



City of Powell, Ohio
City Council

MEETING MINUTES
December 23, 2015

CALL TO ORDER/ROLL CALL

A special meeting of the Powell City Council was called to order by Mayor Jim Hrivnak on Wednesday, December 23, 2015 at 7:00 p.m. City Council members present included Frank Bertone, Richard Cline, Tom Counts, Jim Hrivnak, Brian Lorenz, Jon Bennehoof (arrived at 7:08 p.m.) and Mike Crites. Also present were Megan Canavan, Communications Director; Steve Lutz, City Manager; Debra Miller, Finance Director; Karen J. Mitchell, City Clerk, and interested parties.

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION

Mayor Hrivnak opened the citizen participation session for items not on the agenda.

Kent Bermingham, 521 Retreat Lane. He wanted to thank Council and Staff for their service this past year. It is the hard work that all of you do that make our City what it is. He believes that all the councilmembers and Staff have the very best for the City in mind.

It has meant a lot to know Rich Cline – a very fine man. He has served 5 terms - 20 years. When Rich came on board, we had a population in Powell of approximately 3600. Today we have approximately 14,000. Rich has served as Mayor, been head of the Finance Committee since its inception, Chairman of our Charter Review Commission, and so much more. Rich is a true gentlemen and a true friend of Powell.

He would also like to thank Mike Crites for his service. Mike has a fascinating background – a captain of the U.S. Navy – an Annapolis graduate – with several family members that also served. He is sorry that Mike did not decide to run again because he has been a great asset to the City.

Hearing nothing further, Mayor Hrivnak closed the public comment session.

APPROVAL OF MINUTES – December 15, 2015

Mayor Hrivnak requested a change to the minutes.

MOTION: Councilman Cline moved to adopt the minutes of December 15, 2015 as amended. Councilman Bertone seconded the motion. By unanimous consent of the remaining members of Council, the minutes were approved as amended.

SECOND READING: FIRST READING: ORDINANCE 2015-64: AN ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE AND EXEMPT FROM TAXATION; PROVIDING FOR THE COLLECTION OF SERVICE PAYMENTS; PROVIDING FOR THE DISTRIBUTION OF THE APPLICABLE PORTION OF THOSE SERVICE PAYMENTS DIRECTLY TO THE OLENTANGY LOCAL SCHOOL DISTRICT AND DELAWARE AREA CAREER CENTER; CREATING AND PROVIDING FOR THE DEPOSIT OF THE REMAINDER OF THOSE SERVICE PAYMENTS INTO A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND; PROVIDING FOR PAYMENT OF A PORTION OF THOSE SERVICE PAYMENTS RECEIVED BY THE CITY TO THE LIBERTY TOWNSHIP FIRE DEPARTMENT; SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS AND COSTS TO BE PAID FROM THAT FUND; APPROVING AND AUTHORIZING THE EXECUTION OF AGREEMENTS TO IMPLEMENT THIS ORDINANCE; AND DECLARING AN EMERGENCY.

Mr. Lutz: We spent quite a bit of time discussing this at our last meeting, so I will just briefly review the proposed TIF. The scope of this proposed TIF is a 30 year, non-school and non-Liberty Township EMS Fire TIF. Both the schools and township fire department would be made whole. The City would issue 2.25 million dollars in bonds which would be utilized to provide public improvements – roadways, bike paths, storm sewers, etc. Also as a part of this TIF agreement, it would provide \$1 million dollars in funds for us to begin the construction of Seldom Seen Park. There is an emergency clause on tonight's ordinance

because if we adopt this ordinance tonight, we can capture the current value of the land, which is minimal because there is nothing on this land. If we wait until next year, the purchase price of the land will be added to the base value, which will reduce the amount of money in which the TIF will generate over the thirty (30) years. The developers are here tonight and can answer any questions you may have.

Councilman Bennehoof arrives.

