



**City of Powell, Ohio**  
City Council

**MEETING MINUTES**  
**JULY 16, 2013**

A regular meeting of the Powell City Council was called to order by Mayor Richard Cline on Tuesday, July 16, 2013 at 7:30 p.m. City Council members present included Jon Bennehoof, Sara Marie Brenner, Tom Counts, Mike Crites, Jim Hrivnak and Brian Lorenz. Also present were Steve Lutz, City Manager; David Betz, Development Director; Debra Miller, Finance Director; Megan Canavan, Public Information Officer; Gene Hollins, Law Director; Susie Ross, City Clerk; the Press and interested parties.

**PLEDGE OF ALLEGIANCE**

**CITIZEN PARTICIPATION**

Mayor Cline opened the meeting to Citizen Participation for items not on the agenda.

Ferzan Ahmed, Deputy Director, ODOT District 6, said their district covers eight counties including Delaware County. He said this has been a congested area for many years and in the last few years there has been opposition to any plans to widen SR 315 because it is a scenic river area with environmental issues. Mr. Ahmed said they have worked diligently with all involved parties and have come to a good solution where they will add turn lanes northbound and southbound on SR 315 and turn lanes eastbound down the hill and westbound on the bridge on Powell Road. Mr. Ahmed said they will open bids the day after tomorrow and hope the bids are within the estimate so they can award the project as soon as possible so construction can start in the next two-three weeks. He said next week staff from his office will go door-to-door in Powell to the businesses and other gathering places to inform people about the closures. Mr. Ahmed said they will close SR 315 northbound and southbound in-between Orange Road and Jewett Road. He said the closure will last 60 days and during that time the contractor will rebuild SR 315 and the turn lanes. He said SR 750/Powell Road will remain open so through traffic will continue and Route 23 will be the alternate route while the road is closed. Mr. Ahmed said in 2014 they will close portions of SR 750 so they can add turn lanes on that road. He said they think that adding the lanes to SR 315 this year is more important than adding lanes to SR 750 because the project at I-270 and SR 23 will start near the end of 2013. He said having additional capacity on SR 315 makes sense. Mr. Ahmed said construction is disruptive but they can have many months of delays by maintaining traffic or they can have two months of a lot of discomfort followed by 20 years of good commute.

Councilman Counts asked if there will be any grade change made to Powell Road. Mr. Ahmed said they cannot make a drastic change because that will require that they purchase all of the houses in that area but they will make it a little bit better; the grade will be reduced by about two feet. Councilman Hrivnak asked about the new three-way stop at Jewett.

Steve Lutz, City Manager, said that is a project of the Delaware County Engineer where they made Jewett and S. Liberty a three-way stop to assist with traffic due to this closure. Mayor Cline asked about the SR 315 closure area. Mr. Ahmed said the closure is just north of Jewett and 400-500 feet north of Powell Road. Mr. Lutz asked if any of the project shores up the erosion problem on SR 315. Mr. Ahmed said the entire project includes shoring up SR 315 but because they want to do this in advance of the I-270/SR 23 project, the first phase will not include the bank stabilization. He said in 2014 they will come back and do work on the slopes of SR 315 along the river to stabilize the area. Mayor Cline thanked Mr. Ahmed for coming forward to explain the project and said the Powell residents will appreciate the efforts of ODOT once the construction is complete.

Erin Haar and Pam Cobb, Historic Downtown Powell Inc., were present to address Council. Powell Police Chief Gary Vest was present to introduce the item for discussion. He said he often receives and grants requests for road closures but he felt this request should come forward to City Council. He said in this case HDPI has a couple of events that occur in the downtown area and they feel it would be advantageous to

close a portion of Depot Street. He said in this case he wants them to explain their request so Council may provide feedback.

Erin Haar, Program Manager, said they have gained some extra food trucks for their Street Market event and they realized at the last market that there is a lot of foot traffic in the area with no sidewalks available. She said their committee decided to place the food trucks in this area along Depot Street where there is a grassy area to eat their food and it is not direct competition to the downtown restaurants. She said even though they have asked the food trucks to be six-eight feet back from the road, the lines were stretched into the street where traffic is still coming through. Ms. Haar said they had pedestrians in the street and that is not a good situation. She said if they can close the section of Depot Street that is highlighted on the map (Exhibit 1) they can move vendors so they are located on either side of the street, opening a parking area for nearby businesses and increasing safety.

Councilman Bennehoof asked if this had been discussed with the businesses in that area. Ms. Haar said she has not but she thinks this will be beneficial because it will eliminate some of the cut-through traffic. Councilman Bennehoof asked if they had permission to use the private property for people to eat. Ms. Haar said the business has allowed one of the trucks to park in their lot. She said if this is approved she will reach out to the affected businesses. Councilman Lorenz asked if this is a one-time request. Ms. Haar said they have another Street Market coming up on September 28<sup>th</sup> during the hours of 9 a.m. to 4 p.m. She said this request is for both of the remaining events this year as well as the three proposed for 2014.

Councilwoman Brenner said she is okay with it as long as the businesses in that area do not have an issue. She said she does not know the traffic flow in the area well enough to make a determination. Councilman Counts asked Chief Vest if the closure will make traffic worse along Olentangy Street or does it make traffic better because people will not turn onto Depot Street. Chief Vest it is tough to know but not making left turns at Depot will probably make it better. He said they can consider one of both of these closure permits now and see how it works and then consider the 2014 closures at a later date. He said if he does not hear negative feedback he can just sign off on next year. Mayor Cline asked if he has received any feedback from the business owners. Chief Vest said when they hold these events people typically just take it in stride and they don't receive many complaints. Councilman Hrivnak said he appreciates the idea of a trial approval. Mayor Cline said he wants someone to reach out to the business owners and report back if there is a significant complaint. Ms. Haar said she will speak with them regarding the closure.

