



City of Powell, Ohio
City Council

MEETING MINUTES

August 7, 2018

CALL TO ORDER/ROLL CALL

A regular meeting of Powell City Council was called to order by Mayor Jon C. Bennehoof on Tuesday, August 7, 2018 at 7:33 p.m. City Council members present included Jon C. Bennehoof, Frank Bertone, Tom Counts, Brian Lorenz, Brendan Newcomb, Melissa Riggins (arrived at 8:38 p.m.) and Daniel Swartwout. Also present were Steve Lutz, City Manager; Eugene Hollins, Law Director; Dave Betz, Development Director; Rocky Kambo, Assistant Director of Development; Debra Miller, Finance Director; Jessica Marquez, Assistant Finance Director; Chris Huber, City Engineer; John Moorehead, Assistant City Engineer; Megan Canavan, Communications Director, Karen J. Mitchell, City Clerk; and interested parties.

OPEN SESSION

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION

Mayor Bennehoof opened the citizen participation session for items not included on the agenda. Hearing none, he closed the public comment session.

PROCLAMATION: [Proclaiming September Prostate Cancer Awareness Month](#), by Linda Hoetger, Advocate of ZERO. Linda Hoetger spoke about the importance of being screened for early detection of cancer.

APPROVAL OF MINUTES – July 17, 2018

MOTION: Councilman Counts moved to approve the minutes of July 17, 2018. Councilman Lorenz seconded the motion. By unanimous consent of the remaining members, the minutes were approved.

RESOLUTION 2018-12: A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF POWELL, AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 6, 2018, OF AN ORDINANCE TO ENACT SECTION 182.012.1 OF THE CODIFIED ORDINANCES OF THE CITY OF POWELL TO INCREASE THE CITY INCOME TAX RATE FROM THE CURRENT RATE OF THREE-QUARTERS OF ONE PERCENT (0.75%) TO A RATE OF ONE AND FIFTEEN HUNDREDTHS OF A PERCENT (1.15%) TO BECOME EFFECTIVE ON JANUARY 1, 2019 FOR THE PURPOSES OF GENERAL MUNICIPAL OPERATIONS AND SERVICES, STREET MAINTENANCE, AND CAPITAL IMPROVEMENTS AND RELATED COSTS; TO ENACT SECTION 182.013 TO DEDICATE NO LESS THAN TWENTY-FIVE PERCENT (25%) OF ALL INCOME TAX REVENUES FOR THE URPOSE OF CAPITAL IMPROVEMENTS AND RELATED COSTS; AND TO AMEND SECTION 182.081 TO INCREASE THE CREDIT FOR TAXES PAID TO ANOTHER MUNICIPALITY FROM ONE-FOURTH OF ONE PERCENT (0.25%) TO ONE-HALF OF ONE PERCENT (0.50%). ([EX. A](#))

Mayor Bennehoof: We've had a lot of discussion. Late last year we commissioned a group of 18 disparate residents who came together and studied this matter in more depth than we have at this table, and came up with a recommendation to which they made a unanimous recommendation to Council. I think it behooves us to honor that work. It is now time for us to decide to put this on the ballot so the citizens of the City can understand the need and decide if they want to continue to maintain the character and quality of life in the City.

Steve Lutz, City Manager: In summary, the City Council formed an 18-member Citizen Financial Review Task Force in January to look at ways the City can fund its capital maintenance budget. This Task Force has

recommended that the City place on the ballot an issue for voters to vote on to raise the income tax from ¾% to 1.15% and to increase the credit from ¼% to ½%. They also recommended a requirement that the City Council allocate not less than 25% of all income tax revenue to infrastructure maintenance. If Council wishes to place an item on the November ballot, we must present the legislation to the Board of Elections by 4 p.m. tomorrow.

Councilman Counts: At our table tonight there is a modified version of the Resolution and since this is the second reading, do we have to officially amend what has been before us to include this language?

Eugene Hollins, Law Director: Yes. I did have the opportunity to review the draft of the Resolution and the Ordinance with Mr. Cline and look a little closer at the recommendations from the Task Force. We wanted to make absolutely clear on the legislation and also in the ballot language the specific purpose of the 25% dedication was for capital maintenance. Capital improvements may have implied new capital improvements and the clear intent was maintenance of our current infrastructure. I left the term improvements in because when I looked at the specific list, some of those things in some circles would go beyond just maintenance and actually be slight improvements, so we went ahead and called it infrastructure maintenance and improvements rather than capital improvements.

Now procedurally, you are absolutely correct. It does require a motion to amend if this meets your satisfaction.

Councilman Lorenz: I'm going to ask for another amendment on this too.

Mayor Bennehoof: Let's go through the discussion first.

Councilman Swartwout: Can I get a quick clarification on the procedure as far as voting on the Resolution, the Ordinance, what exactly we are voting on, and how that is going to proceed?

Mr. Hollins: The first thing you want to handle are any motions to amend. You can have multiple motions to amend and each motion to amend would require a second and 4 members to approve. Once it is in its final form, as amended, we would make a motion to adopt the Resolution. If it were to pass, and it also takes 4 votes, we would then table the Ordinance - until after the election in November and the votes are certified from that election - probably to the first meeting in December.

Councilman Lorenz: Even though we would table the Ordinance, the Ordinance [language] is going to have to match the Resolution, so we will still have discussion and have to amend the Ordinance as well?

Mr. Hollins: Absolutely. And I should mention that if the voters do not approve this ballot measure, at the December meeting, we would take it off the table and vote it down. Our December vote would match the results of the November elections.

Councilman Counts: We know what the proposed amendment is that we have before us. Brian, what I would suggest is that you read what you propose to amend so that our residents have a chance to weigh in on it during public comment.