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

Councilman Cline: This ordinance was considered in Finance Committee. I think there has been some discussion of the appropriateness of an emergency clause. I would like the record to reflect an emergency clause is appropriate when the ordinance impacts the health, safety or welfare of the community. As our manager pointed out, this does impact the general welfare of the community by generating approximately a ½ million dollars of additional revenue that would be lost if we waited until 2016 for this ordinance to become effective. It also impacts the safety and health of the community because this TIF will fund public improvements that will improve traffic flow on Sawmill Parkway and by addressing storm water problems that are greater than the storm water problems of this parcel as an approximately 60 acre flood area drains on to this parcel. This project will address the storm water flow from that parcel which is outside the scope of this project. For those reasons, I think that it is clear that this ordinance does effect the health, safety and welfare of Powell residents. For those reasons, it is my intention to vote for this ordinance.

The Finance Committee's unanimous recommendation was if the City is going to adopt the TIF at all, that it should be adopted as an emergency measure to make certain the City is able to take advantage of the valuation issue that Mr. Lutz talked about. I think that having approved the final development plan for this project, it is appropriate for the City to also approve this tax increment financing to accomplish that final development plan.

Councilman Lorenz: Whether you approve of the development or not, that's beyond this. We are here to singularly discuss the financing portion of this project. I was a little taken aback after our last meeting because I was approached in the hallway rather hastily by several community members indicating this was nothing more than a money grab. It is common sense. For us to utilize a clause within our Charter that allows us to act on our best interest based on the health, safety and welfare of our community, it would be very irresponsible for us to not act on this tonight under the emergency circumstance to potentially give up half a million dollars of our taxpayers money. With that, I fully intend to support this ordinance passage tonight.

Councilman Bennehoof: My apologies for rolling in late. I just came in from Lansing. Steve, were you able to describe, as we had talked on the phone, the impact analysis we discussed? [Mr. Lutz: I did not, but I would be happy to.] Would you please because that's a real eye opener and I think it's important for everybody in the community to understand the insignificance of these 308 apartments and their contributions to all the other programs that are not Fire/EMS, not the schools, not Delaware Career Center, and because the piece of the pie from our taxes that comes out that goes to the entire county which is so small in comparison and we are capturing the increment, not the base, so the base will continue.

Steve Lutz, City Manager: Regarding property taxes, approximately 10 cents out of every dollar on our property tax goes to Delaware County. Delaware County then utilizes that to fund their operations. Cities, such as Powell, rely on the income tax for the lion share of our budget. Schools rely on property tax for the lion share of their budget. The counties rely on sales tax for the lion's share of their budget. I asked Debra to take a look at the parcels which are involved in the Powell Grand project to take a look at today how much taxes are going to Delaware County and to take a look at how much that funds their operations.

Debra Miller, Finance Director: I looked at the main site of the main parcel. Currently for Delaware County agencies for 2014, paid in 2015, the amount paid \$1,788 in property taxes to the Delaware County agencies. This represents .0002% of the expenditures for the health and welfare section of the Delaware County budget. When you look at it for the entire Delaware County budget, there is a lot more zeros than that.

Mr. Lutz: That's two one-thousands of one percent.

Councilman Bennehoof: That's a very incidental depletion of their funds. And it's not really a depletion because the base tax increment – the base is still going to contribute to those funds, so it's not a money grab like Brian talked about.

The other important thing that gets lost on a lot of people, is the developer is going to be loaned money that the development will then pay off that will go to the betterment and advancement of the park, the improvement of the intersections and all the other traffic measures, the bike paths, etc., etc. It's not free money. It's not handing the developer money. It's not taxing the community for those things, but taxing this specific development. That development will be paying for those things and they are immediately contingent coincident with the development so I will be voting in favor of this tonight. I hope the public will get the facts straight on all these elements.

