



**CITY COUNCIL
MEETING MINUTES
FEBRUARY 15, 2022**

I) CALL TO ORDER/ROLL CALL

Mayor Daniel Swartwout called the City Council Meeting to order at 7:30 p.m. Council Members in attendance were: Jon Bennehoof, Frank Bertone, Tom Counts, Christina Drummond, Heather Karr, Brian Lorenz and Daniel Swartwout. Also present were Andrew D. White, City Manager; Yazan Ashrawi, Law Director; Jeffrey Tyler, Assistant City Manager; Rosa Ocheltree, Finance Director; Jason Nahvi, HR Business Partner; Buddy Caplinger, Public Service Director; Claudia Husak, Planning Director; and Amy Deere, City Clerk.

II) PLEDGE OF ALLEGIANCE

III) CITIZEN PARTICIPATION

Mayor Swartwout opened the citizen participation portion of this meeting, and hearing no comment, citizen participation was closed.

IV) APPROVAL OF MINUTES

Council Minutes of February 1, 2022

[02.01.2022_Council Minutes.pdf](#)

Mayor Swartwout requested changes be made to the minutes, to include Resolution 2022-07, to state Vice Mayor Counts brought this Resolution to the floor as well bringing the Resolution to a vote, as Mayor Daniel Swartwout abstained. Secondly, a correction to the vote for Resolution 2022-08 was made. The vote should reflect adoption by a vote of 6-0-1, and not 7-0-1. Councilmember Bennehoff also requested the word abstain be used rather than in absentia.

MOTION: Councilmember Bertone moved to approve City Council Minutes of February 1, 2022, as amended. Councilmember Bennehoof seconded the motion.

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

Minutes passed 7-0-0

V) CONSENT AGENDA

a. DEPARTMENTAL MONTHLY REPORTS - JANUARY

1. Building Department Monthly Report - January.pdf
2. Communications Department Monthly Report - January.pdf
3. Community Development Monthly Report-January2022.pdf
4. Engineering Department Monthly Report - January.pdf
5. HR Department Monthly Report - January.pdf
6. Police Department Monthly Report - January.pdf

b. NOTICE TO LEGISLATIVE AUTHORITY

1. Notice to Legislative Authority - Memo.pdf
2. Notice to Legislative Authority - Exhibit A.pdf

MOTION: Councilmember Bennehoof moved to approve the Consent Agenda. Councilmember Bertone seconded the motion.

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

Consent Agenda Passed 7-0-0

VI) RESOLUTIONS

RESOLUTION 2022-12

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH FROST, BROWN AND TODD, LLC, FOR LEGAL SERVICES.

1. Res. 2022-12_Memo.pdf
2. Res. 2022-12.pdf
3. Res. 2022-12 Exhibit A.pdf

City Manager White stated this item has been reviewed by the Operations Committee. He further stated this agreement is a 3 year contract retroactively beginning on February 1, 2022, at a monthly cost of \$12,500.00 for "routine services", and the rate is to remain constant for the entire term of the contract. He stated the new agreement is an increase in cost for routine services from the previous term, however, it represents an expansion of similar services covered in previous years. The additional services include planned legal advice for updates to the Zoning Code, additional access to staff as approved by the City Manager, unanticipated legal challenges, expanded meeting attendance and board and commission trainings. The new contract and expanded services are expected to provide a savings over the past agreement due to previously uncovered services provided at increased rates and requiring additional costs. He added the non-routine services include labor and employment work, litigation, and other special matters. He also advised the contract establishes a fixed cost for non-routine services below market rates, for litigation, etc. However, the City reserves the right to utilize legal counsel provided by the liability insurance carrier if it so desires. Also, this agreement may be terminated with 30 days written notice by either party and may be amended as needed with the consent of both parties.

Councilmember Karr asked if there had been discussion about labor and employment being a routine service other than a non-routine. Law Director Ashrawi stated yes, and it was left as non-routine for the fact Frost Brown Todd does not typically advise the City on this topic, but would if the matter should arise.

Councilmember Bertone stated the Resolution did in fact go through the Operations Committee and was voted unanimously to get this approved by City Council.

Councilmember Drummond stated it would be helpful to know how those non-routine services track from a budget perspective, how much we do use, and if it does make sense to move over so that we can negotiate them as routine services if needed. City Manager White advised in the past, Staff would come to City Council and request an Appropriation Modification because of the resources available for a specific litigation matter just wasn't there and that conversation has transpired with this body. Should there be an Economic Development Project or something should fall within the perimeters of a special matter, it would come before City Council for discussion and direction. Further, he stated after a series of appropriation adjustments, they looked ahead and worked with accounting within the law firm to anticipate the timing of exemplified matters, and appropriated the funds toward the latter half of the year to include for the same, and actually have incurred a savings.

Mayor Swartwout opened the floor for public comment on this Resolution. Hearing none, he closed this portion of public comment on this Resolution.

MOTION: Councilman Lorenz moved to adopt Resolution 2022-12. Councilmember Bertone seconded the motion.

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

Resolution passed 7-0-0

VII) ORDINANCES: SECOND READING(S)

ORDINANCE 2022-02

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN AND ALL ASSOCIATED SITE IMPROVEMENTS AND DEVELOPMENT TEXT DEVIATIONS FOR 8.6 +/- ACRES AT 4026 HOME ROAD KNOWN AS LIBERTY RESERVE, ZONED PR – PLANNED RESIDENCE DISTRICT.