Hearing no further public comment, Mayor Cline closed the Citizen Participation session.

#### **APPROVAL OF MINUTES**

MOTION: Councilman Counts moved to approve the minutes of June 25, 2013 as submitted. Councilman Crites seconded the motion.

VOTE: Y 6 N 0 (Abstain: Bennehoof)

#### **CONSENT AGENDA**

##### Item

- *Monthly Building Report*
- *Monthly Development Report*
- *Monthly Financial Report*
- *Monthly HDPI Report*
- *Monthly Police Report*

##### Action Requested

*Receipt of Electronic Report*  
*Receipt of Electronic Report*  
*Receipt of Electronic Report*  
*Receipt of Electronic Report*  
*Receipt of Electronic Report*

MOTION: Councilman Counts moved to adopt the Consent Agenda. Councilman Crites seconded the motion.

VOTE: Y 7 N 0

#### **RESOLUTION 2013-12: A RESOLUTION OF SUPPORT FOR THE DELAWARE COUNTY BOARD OF ELECTIONS' DELAWARE FOR DEMOCRACY PROGRAM.**

Mayor Cline said at the last meeting there was a presentation from the Board of Elections and they expressed their desire to encourage people to participate as poll workers. He said this resolution is intended to help in that effort. Councilwoman Brenner said she spoke with Ms. Herron at the Board of Elections earlier in the day and she clarified that this is a cooperative effort with no City funds expended. Mayor Cline this is an instance where the City uses their "bully pulpit" to get the message out.

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

Councilman Counts said this is something he intends to do and he challenges others to sign up to be a poll worker.

MOTION: Councilman Counts moved to adopt Resolution 2013-12. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

**SECOND READING: ORDINANCE 2013-26: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2013.**

Mr. Lutz said this is the second reading of this appropriation ordinance. He said last fall the voters approved extension of a park levy that will fund future capital improvement projects. He said they will advance \$100k of those funds so they can begin to engineer and plan some of those projects. He said they also earmarked \$50k from the Commercial TIF Fund which will be used for the traffic signal on Sawmill Parkway near the Giant Eagle entrance. Mr. Lutz said they also want to appropriate the funds left in the Murphy Parkway Construction Fund that were donated to the City during the construction of Grandshire. He said they will need to appropriate additional funds in the future but this will get them started on some of the preliminary engineering.

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

MOTION: Councilman Counts moved to adopt Ordinance 2013-26. Councilman Crites seconded the motion.

VOTE: Y 7 N 0

**FIRST READING: ORDINANCE 2013-29: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2013.**

Mr. Lutz said in the Police budget there is a Law Enforcement Fund that receives revenue throughout the year from different fines and seizures. He said they appropriate the money when they have a specific purpose. Mr. Lutz said Staff recommends they appropriate \$5k to be used to purchase equipment to support a couple of the officers who are in the county-wide tactical unit. Mayor Cline said these are "special fund" funds and they may only be used for this purpose.

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

MOTION: Councilman Counts moved to suspend the rules in regard to Ordinance 2013-29. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2013-29. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

**FIRST READING: ORDINANCE 2013-30: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MEYERS & ASSOCIATES ARCHITECTURE FOR THE PURPOSE OF MASTER PLANNING FOR BUILDINGS AND ARCHITECTURAL ITEMS AND SITE MASTER PLANNING AND LANDSCAPE ARCHITECTURE ITEMS FOR THE SELDOM SEEN PARK SITE.**

Mr. Lutz said one of the projects the residents of Powell voted for last fall was the construction of Seldom Seen Park which is located on the north side of Seldom Seen Road just west of the railroad tracks. He said it is a 25-acre undeveloped site donated to the City by a developer. He said the City's Development Committee received proposals from various firms that are involved in park planning and the Committee unanimously recommends awarding this contract to Meyers and Associates in the amount of \$25k for planning of the park. He said Meyers and Associates has been involved in numerous park projects in Liberty Township and other townships in the area. Mr. Lutz said this will be an open public process which will coordinate with City Council and have a series of public meetings to receive input/feedback from residents about the design of the park and what goes into it.

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

MOTION: Councilman Counts moved to suspend the rules in regard to Ordinance 2013-30. Councilman Hrivnak seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2013-30. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

**FIRST READING: ORDINANCE 2013-31: AN ORDINANCE APPROVING A JOINT ECONOMIC DEVELOPMENT ZONE CONTRACT WITH LIBERTY TOWNSHIP AND THE CITY OF BEXLEY.**

Mr. Lutz said this is the first reading to discuss a proposal that Liberty Township has shared with the City. He said for many years the City of Powell and Liberty Township have been involved in a legal dispute regarding the CEDA and a proposal to resolve that dispute was suggested by the Township. He said it is being presented to Council tonight for discussion and consideration. Mr. Lutz said this involves resolving the dispute by taking a proposed JEDZ to the voters of both Liberty Township and the City of Powell in November. He said it would involve the City of Powell making Liberty Township whole on the TIF district and would move the limits of the City's annexation from Home Road up to Hyatts Road. Mr. Lutz said the JEDZ is a mutual agreement between a Township and a City where businesses are charged and employees within the zone have their earnings taxed at a municipal rate. Mr. Lutz said Liberty Township proposed the JEDZ be created which would include the Olentangy Schools within Liberty Township, the Columbus Zoo and Aquarium, Zoombezi Bay, Safari Golf, Columbus State Community College, Delaware Campus, DelCo Water Company, Delaware County Sanitary Engineer, Delaware Area Career Center, and all Liberty Township-owned properties. He said the JEDZ proposes that Bexley's 2.5% income tax rate be applied to employees within that zone. He said the City Law Director will review the concept of JEDZs and Liberty Township representatives are present to comment.