Councilman Crites: I think I made it very clear at the last council meeting that I intended to support this. As I have looked at it even further and had some additional questions answered, it's very clear to me that this TIF makes financial sense. It is not a money grab. The City of Powell is going to be the beneficiary of this in the long run. I like that we've ensured that the schools and fire/EMS are made whole. It's not to suggest that I'm not concerned that there may be other political entities that are not made whole, but as has been represented both at the last Council meeting and this meeting, that 'loss' is very minuscule in comparison to the entities that are being made whole. We are sympathetic to that and we care about that, but quite frankly we get to a point where we have to balance the equities when we make a decision. And when we balance the equities in this case, it clearly comes down on the side of approving this TIF. It just makes sense. I think all of us on this Council get it. I am absolutely delighted that we are going to be able to provide some additional money for Seldom Seen Park. There are a lot of people in this community that are excited about us taking some first steps in the development of that. It's going to happen in large part because there are going to be additional monies generated from the TIF that are going to allow us to do that. I will be voting in favor of this TIF this evening.

MOTION: Councilman Crites moved to adopt Ordinance 2015-64. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

RESOLUTION 2015-18: A RESOLUTION SUPPORTING THE 'ONE COMMUNITY' CONCEPT AND CONTINUING TO PARTICIPATE WITH LIBERTY TOWNSHIP.

Mr. Lutz: Jon and Brian requested that we draft a resolution supporting the ONE Community concept and Jon is Chair of ONE Community so he may want to introduce this.

Councilman Bennehoof: Last strategy session, we agree to form the ONE Community Committee which I co-chair with Shira Eichhorn, Liberty Township Trustee. While we have not moved a lot of projects to completion, we've done a lot of great fence mending. We had a committee of the whole meeting with the Liberty Township Board and we've got some projects in flight with respect to first responders. The park at Seldom Seen may one day enjoy a playground for first responders dedicated there, they will have an opportunity to do safety city kind of things and a lot of different community interaction at that park because of some of the efforts of ONE Community. We are also working on some free consulting from Ohio State University for general beautification in the area – getting advice about plant types and that sort of thing. It has been a slow start, but we are making some progress in getting that done. I'm thrilled that we have this collaborative committee between these two political subdivisions. I am most happy about the fence mending, the relationship that we enjoy with the Board of Trustees now. I think we only have blue skies ahead. I want to thank Staff for putting this resolution together. I think it is time we formalize the committee and I have asked the board of the trustees to do the same and I will be providing them a draft of our resolution as a template.

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

Councilman Lorenz: In support of approving this resolution, I feel that passing this resolution helps legitimize ONE Community as a Council sub-committee. Jon has worked hard with other members of that committee to draft a charter and to put some teeth behind it. I am hoping the rest of Council will support this as well so we can appoint a chair in our annual business meeting in January.

Mayor Hrivnak: Jon, I want to thank you for your work in ONE Community. I too appreciate the fact that we are in touch with the trustees often. I probably talk to them at least every other week or at least once a month. That is in large part due to your work.

Councilman Bennehoof: I additionally want to recognize and acknowledge the work of all of the members of the committee, the members of Council that show up when they are able to. I think it really helps to build those relationships.

MOTION: Councilman Bennehoof moved to adopt Resolution 2015-18. Councilman Cline seconded the motion. By unanimous consent of the remaining members of Council, Resolution 2015-18 was adopted.

RESOLUTION 2015-15: A RESOLUTION RECOGNIZING MICHAEL CRITES' TENURE AS A COUNCIL MEMBER OF THE CITY OF POWELL 2012-2015.

Mayor: [Reads the resolution in its entirety.]

Councilman Crites: I'm very appreciative that the residents of this community afforded me the opportunity to serve for four years on this Council. It has been an absolute delight to have served with members of Council as they presently are constituted and as they were two years ago. The thing that I take away from this more than anything is the fact that we still have people in community that are willing to run for election, hold themselves out there, and be personally and professionally accountable and make the decisions that they make in the best interest of this community. This body has demonstrated that in spades every single Council meeting. There is no doubt in my mind that while we have not always had unanimous votes, we have to a person cast our votes on what we thought was in the best interest of this community.

Finally, I'd like to say that we are blessed with a great leader in Steve Lutz and the Staff. We are also blessed because we have citizens in this community willing to serve on bodies like the P&Z Commission. Every night I came to a Council meeting or committee meeting, I always walked away amazed that we had people in this community that were willing to step forward and put in the time that was necessary to move this community forward. Based on the leadership I've seen in this room over the last four years, the best years of this community are yet in front of us. I want to wish everyone a Merry Christmas and may the force be with you all.