1. [Ord. 2022-02_Memo.pdf](#)
2. [Ord 2022-02.pdf](#)
3. [Ord. 2022-02_Exhibit A.pdf](#)
4. [Ord. 2022-02_Exhibit B.pdf](#)
5. [Ord. 2022-02_Liberty Reserve History.pdf](#)

Planning Director Husak gave a brief summary of a Final Development Plan of Liberty Reserve. She stated Staff recommends approval of Ordinance 2022-02 with its second reading/Public Hearing this evening.

Aaron Underhill of 8000 Walton Parkway, New Albany, Ohio, with the law firm of Underhill and Hodge, is representing the applicant of Liberty Reserve LLC. He stated the plan has evolved a bit, moved some buildings to comply with neighboring church. He said they were really excited to get started with the construction of this project this year, upon Council's approval.

Mayor Swartwout opened the floor for public comment on this Ordinance. Hearing none, he closed this portion of public comment on this Ordinance.

MOTION: Councilmember Bertone moved to approve Ordinance 2022-02. Councilmember Bennehoof seconded the motion. Mayor Swartwout called for a roll call for passage: Heather Karr, yes; Brian Lorenz, yes; Daniel Swartwout, yes; Jon Bennehoof, yes; Frank Bertone, yes; Tom Counts, yes; and Christina Drummond, yes.

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

Ordinance passed 7-0-0

VIII) COMMITTEE REPORTS

Development Committee – Councilmember Lorenz stated the next meeting is scheduled for March 1, 2022, at 6:30 p.m.

Finance Committee – Vice Mayor Counts advised that they met earlier this evening and discussed Staff's thoughts about the budget and potential revisions of the same, and feedback would be coming.

Operations Committee – Councilmember Bertone said that they met last week and among the topics were the Frost, Brown & Todd contract that was discussed this evening, also the IT contract and a statement of work to assess our needs, as well as security concerns that we may have. He added they additionally discussed snow removal.

Community Diversity Advisory Committee – Councilmember Karr stated that their next meeting is scheduled for February 16, 2022, at 6:00 p.m.

Planning and Zoning Commission – Planning Director Husak advised the Commission met last Wednesday and they recommended approval of two applications that were before them. One being for a daycare facility, Ivybrook Academy, and the second was for a Preliminary Development Plan, Lily Reserve. She also advised that the Commission tabled the Redwood application in its first phase. She also stated the next meeting is scheduled for March 9, 2022, at 6:30 p.m.

Powell CIC – Councilmember Lorenz stated that their next meeting is scheduled for February 22, 2022, at 7:00 p.m.

IX) CITY MANAGER'S REPORT/CITY CALENDAR

City Manager White mentioned a couple of updates, including the Chocolate Walk, in addition to a fireworks display on Friday, February 18, 2022. He spoke about the Presidential Parkway Round-a-bout project to begin in 2023, currently they are going through the planning Phase and Staff is looking at this project very closely. He advised the bid numbers were

received for the State Route 750 Paving Project and the budget has sufficient and more than adequate resources available and the bid received was in the available amount. He requested discussing with Council options of the distribution of those remaining funds. He also advised City Council of a decision to deny a Variance request by the Board of Zoning Appeals, to which is in the appeal process. This references a residential request to add an outlining building to the property. He added the liability to the City would be, should the decision be overturned, the City would have to allow the building. He mentioned in discussion at the Finance Committee Meeting, the topics of operations, personnel upgrades, as well as the fiscal position of the City for this time of year were addressed. Another topic discussed was Capital Improvement Investments and this would be addressed with City Council. He added the Finance Director has put together an estimated available resources preliminary report, which outlines investments for the next five (5) year period. Further, he stated Staff would like to discuss in more detail, what these projects are going to look like in the first year because they are the projects most likely to get done for Capital Investment and then the other projects could change due to changing circumstances. He also spoke about Capital Improvement Investments in addition to the CSX Train Tunnel at Adventure Park. He added this project would be coming to City Council for review and approval in hopes of beginning the project. He advised there will be a "Coming Soon" sign with regard to OSU Wellness Center on Home Road, and made his excitement of this project known.

X) OTHER COUNCIL MATTERS

Mayor Swartwout stated that City Council Goal Setting Session is scheduled for this Saturday, February 19, 2022, beginning at 9:00 a.m. and should run through about 3:00 p.m. He also advised that this is a public meeting and anyone is welcome to attend.

XI) EXECUTIVE SESSION

Pursuant to Ohio Revised Code Section 121.22(G)(1), to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing.

Pursuant to Ohio Revised Code Section 121.22(G)(8), to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiate with other political subdivisions respecting requests for economic development assistance.

MOTION: Councilmember Bennehoof moved to enter into Executive Session. Councilmember Lorenz seconded the motion.

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

Motion passed 7-0-0

MOTION: Councilmember Bertone moved to enter back into Regular Session. Councilmember Bennehoof seconded the motion.

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

Motion passed 7-0-0

XII) ADJOURNMENT

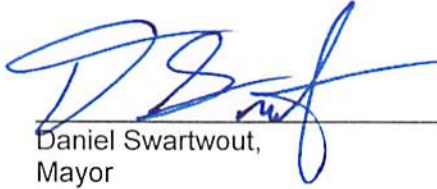
MOTION: Councilmember Bertone moved to enter back into Regular Session. Councilmember Bennehoof seconded the motion.

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

Motion passed 7-0-0

ADJOURNED at 8:38 p.m.

MINUTES APPROVED: MARCH 1, 2022

 3-1-22
Daniel Swartwout, Date
Mayor

 3-1-22
Amy Deere, Date
City Clerk