Gene Hollins, City Law Director, said the concept and practical application of JEDZs has been on the books for several years. He said there has not been a wide application of JEDZs or JED districts until the last few years and a lot of the current interest has to do with the pressures on local government because of the reduction in State funding. He said municipalities, townships and other entities have started to look at joint zones as a way to cooperate and avoid annexation battles. Mr. Hollins said land that is not within a municipal corporation such as a city or a village would not make sense to put within a zone because they are already subject to an income tax. He said JEDZs are a tool to use in areas that are typically identified as within a township where there is no income tax being collected but there are services being provided. Mr. Hollins said a JEDZ is fairly open-ended; they can negotiate whatever split of services makes sense within their circumstances and typically the revenue is split in some rough proportionality to who is providing the services. He said there is a breakdown of the revenue within this JEDZ and it somewhat follows the provision of services.

Councilman Counts asked if the original concept of a JEDZ was for it to be for developed land or undeveloped land, or is there no distinction in the statute about that criteria. Mr. Hollins said it is a fairly flexible concept and he believes when it was originally created it was envisioned as a tool that would be an alternative to annexation. He said the earliest zones may have included both developed and undeveloped land and there were some instances where they envisioned this would be the only way to get services to an area outside of a city because the JEDZ or JED income tax revenue would have some distributed to the parties and some would be used to make the debt payments on the infrastructure to allow the development to occur.

Mayor Cline asked that the representative of Liberty Township come forward.

Curt Sybert, Liberty Township Trustee, said the JEDZ concept will settle some of the battles the Township and City have lived through for years and it will recoup some of the TIF money the Township is losing annually. Mr. Sybert said this particular JEDZ has been worked on for about two years in various shapes and forms. He said the Township brought forward a draft and City Council brought forward an amended CEDA and both were found to be unacceptable. He said this particular JEDZ is different from most because it is all developed property and it includes Township property. Mr. Sybert said this JEDZ will affect the pay of the Unions, school employees, and trustees and that was by choice. He said what is good for the Zoo, Zoombezi Bay and the other sites is good enough for the Township. He said this JEDZ will allow City Council and Staff to work in a greater manner with the Township and will be beneficial to the community. He said the JEDZ will affect 100% of the people in the room in a positive way and it will negatively affect 3-5% of the Township residents; if you do not work in the JEDZ territory this tax will not affect you.

Mr. Sybert clarified the taxes and who will or will not be affected:

- Those who live in the City of Powell or Liberty Township but do not work in the JEDZ territory will be affected.
- Those who live in the Township and work in the JEDZ territory will pay a 2.5% income tax.

- Those who live in other municipalities where they already pay an income tax and work in the JEDZ territory will see the tax they already pay redirected to the JEDZ which is a partnership between the Township, the City and Bexley.

Mr. Sybert said people come into the area every day, use the roads that are maintained and plowed, use the EMS and Fire Department, but pay nothing. He said the City of Columbus wants nothing to do with these arrangements but Upper Arlington and other communities are welcoming JEDZs. He said Bexley chose them and stepped up to allow the Township and City to use their arborist, planning and development services, and specialized equipment. Mr. Sybert said he has heard that this will send tax dollars outside of the Township to the City of Bexley and that is not true because right now they do not get any taxes from these workers.

Mr. Sybert said the payroll records they have received tell them they will likely receive \$1.3 million to share. He said the agreement distributes the first 20% of the proceeds as follows:

- 2% to the JEDZ Board for legal fees and set-up/running of the Board
- 3% to RITA to collect the tax
- 5% toward joint City/Township projects (i.e. bikepaths)
- 10% to the JEDZ territories for infrastructure improvements

Mr. Sybert said the agreement distributes the remaining 80% as follows:

- 15% to the City of Bexley
- 85% split evenly between the City of Powell and Liberty Township

Mr. Sybert said he knows this is not popular with some people; Columbus State came to the Trustee meeting last night but said they had not yet taken a position on the proposal. He said he understands that there will be people who work in the zone who will be taxed by this but a majority of the employees are already paying this tax rate; the agreement just redirects the taxes to help this community.

Councilman Bennehoof clarified that this ordinance allows the agreement to be put on the ballot. He said once it is on the ballot it is important that the voters know who will or will not be affected. He said he will be making a presentation and it may be redundant but it will allow him to ensure that all of the information is presented for the public and the Press. Mr. Sybert said around the state JEDZs have done very well because the word has gotten out that many will benefit from this and very few people are affected by the tax. He said they are very conservative in estimating that this will effect only 3-5% and he believes it will be as low as 1,200 people out of the 30k people in the Township. Mr. Sybert said as an elected official he looks at a problem and an issue and if he can help from 60-80% of the public he will vote for the issue. Councilman Bennehoof said it is important to keep in mind that this is also a redirection back to the City and Township of taxes that are already being levied on people in their resident community. Mr. Sybert said he is not running for re-election because this issue is so important to this community that he cannot run for Trustee and also help the PAC in order to stabilize both communities by getting these much needed tax dollars. He said they are losing the "Death Tax" of \$300k to the Township budget and this also settles the problem of losing the \$200k in fire TIF monies when properties annex into the City. Mr. Sybert said the agreement is that the Township will get that money back and that is crucial because they lost their capital funds with the failure of the fire levy and they do not have funds to buy equipment. He said these funds are crucial to the Fire Department.

Mayor Cline thanked Mr. Sybert for his input. He opened the floor to questions from Council.