Councilman Bennehoof: I would also like to recognize Rich and Mike's contribution to the state and country as well. It is much appreciated by me.

Councilman Counts: Mike and I both hail from west central Ohio and both have graduated from Ohio Northern, so I have an affinity to Mike. I am pleased to have served four years on Council with Mike. One thing that I much admire about Mike is he serves various functions at both the state and federal levels in his private employment and yet he's always found time to devote to his community. I think that is the hallmark of a very humble man who knows what is best. I very much appreciate that.

Councilman Cline: Mike, I'm so glad you decided to join us four years ago. I really appreciate the leadership you brought to us, particularly on the Comprehensive Plan and Charter Review. Those are two critical tasks that were very difficult and time consuming and sometimes controversial. And they just seemed to go seamlessly, flawlessly and I appreciate it very much.

Councilman Lorenz: Admiral, as I jokingly refer to you, I'm appreciative of time I had to serve with you and for the things that you have accomplished in your short tenure here. The City will miss your leadership and diligence. As Rich said, you chaired two really significant directives in our community and I won't forget the things that you did to help bring us up to speed and move us forward. Many of these things were visionary and while many of us had bits and pieces, you were the guy that was able to put all those bits and pieces together. I have been grateful to work with you and learn from you, so thank you. We will miss you.

Councilman Bertone: In our two years of working together, the thing that stands out to me is your leadership. You leave some very big shoes to fill here. I look at my kids as they play sports and you're a stat sheet stuffer – people who do a lot in the game that have an impact. Mike, you have had such a tremendous impact on this community. Again, you leave a very big example for all of us to follow. For some of us that are new to this, I can't thank you enough for all that you have done for this community.

Mr. Lutz: What's interesting for those of you that don't know Mike, he was involved with the Olentangy School Board during a very interesting period of time. It's amazing with the leadership that Mike brought to the school board at the time, when you look back 20 years later, you certainly made the right decisions which has permitted the school board to be as prosperous as it is today.

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

MOTION: Councilman Cline moved to adopt Resolution 2015-15. Councilman Counts seconded the motion.

VOTE: Y 6 N 0 (Abstain: Crites)

RESOLUTION 2015-16: A RESOLUTION RECOGNIZING RICHARD CLINE'S TENURE AS A COUNCIL MEMBER OF THE CITY OF POWELL 1996-2015.

Mayor: [Reads the resolution in its entirety.]

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

Mayor Hrivnak: I can't image serving for five terms. That's quite an undertaking. Your dedication has taken us from a small village to a prosperous city. Thank you.

Councilman Bennehoof: Only having been here for four years, I know what a commitment it is to be on Council. Then to serve as the head of the Finance Committee on top of that too is an accomplishment. Thank you.

Councilman Counts: I have had the pleasure to serve with Rich for ten years and work with him closely. It's been a wonderful relationship that I've appreciated and that I will miss. Rich, you have been the voice of moderation, a voice of reason, a voice of patience, especially in terms of the City's finances. All of that has led to the economic condition that we see the City in today, and we have been well served by that.

I have also admired the way you have been able to handle difficult subjects, heated subjects that are being debated before Council. You have treated every person with the respect that they are due. You have listened to them with patience. You have been able to articulate difficult issues in a way that residents who have not been involved can understand. They may not agree, but they can understand. You have not allowed those emotions to sway what you think is important to the City. Those are all hallmarks that I think that the rest of us on Council can use and guide us for the future because we are in times where I think in order to move this City forward, we have to forget about what may be our own interest and what consider what is best for the City. I will miss you greatly for the rest of the time I am on Council.

Mayor Hrivnak: Rich, I just wanted to emphasize your contribution to the City financially. The city benefits greatly from the triple A bond rating that we have. It is rare for a city our size to have that type of rating. That rating has allowed us to borrow money and take out bonds at a much better rate than many people – that has saved the City a lot of money over the decades. That is a long lasting contribution to the City. Thank you.

