[Resolution_2021-20_Finance Director.pdf](#)

MOTION: Tom Counts moved to approve RESOLUTION 2021-20: A RESOLUTION APPOINTING ROSA OCHELTRREE TO SERVE AS THE CITY'S FINANCE DIRECTOR. Brian Lorenz seconded the motion.

VOTE: Y 6 N 0 (None) AB 0 (None)

RESOLUTION 2021-21: A RESOLUTION APPOINTING AMY DEERE TO SERVE AS THE CITY'S CLERK OF COUNCIL.

[Resolution_2021-21_Clerk.pdf](#)

MOTION: Brian Lorenz moved to approve RESOLUTION 2021-21: A RESOLUTION APPOINTING AMY DEERE TO SERVE AS THE CITY'S CLERK OF COUNCIL. Tom Counts seconded the motion.

VOTE: Y 6 N 0 (None) AB 0 (None)

XV) ADJOURNMENT

MOTION: Brian Lorenz moved to adjourn the meeting at 9:19 P.M. Tom Counts seconded the motion.

VOTE: Y 6 N 0 (None) AB 0 (None)

MINUTES APPROVED: November 3, 2021

Frank Bertone, _____ Date
Mayor

Andrew White _____ Date
City Clerk