Councilman Counts asked to hear Mr. Sybert's perspective about what the Township is lacking and needs that will be provided by this fund. Mr. Sybert said the Township would like to complete the bikepath project to their destination points and work with the City to accomplish that through the joint funds. He said they are not supposed to but they have relied upon the "Death Tax" and it has been very good to them. He said that funding source will be gone and they have to replenish the Capital Fund (\$200k-\$250k per year) due to the failure of the fire levy. He said they also need funding for paving and road repair.

Councilman Counts said after reading the agreement it is a little unclear where all of these numbers are coming from; the agreement does not show splitting the share with the Township or the 5% joint fund. Mr. Sybert asked the Law Director to reply. Mr. Hollins said this agreement is the first in a series of agreements and it has to go first to take the issue before the voters in November. He said the next in the series of agreements is a CEDA agreement, not to be confused with the existing agreement, that has a provision that talks about the services provided within the JEDZ area and the allocation of money collected from the JEDZ board back to the City, Township and Bexley. Mr. Hollins said that is how they will get the final allocation. He said until they see the CEDA agreement and how these work together they will not be able to come to the exact



percentages. He said as an editorial comment, the Ohio legislature amended the JEDZ law so they can directly make these allocations without going back through a CEDA; it may not come into effect early enough to take advantage of it because they need to get this on the ballot. Councilman Counts asked if the anticipation is that all of the agreements must be done and the allocations done before this goes to the voters. Mr. Hollins said that is correct; the timeline is set up so all of that information will be public and discussed in public at the City and other places long before the vote in November. He said they would not expect the voters to take the vote on this without seeing the entire package of agreements.

Councilman Crites asked if Council will see all of these documents before the election. Mr. Hollins said they will; they will seek the approval of City Council from a contractual standpoint before Election Day; none will be signed until they know the results of the elections.

Councilwoman Brenner said on the PBL JEDZ sheet received tonight it says that this is for "the purpose of facilitating new or expanded growth for commercial and economic development within the JEDZ." She said the bikepath and a number of the projects sound like they are not within the JEDZ area. Mr. Sybert said she may be referring to the reason for forming a JEDZ and the bikepaths he mentioned are a possible use for joint JEDZ proceeds after it is formed. Mayor Cline asked if the document entitled "Powell/Bexley/Liberty Joint Economic Development Plan" is the plan that would direct the policy regarding the money spent within the JEDZ territory. Mr. Hollins said that is correct but also one of the purposes of deriving revenue is to be able to plow it back into the zone. He said they have 10% within this agreement that goes toward joint projects within the JEDZ area. He said the additional 5% for the City/Township joint projects may not be limited to that zone but it may be the focus of those funds as well. He said the 10% ensures they have the infrastructure to retain and enhance the area within the JEDZ. Mr. Sybert said the Township could also allocate JEDZ funds to help fund their commitment to the SR 750 fix around the zoo.

Councilwoman Brenner said from all she has read and heard from people who were active in creating the JED/JEDZ legislation, the intent is to raise funds for an area in which economic development needs to take place either because it is blighted or to use another City's tax rate to raise funds for an adjacent area. She said in this JEDZ they are looking at all public workers and completely developed property. She asked where these funds are going to be specifically spent because she hears the numbers and that some of the money will go somewhere else. Mr. Sybert said the JEDZ law does not require them to spend the majority or any of the money in the JEDZ territory; according to his understanding they can re-direct these funds to their township through a vehicle like another city and that is what they are doing. He said they are committing to spend 10% in the JEDZ area but they also intend for this to help the general funds of both the City and the Township. Councilwoman Brenner said the people who framed this did not see this as the intent. Mr. Sybert asked if they cannot improve their community with redirected funds; he said he was told by their Legal Counsel that this was perfectly within the law and he is following that advice as a public official. Councilwoman Brenner asked for an example for another place where certain properties were put within the zone that did not need development. Mr. Sybert said there are approximately 20 JEDZ in the state of Ohio and he is familiar with two or three.

Councilwoman Brenner said this is like 2009-2010 all over again when they looked at the tax levy; people kept saying that only a certain percentage of people were impacted but they would all benefit so they shouldn't worry about it. She said that caused a lot of animosity and people were upset because it was not seen as fair. She said if there is a property within a township they can always annex but to hand-pick properties where only their taxes will go up seems like an idea that has already failed. She said it does not make her comfortable to put certain people in a basket and if they do not live here they would not be able to vote on it. Mr. Sybert said he understands the tax levy failed because the City did not identify where all of the funds might be used but when they did that in the last levy it passed overwhelmingly. Councilwoman Brenner said these funds are not specified either. Mr. Sybert said it is up to the entities to decide where the money should be spent. The discussion continued. Mayor Cline said he would rather not rehash the 2009-2010 tax issue. He asked that they stay focused on questions regarding the JEDZ. Councilwoman Brenner said the bikepaths were mentioned and she wonders if they had considered putting something only the ballot specifically to cover bikepaths. Mr. Sybert said they have not.

Mayor Cline opened this item to public comment.

Chalaco Clark, Liberty Township Firefighter, presented a packet of information to Council members (Exhibit 3). He said he is the Union president, and he is not here to be for or against this issue but to educate Council on how this will affect the pay of the firefighters. He said 23 out of 41 of their firefighters will have a 2.5% pay cut if this goes into effect. He said the breakdown is shown in the packet. He said they currently have 41 on staff

due to the cuts from the levy failure and 85% of them will be affected. Mr. Clark said this will definitely have a negative affect toward them and they are trying to do their due diligence before they take a stance on the issue. He asked why other businesses are not being targeted because it seems like those providing services are being taxed for the services provided by the Township. He said Target and Kroger could build out and provide more revenues for the community as they grow. He said everything they have in the zone is already developed. He said the Zoo may continue to grow but it will only provide low paying jobs and will not produce a lot of taxable income. Mr. Clark said they have worked very hard with the Township to be fiscally responsibility and this 2.5% pay cut will take the firefighters back to 2008 wages and that includes the next two years and future projections of their wages. Mr. Clark said this is a significant amount of money taken out of their pockets and he hopes they take that into consideration as they try to make an impact and assist with future growth of the Township and Powell. Mr. Clark said if this does pass he hopes there will be some "trickle down" to the Fire Department because they are strapped and there are some serious things they need to purchase and need to get their manpower back to where it should be. He asked that they read through the information and contact him if they have any questions.