Councilman Lorenz: I will miss serving with you Rich. I've learned a lot from you. I look up to you a great deal. As others have pointed out, we are really lucky to have had you as a leader to the City. Much like Mike, you have done so many great things. Personally, I look at you and you are the consummate gentlemen. You're a great leader. You're always prepared, so eloquent in your communication style. No one is every beneath you and I think that goes a long way for the residents and probably speaks to being elected five times. You have always helped me personally weigh the issues. We haven't always seen eye-to-eye on a lot of those, but you have always been respectful in dialogue and in discourse, and for that and for all those other reasons, I wish you the best.

Councilman Crites: Rich, as a career prosecutor, it pains me to say nice things about defense counsel, but I have a lot of nice things to say about you. I knew you somewhat before I served on Council. I've come to know you even better in the last four years. It's been a remarkable experience my friend. I really mean that. When you graduate from Annapolis, they say it's all about 'to lead and to serve'. I know you didn't graduate from Annapolis, but I want you to know I think you emulate that. You have led and you have served and you made a big difference in this community over the last twenty years. I wish you the very best of luck in the future. This City is in the position it is in today because of the efforts and the contributions you have made over the last twenty years. I personally appreciate our friendship. I know that it is going to extend beyond Council. I wish you the very best of luck in everything that you do in the future. Thank you.

Councilman Bertone: Rich, when I think of you, the top two items that come to mind are class and leadership. First-class individual in every interaction I've had with you in two years' time. As Brian mentioned, Rich has the innate ability to take something complicated and make it incredibly simple. I

appreciate that very much. I thank you for the example you have set for this whole community, for this board and body. The leadership example that you have shared with all of us – the grace. I'm inspired by what you have provided this community the last twenty years and I look forward to where we go forth and I commend you for everything you've done for us as a community. The solid financial – that's wonderful, but what you mean to me personally and what you've meant to these residents, I can't thank you enough.

Councilman Cline: Thank you everyone for those kind words. It has truly been my pleasure to serve on Council. And none of these accomplishments would have occurred absent the will of my fellow Council members, the leadership of the City staff, and the contributions of great community members. It really has been a fun ride. In many ways I'm sorry that it's over, but it is the right time and a good time for me to go. The City is in great hands. The people I have served with on Council and the people that are coming on to Council I know all have the City's best interest at heart. With a deliberate body like this often there will be a difference of opinion, and what I really treasure is the ability to have a reasoned discourse about what's good for the City and to move forward from there. The best time for the City is ahead and I'm comfortable and confident that the leadership that's in place will take us there.

Lastly, I would like to say that there is no way I could have done five terms without the love and support of my wife.

MOTION: Councilman Crites moved to adopt Resolution 2015-16. Councilman Counts seconded the motion.
VOTE: Y 6 N 0 (Abstain: Cline)

COMMITTEE REPORTS

Development Committee: Next Meeting: TBD.

Finance Committee: Next Meeting: Tuesday, January 12, 2016, 7:00 p.m.

Operations Committee: Next Meeting: Tuesday, January 19, 2016, 6:30 p.m.

ONE Community: Next Meeting: TBD.

Planning & Zoning Commission: Next Meeting: Wednesday, January 13, 2016, 7:00 p.m.

Powell Community Improvement Corporation: Next Meeting: TBD.

CITY MANAGER'S REPORT

There was none.


OTHER COUNCIL MATTERS

There were none.


ADJOURNMENT

MOTION: Councilman Cline moved at 7:53 p.m. to adjourn. Councilman Crites seconded the motion. By unanimous consent of the remaining members of Council, the meeting was adjourned.


MINUTES APPROVED: January 5, 2016



Jim Hrivnak
Mayor
Date 1-5-16



Karen Mitchell
City Clerk
Date 1-20-2016



City Council

Jim Hrivnak, Mayor

Jon Bennehoof

Frank Bertone

Tom Counts

Mike Crites

Richard Cline

Brian Lorenz