

To start with, I have a procedural concern related to making information available to the public in an impartial manner.

Just two weeks ago, we had two agendas for our meeting. One agenda was posted on the City's website and made available to the general public in advance; while the other was a private agenda shared with a few insiders.

The agenda posted for our meeting included notice of Ordinance 2017-46, which merely stated that we were transferring money for the calendar year. The amount was not disclosed. Attachment "A" which provided the context of the lawsuit was not posted.

Up until that date and time, we, the city council members, the city attorney along with a few city employees only spoke about the settlement in Executive Session. We were told repeatedly that we are not to divulge anything discussed in Executive Session.

So while the general public wasn't informed that we would be discussing the Powell Crossing litigation, how did confidential information get leaked ahead of the meeting?

Interesting to observe that of the 12 individuals who spoke 2 were former councilmen, 2 were developers and 2 were real estate agents among others. One individual submitted prepared written comments including reference to the actual dollar amounts that were not added to the exhibit until the General session was underway. While another speaker posted information on a closed Facebook group regarding the lawsuit and reading of the settlement more than an hour in advance of the meeting, still nothing on the city website.

What was the purpose of hiding this information from the public? Was information really shared equally? Why was Channel 6 news alerted to cover this specific meeting along with others in the audience prepped to cover - social media posts, videos and all?

All appearances indicate confidential information was leaked, duties breached and trust broken. If we were putting on a show, this is not the message we should be sending.

The other item that concerns me is a matter of disparate treatment towards our residents when they come before us to speak.

When we make the pledge of allegiance before every meeting we assert “with liberty and justice for all.” What happened to that idea at the last council meeting? If we don’t like you or if you disagree with a point of view, you might be subject to having the police physically remove you from our proceedings amid calls for your execution. If we invited you here, because you agree with us, you’ll be allowed to speak for more than 3 minutes, we won’t interrupt you, your questions will be entertained, we’ll allow you to go off topic and we’ll accept your written comments concerning confidential information that was provided to you before the meeting.

Nonetheless, I encourage members of our community to continue to share their thoughts, their concerns, their points of view – even when and especially when you feel your voice is not being heard.

One final comment that comes in the aftermath of what was a very emotionally charged meeting and emotionally charged past 2 weeks.

I have had many people approach me one-on-one with questions regarding Powell Crossing. Questions about the events, questions about all the statements that are being offered up, and questions on the comments directed to and about me. I appreciate the out-reach and support from people – some I know and some that I have not met previously. For those I have spoken to, it is hard to explain that it would be a tireless endeavor on my part to clarify the partial truths, the misstatements of information, the anecdotal information that evolves, like a game of telephone tag, passed along to the point that people may not even knowingly be aware they are spreading untruths.

I, like my fellow City Council members, serve this office with a desire to represent and serve this community.

So with a shared desire to move forward, I’ll pledge to continue to be an advocate for the community at large.

I will continue to be very considered of any development that comes before us and I will work with my fellow Council members to carefully evaluate each application with a goal of being open to the range of discussion. Thank you.

I have attached to these remarks a copy of Ordinance 2016-47 that was posted on the City’s website before our meeting, as well as, a copy of Attachment A that was given to us minutes before we voted.



City of Powell, Ohio
ORDINANCE 2017-46

AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2017.

WHEREAS, Council hereby determines that it is necessary to modify appropriations for the calendar year 2017 in accordance with the information attached hereto as Exhibit "A" and incorporated herein by reference;

NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:

Section 1: That Council hereby modifies its appropriations for the calendar year 2017 by increasing certain accounts due to adjustments that need to be made to the funds. Council hereby determines to make the following adjustments:

Appropriate:

General Fund, Operating Expenditures \$ _____

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

Section 3: That this Ordinance shall take effect on the earliest possible date permitted by law.

VOTE ON RULES SUSPENSION: Y _____ N _____

VOTE ON ORDINANCE 2017-46: Y _____ N _____

Brian Lorenz
Mayor Date

Karen J. Mitchell
City Clerk Date

EFFECTIVE DATE:

This legislation has been posted in accordance with the City Charter on this date _____

City Clerk

City Council

Brian Lorenz, Mayor

Jon Bennehoof

Frank Bertone

Tom Counts

Jim Hrivnak

Brendan Newcomb

Daniel Swartwout

Expenditure Adjustments:

Appropriate:

1. The lawsuit with Powell Crossing has been resolved with the City's share of the cost being \$950,000.00 and the City's insurer, Great American Insurance Group share being \$850,000.00. This settlement resolves any and all claims in the Powell Crossing litigation. The City will be paying this claim from the City's unappropriated fund balance of the General Fund.

General Fund, Operating Expenditures	\$	950,000.00
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