Councilwoman Brenner asked when the current Union contract ends. Mr. Clark said it ends in 2015. Councilwoman Brenner asked what normally happens in circumstances like this; does their current contract allow them to come back to renegotiate before it expires. Mr. Clark said it does not. He discussed possible items to negotiate in the next contract and details of the current contract. He said if this proposal goes through it will mean a negative \$71.00 in his pay; he said it will be tough for them to recover that amount over the years within a contract.

Max Holzer, 4885 Paddington Way, Liberty Township, said his point is about fairness. He said this is a local tax that permits local government in the City and Liberty Township to recover tax. He said if a teacher at Columbus State lives in the City of Columbus or a City of Columbus person works at the zoo, they pay 2.5% to the City of Columbus. He said under this legislation the ORC says that the 2.5% paid to the City of Columbus by that employee will be sent back as a local revenue source to support local government. He said it is not restricted to development; they can use it to buy a fire truck or to hire more EMS staff. Mr. Holzer said the citizens benefit from this because they are recovering tax dollars that are going off to Columbus or other local government depending upon where the employee works. He said in regard to fairness, if he works at the zoo and is in an accident on his way home, he will receive emergency services from Liberty Township EMS. He said he holds them in very high regard. Mr. Holzer said everyone uses the parks, bikepaths and streets and those require maintenance. He said fairness means everyone who is using the infrastructure should have to pay their fair share and that is what this is about. Mr. Holzer said for these reasons he strongly favors this JEDZ.

Vincent Margello, 1900 W. Powell Road, Liberty Township, said this is almost like an emergency ordinance. He said they have 90 days before they want to put this on the ballot and he wonders why this is here at the 12<sup>th</sup> hour. He said the public will need to be more educated on this proposal. Mr. Margello said his main concern is that this is a tax. He said he has been trying to emphasize to the City and the Township that they are trying to keep people who have been here for 20 years. He said the taxes keep going up and it is chasing them out of the community. He said the three entities that will be affected the most by the JEDZ are the Firefighters/EMS, teachers, and Police. He said when they go back to negotiate their contracts they will not want to lose this 2.5% so they will attempt to renegotiate to get that money back. Mr. Margello said the entities will try to get a levy passed and then real estate taxes will go up. He said he keeps hearing this will solve the CEDA dispute and the legal ramifications; they all live in the same community and they are all in this together. He said they have to consider how this will affect the safety services and teachers and how it will affect the public when they want the 2.5% back.

Peggy Guzzo, 4800 Aberdeen Avenue, Liberty Township, said she objects to the JEDZ on three grounds: policy objections, procedural problems, and legal concerns. She said under policy objections, this is a tax that unfairly penalizes public servants. She said he has heard only 3-5% of the residents in the township will be affected and she would stand up and fight if only one person because they are being singled out. She said the purpose of a JEDZ is economic development and the big money comes from the businesses within the zone because they get to their profits. Ms. Guzzo said they picked only non-businesses and land that the Township owns; they do not pay income tax themselves so they are going after the people who work for them. She said about 50% of the teachers who work in Liberty Township will be affected by this new tax and will pay new taxes instead of having their tax dollars redirected. She said some of them do live in Powell and pay a little bit of income tax but now they will subject them to a higher percentage. Ms. Guzzo said they are also creating another layer of government in a board that has jurisdiction over the JEDZ area. She said if the Safari Golf Club wants to redevelop, the citizens will not have a say or other rights. She said the control of the JEDZ goes to a board made up of three members from Powell, three members from Liberty and three

members from Bexley with Bexley as the tie-breaker and she wonders if there will be a legal battle regarding who has the ultimate say in development of this land. Ms. Guzzo said she has done the math and if there is \$50 million they can tax that is only \$1.25 million and Liberty will only get 10% which is \$125k. She said there is nothing in writing and they expect the people to vote on it. She said Township Trustee Melanie Lengnahan said she does not know about the figures given by Trustee Sybert. She asked where this firm agreement is for the citizens to look at and consider. Ms. Guzzo said they are taking income away from our citizens and giving it to Bexley and that is more than the Township is getting. She said procedurally, what the Township has posted for the 30 days for the citizens to review was not what was approved on June 14<sup>th</sup>. Mayor Cline asked that they not discuss the business of the Township. Ms. Guzzo said she knows there will be some procedural challenges as to whether they can meet the burden that they have advertised 30 days in advance in order for it to go to the ballot on August 7<sup>th</sup>. She said on a legal basis this is a product of behind closed doors meetings in violation of the Sunshine Law. She said they may disagree but at the end of the day, she is a lawyer and mediator and there is no basis for these meetings to occur behind closed doors. Mayor Cline said they do disagree. Ms. Guzzo said this is discriminatory, isolates only the public servants, and she thinks they are opening themselves up to a lawsuit.

Steve Duke, 870 Citation Drive, Pataskala, said he is one of the people this will affect. He said they are going to take 2.5% of his income, they are "cherry picking" him and that is not right. He said Mr. Sybert said that when Legal Counsel tells him something he just goes with it and that is un-American; it is his job to find out if it is truly the intent of the ordinance. He said from the research he has done it looks like the ordinance was done to help distressed properties. Mr. Duke said they should reconsider because this might put a black eye on Council. He said when there is a tax levy on the ballot it usually tells what it will be used for and in this case it is just up to the board. He asked if the board will be paid out of these funds. Mayor Cline said the board members are not paid. Mr. Duke asked if someone can tell him where the tax money will be going. Mayor Cline said there was a presentation tonight and input from the City attorney indicating that because of the timing of the ballot this document has to be presented and considered at this and the next meeting. He said the other documents that supplement this ordinance are not time sensitive so those details will be forthcoming prior to the election. Mr. Duke said it seems they are taxing just non-profit organizations and that status was granted by the United States of America because they are a public service; to tax them is a travesty. He said he wants them to look into themselves and see if they are for the people or are they trying to walk on their backs to get where they are going.

Carmen Wirtz, 18035 Bear Swamp Road, Marysville, said she too will be affected by this and she represents hundreds of others. She said it is a travesty that there was a dispute between the Township and the City that is being resolved on the backs of the employees within the JEDZ area. She said they did not cause the problem yet somehow they are now responsible for fixing it. She said that is very unfair because they are not able to vote on this. Ms. Wirtz said the Zoo and Zoombezi Bay have been great economic partners and they are the engine driving the area. She said the Firefighters and teachers are doing a service for the public and they are the ones who will pay for this. Ms. Wirtz said it also seems curious that while it says that JEDZs are designed for the economic growth within the area, such a small portion is coming into that and no place else in the document does it say where the money will be used. Ms. Wirtz said there are agreements to come later but as a concerned citizen she begs that they consider that.

Glenn Marzluf, 114 Dogwood Drive, Del-Co Water employee, said he will be affected by this tax. He said Liberty Township boasts about all of the economic impact they have in the region and they return the favor by creating this income tax on their residents. He said Councilwoman Brenner may be the only one who has read through the state statutes about this legislation. He said the attorney and Trustee Sybert are missing the point; this has been created for vacant ground to pay infrastructure to allow it to be developed. Mr. Marzluf said they are taking a very liberal approach and basically allowing the Township to create an income tax. He said everyone uses the Fire Department here and they serve everyone well but he wonders if any other Township services are being used. Mr. Marzluf said almost everyone uses ODOT and County roads and never use Township paved roads. He asked City Council what exactly Powell is bringing to the JEDZ; these funds are supposed to go back into the JEDZ area and the different participants are supposed to provide services back to the zone. He said he has read the document and aside from whatever agreement they have with the Township for annexation, he does not see that they are providing any services to the members of the JEDZ. Mayor Cline said they will provide services; the City provides a Development Department, planning & zoning, and a Building Department. Mr. Marzluf said that is a very hedgy argument and he does not think they are offering anything to the JEDZ because these properties are fully developed and do not need a JEDZ for redevelopment. He said this is a very liberal interpretation of the statute.



Chad Morgan, 3559 Steiner Street, said he works for the Columbus Zoo and he keeps hearing that there will be economic growth within the JEDZ. He asked if any of the entities within the proposed JEDZ went to Trustee Sybert and asked for his help for economic growth. He said they are all doing it on their own. He said he works with a lot of seasonal employees and most of them are college kids or just out of high school who live in Liberty Township or Powell. He said they will be taxed for having a seasonal job. Mr. Morgan said he does not think it is fair that he pay a 2.5% tax increase that he will not be able to vote on. He said he does not use Liberty Township services and he comes to work through Washington Township on a state route. He said he would rather keep his 2.5% within the community where he lives where he uses their services and roads. Mr. Morgan said this is not fair and this is taxation without representation. He said the Zoo brings a lot of money into the area, Del-Co provides great water, and the Fire Department provides awesome services. He said they see them all of the time. He said he does not see how anyone will benefit from this proposal or where the money is going. Mr. Morgan said he has heard that an arborist and tools are going to be shared and if they need tools, the Zoo Maintenance Shop will lend tools. He said they do not need an arborist from Bexley to help them cut trees. He said if they are so upside-down on money the bigger picture is why they are in that situation. Mr. Morgan said this is not very fair.

Melanie Leneghan, 5288 Stratford Avenue, said she is here as a resident but also as a Trustee. She said she is not representing the Township and nobody authorized someone to come here and represent the Township. She said she is representing one Trustee. Ms. Leneghan said she is vehemently against taxing a select group of people so they can grow their kingdoms. She said their government is substantially funded; Liberty Township does not need additional funds. She said they have plenty of money and a lot of waste they can cut. She said they certainly don't need to grow on the backs of their public servants. Ms. Leneghan said if they want to talk about fairness, what is fair about taxing public servants and not taxing the Greif employees; what is fair about taxing teachers and not the people at Kroger; what is fair about taxing the Zoo and not everyone that works along Sawmill Parkway? She said it is not fair and if they do not think lawsuits will come from this, they are not looking past the tip of their nose. Ms. Leneghan said this JEDZ affects six bargaining units and if this community thinks that no one here will pay for it they need to think again. She said they pay five of the collective bargaining units through tax dollars and they do not know them very well if they think the workers will not want to get every dime of that tax back. She said Wade Lucas has even said this will give the teachers' union an excuse to come for more money and then they will end up paying for every teacher to get an increase, not just the ones in their community. Ms. Leneghan said they will pay far more for this than they will get from it. She said Mr. Sybert noted earlier that the City's proposal was unacceptable but no vote was ever taken. She said the only proposal she is aware of is the one she heard within Executive Session. She said no additional information has ever been shared with her regarding any other proposals and she cannot believe they went from that to this. Ms. Leneghan said she is shocked that there is not something in-between that does not involve riding on the backs of school teachers.

Karl Salmon, 2135 Sherborne Lane, said he negotiates collective bargaining agreements for a living and has worked with organized labor for a 30+ year period. He said they have a number of collective bargaining agreements in this area and they will be affected. He said they need to be clear that this has nothing to do with economic development; this has everything to do with creating another revenue stream. He said they are talking about increasing taxes for a select group of people, the overwhelming majority of which are covered by Union contracts that will be up for negotiation. Mr. Salmon said if they think they are going to save any money at all for the taxpayers, the big picture is they will simply take money out of one pocket and put it into another. He said every unionized employee and taxpayer that lives in Liberty Township or the City of Powell should see the macro-economic picture is that they will be just increasing the overall expenditures and tax burden for their communities. Mr. Salmon said when it comes to a negotiated contract they do not negotiate a raise for a small group of people, they negotiate across the board for the entire bargaining unit. He said this JEDZ is probably one of the most irresponsible decisions and considerations he has ever seen taken up by local government. Mr. Salmon strongly urged Council to oppose and vote against this as he will.

Hearing no further comment, Mayor Cline closed the public comment session on the first reading of Ordinance 2013-31. He thanked those who came to speak this evening.

Councilman Hrivnak asked the Law Director to run them through the mechanics of this ordinance and possible future ordinances to come and the timing involved. Mr. Hollins said they have to get everything to the Board of Elections by August 7<sup>th</sup> and this had to be the night for the first reading and then the second reading will be August 6<sup>th</sup>. He said this is the first step in sending the Township's resolution to the voters and this is the first step. He asked Mr. Sybert if Liberty Township has adopted this. Mr. Sybert said they have not. Mr. Hollins said it will go before the Trustees on July 29<sup>th</sup> at a public forum and he invites those with comments to

present those views to the Township Trustees as well. He said if it is approved, they will submit it on the ballot and it will be up for a vote of the Township electors in November. He said they will have an opportunity to draft the other agreements and submit them in August and September, long before the election. Councilman Hrivnak asked if legislation like this is being considered by all three entities and will they have to approve it for this agreement to go forward. Mr. Hollins said that is correct.

Councilwoman Brenner asked if the City of Powell has to take formal action for this to get on the ballot. Mr. Hollins said all three parties have to give the approval before it can go on the ballot; Ordinance 2013-31 has to be adopted for this question to be on the ballot for the voters to decide whether they approve or disapprove.

Councilman Bennehoof said he currently pays personal income tax in Michigan where he works and he has paid personal income tax everywhere he has worked with the exception of Vietnam. He said some of those taxes were much higher than this tax. He said in his view it is important that the populous not be misled by the fuzzy math that defeated the first fire levy which lead to the loss of many firefighters. Councilman Bennehoof said he hopes the math is reported accurately; the Fiscal Officer in the Township will have the correct numbers. He reviewed a presentation (Exhibit 3) in regard to the JEDZ. He said people make money in this area and take that money back to their home communities; these zones were designed to not limit growth and to target income properties because that is where the money is and where reciprocity can happen. He said political subdivisions like Worthington, Westerville and Bexley have income taxes above 2% and this could come back so the Township and City can benefit from the split of the \$1.3 million. Councilman Bennehoof said this legislation, if passed by City Council, will only mean this can be on the ballot. He said someone said this targets non-profits but it is the people making the money and not paying a personal income tax that may be using the roads, EMS/Fire, etc. He said there have been difficulties between the City and the Township in the past and this is a step to try to find some common ground. Councilman Bennehoof said it is a good step because the greatest benefit will be that the Township and the City begin to act in a collaborative fashion, help stabilize their budgets, and the CEDA would be amended for mutual benefit. He said they are partnering with Bexley because they were the most cooperative entity; their share is pretty small in the scheme of things. Councilman Bennehoof said not everyone is paying income tax and this will be new to them but lots of folks pay their fair share through personal income taxes. He concluded that three to five percent of the residents of Liberty Township will be affected and he now knows that the Fire Department has a higher population affected than he first thought. He said that is an issue and he thanked the firefighters for their service to the community. Councilman Bennehoof said the collaboration will improve, they will receive additional services and possible future tax income.

Councilwoman Brenner said she will be in Wisconsin on the date of the second reading. She said she will not make her income tax comparisons but she will bring up other things that are of concern. She said there was a development project before Council a couple of months ago that she did not support because they were being asked to vote on it before it went through Planning & Zoning; usually a project goes through the process and then comes to Council and they vote to send it along. Councilwoman Brenner said she knows they are trying to get this on the November ballot but it concerns her that they are again considering something and rushing it in order to get it on the ballot. She said they have been working on this since before she was elected to Council but yet they say they will negotiate all of the detail between now and the fall election. She said she does not know how that is going to happen and it concerns her that if all of the Trustees are not aware of this agreement, how does it have their joint support? Councilwoman Brenner said they would have had to discuss it in their own Executive Session. She said they keep hearing that the TIF will be made whole and she wonders who will make the JEDZ whole. She said a lot of the points made by the public this evening were good ones and the biggest thing is the perception is that this is a money grab. Councilwoman Brenner said she is not saying they don't need to resolve the CEDA or that there can't be other ways to find revenue; if they need bikepaths to be constructed they should consider a joint bikepath levy between the Township and City and put it before the voters. She said she has spoken with enough people involved with the original concept to know that this is not the intent of a JEDZ; it was intended to be used for blighted areas or areas where development needed to happen. Councilwoman Brenner said unless they are considering razing Liberty High School and rebuilding it, she does not see where there is a lot of development happening within this zone. She said it feels like they are complicating something so much that they do not even know all of the answers. Councilwoman Brenner said she wants them to get along and work together in a relationship as one entity but this is not the way to do it. She said she cannot vote in absentia on August 6<sup>th</sup> but she wants it to be clear that she would be a "no" vote. She said they should work together and be jointly behind something so it is fair.

Councilman Counts asked if it is true that the board of the JEDZ would govern development. Mr. Hollins said for purposes of zoning and development services it is still subject to the Township processes. He said the City currently provides commercial plan review and building inspection services and that would not change. Councilman Counts said he is concerned that the misinformation on both sides clouds the issue. He said over the next several weeks he will consider:

- Is there a need for services and capital improvements within the Township?
- Are they a better or worse community if they do or do not have those improvements?
- Can the Township pay for those bikepaths? Some suggest they can by making savings; other suggest there are so many paths that need to be paved that there is no way the Township could do that.
- Are there things necessary for the Township to do to make this a better community?
- If they do need those improvements, how should the Township pay for them? They could use a property tax but they know what happens in that case the Township residents pay for that. They know that within the City, 66% of their residents work outside of the City and pay up to 2.5% in addition to the .50% they pay to the City, totaling 3%. He said if they ask the residents to pay property tax to pay for these improvements, they are asking them to bear an additional burden for all of the people who come in and enjoy their township.
- Is a property tax the fairest way to fund these capital improvements?

Councilman Counts said he is afraid there will be clouding of the issue making it sound like a tax grab, an overall fix, or that this is on the backs of public employees. He said they will be paying a tax but many of the residents already pay 3% and is it fair to make them pay more for those who come into the township to work. He said he will be struggling with those questions over the next couple of weeks and he hopes that if this does go to the voters they can have a good, clear debate on this so they can make a good decision about how they move forward collectively.

Councilmen Hrivnak and Crites had no further questions or comments. Councilman Lorenz expressed thanks to those who came out to share their comments. Councilman Bennehoof said he agrees it is important to have the correct information available to the public instead of problems that have clouded issues in the past. He asked Mr. Hollins if he could do a little research into the purpose of JEDZs because Councilwoman Brenner has asserted that a JEDZ is for blighted areas. He said his understanding is that this is for cash disadvantaged entities and the Township certainly is one; they have limited EMS and Fire services due to layoffs and lack of funding for new equipment. He said the City has been fiscally conservative but it is aggravating to the public because they have not satisfied some of the capital improvement requests because they are not cheap to accomplish. He said they have been juggling to move the most important capital improvement to the top of the list and then work through them and this solves both of those issues.

Mayor Cline asked if Mr. Hollins could look into this and provide information at the next meeting. Mr. Hollins said he can look at the legislative history and amendments to this concept. Mayor Cline said the Legislative Service Commission has information. Councilwoman Brenner said she has requested that information and will forward it to him. Mayor Cline asked if he can tell them about the other JEDZ areas around the state, where they are and what kind of shape they have taken. He said it is his understanding that by design each is unique and intended to address a local problem. He said there may be similarities that he can point out. Councilman Crites said he should look at Scioto Township around the Circleville area Commercial Point in Grove City; they are in the process of trying to place one on the ballot in November and essentially they are township property that is within the JEDZ area. He said the Orient Correctional Facility is the primary focus of the JEDZ. Ordinance 2013-31 was taken to a second reading.

## **COMMITTEE REPORTS**

**Development Committee:** Councilman Hrivnak said the Committee met earlier this evening and discussed a traffic calming petition received for Wildflower Drive. He said that will move onto the next step in the process. He said they also received an update from Staff on the CIP list and projects that are underway. He said they discussed the railroad crossing on West Olentangy Street and Council will see an ordinance to extend the 25 mph speed limit west on West Olentangy; they propose installing signs at the tracks to keep vehicles from stopping on the crossing and moving all of the other signs away from the area. *Next Meeting:* August 6<sup>th</sup>, 6:30 p.m.

**Finance Committee:** Councilman Counts said the Committee met last week and discussed another policy that will eventually come before Council for their approval. *Next Meeting:* August 13<sup>th</sup>, 7:00 p.m.

**Operations Committee:** No report. *Next Meeting:* August 20<sup>th</sup>, 7 p.m.

**Planning & Zoning Commission:** Mr. Betz said at the July 24<sup>th</sup> meeting they will review the Final Development Plan for The Reserve subdivision on Home Road, and the Final Development Plan for the

redevelopment of the Auto Assets/Germain Body Shop site, as well as a small single family development on North Liberty Road. *Next Meeting: July 24<sup>th</sup>, 7:00 p.m.*

**CITY MANAGER'S REPORT**

No report.

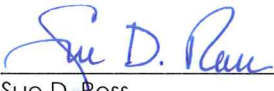
**OTHER COUNCIL MATTERS**

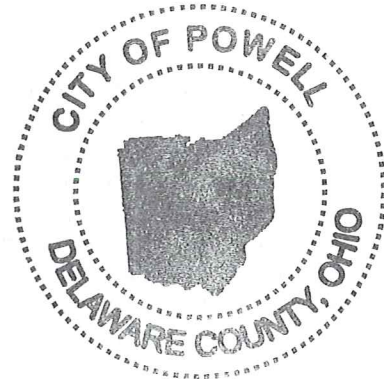
There were none.

**MOTION:** Councilman Hrivnak moved at 9:36 p.m. to adjourn the meeting. Councilman Crites seconded the motion. By unanimous consent, the motion was approved.

**DATE APPROVED:** Tuesday, August 6, 2013

 8/8/13  
Richard Cline  
Mayor Date

 8/20/2013  
Sue D. Ross  
City Clerk Date



**City Council**

Jon Bennehoof

Sara Marie Brenner

Richard Cline, Mayor  
Tom Counts

Mike Crites

Jim Hrivnak

Brian Lorenz