Councilman Lorenz: I have a short statement which has my proposed amendments in it.

I've been on Council for 9 years. I know the funding of the improvements has been a topic of need since I've served. We do need a targeted funding source that is fair and equitable to all residents. At our last meeting Tom said we need to look in the mirror and ask ourselves if by authorizing this, we are being responsible to our residents. It takes a lot of courage to make these decisions, but that's why all seven of us run - to serve you. I've been an opponent to this increase and some people have not been shy to let me know their opinions on both sides of this issue. I've thought long and hard about this issue and what Tom said. It really resonated with me. By putting forward these amendments, I believe I am acting on behalf of the best interest of our residents. I feel we have an obligation to offer something to our residents that makes sense that puts their interests first, and keeps us in a competitive, business-friendly environment. We all live here in Powell by choice. We know when we move here what we buy into. But at what point do we stop paying no limit taxing poker and address

our needs incrementally? I work in Dublin. No one at the City of Dublin cares or asks me what I think when they raise their income tax. I'm not saying that because it's the right approach or right attitude, but what I'm trying to present is that we merely take care of our own first. Powell has the lowest income tax rate of any municipality, and that is a great thing, but if this legislation passes as presented, we will have some of the highest taxed individuals in the area as well as Central Ohio.

A few months ago, Frank and I held an extremely popular open house to discuss this and other issues with our residents. Beyond that, I hear the call for the need for capital improvement funding, but at what cost? People want more equity. So tonight, I am going to ask for an amendment to both the Resolution and Ordinance that I feel brings more equity to the request. To me it is a compromise and something I can get behind because it protects our residents while coupled with other initiatives that can help assist on our capital improvements needs. I would ask for the legislation to be reworked to address two specific areas:

First, I would ask us to clarify the minimum overall commitment to capital improvements to 25%. The legislation, as submitted, is confusing. Many have asked the same question I have – why are we not devoting the overall amount of this increase? I understand why we are not, but I believe it is a bit unclear. It needs to be targeted and specific. There is no reason that it cannot be creatively done. I want to make sure we are being as transparent as possible.

We took and continue to receive flak from a park levy extension. I don't want us to go through that again and I think the Task Force feels the same and even made some recommendations to that effect. They cite a specific CIP plan in the report. Instead of us band aiding projects as money flows in, we need to be very clear and specific in this language. The second part of that increase for dedicated improvements comes from the report. This increase only takes care of the here and now, not long term items that are needed. As a conservative, taking as little as possible from the taxpayers appeals to me as well, but it seems a bit confusing when we are asking for an amount that we are not even sure will cover us in the future. I'd like our Council to look at other opportunities to drive revenue like broadband. Our residents are tired of unreliable service and one option. Our City also needs it to operate. Our Operations Committee, which I chair and serve on, has discovered opportunities that may be available for us to generate revenue once we are up and running, if we decide to go that route. Would broadband be covered under capital improvements? It's infrastructure, correct? We should be including this and that is one of the reasons I was hesitant to pass this legislation.

The second amendment relates to equity. I would like to amend the legislation to raise the credit to 0.65%. I believe this is fair and shows a commitment to our residents. I think it is our obligation to our residents. Sure it would raise somewhat less than the \$2 million dollars, but I believe with the other initiatives that I talked about in our last meeting, we will exceed the amounts needed.

So, my amendments would be, in Resolution 2018-12, to strike in the heading the language "no less than;" to strike the language in the heading where it says "one-half of one percent (0.50%)" to insert the language "sixty-five one hundreds of one percent (0.65%);" as well as in the third Whereas clause to strike out the word "0.50%" and insert the word "0.65%"; and Sections 1 & 3, to strike out the words "one-half of one percent (0.50%)" and insert the words "sixty-five one hundreds of one percent (0.65%)." In Exhibit A, I propose amending the heading by striking out the word "one-half of one percent (0.50%)" to insert the language "sixty-five one hundreds of one percent (0.65%);" Section 3 to strike the words "0.50% (one-half of one percent)" and insert the words "sixty-five one hundreds of one percent (0.65%)."

Mayor Bennehoof opened the floor for discussion on the proposed amendments.

Councilman Swartwout: The first amendment to strike the language 'no less than', so your desire with this amendment is that every year exactly 25% is spent on capital infrastructure maintenance?

Councilman Lorenz: Yes. I think it reads better than 'not less than.' It's not open to interpretation – whether it's .17, .25, and it dedicates those funds as recommended by the Task Force.

Councilman Counts: Brian, practically speaking, how would you account for that? How would you know at the end of the year you have spent no more than 25%?

Councilman Lorenz: I don't know. If you are telling me that what I'm suggesting hampers the Finance Director on hitting it on the mark perfectly, then I understand. I want to make sure we are being exactly clear.

Councilman Swartwout: A concern I would have about that proposed amendment would be if, for example, we were awarded a grant to make some sort of improvement in the City and to put up the matching funds that we would need to receive the grant, we had to go to 26% of our dedicating infrastructure funds, that change would not allow us to do that.

Councilman Lorenz: I just want it to be exactly clear that this is what we are doing.

Councilman Bertone: You are looking for transparency.

Councilman Lorenz: Yes. Absolutely. I have no problem withdrawing that part of the amendment to move us along.

Councilman Counts: As a practical matter when you get money in, it's easier to take 75% and put it in this pile and 25% in that pile, rather than trying to figure out, I've spent 75% over here and 25% over here.

Councilman Lorenz: Then I would withdraw that first part of that amendment. I will hold to the proposed credit amount amendment.

Councilman Swartwout: I understand the desire of what you are going for there, to make sure at least 25% is used. Correct?

Councilman Lorenz: Yes.

Councilman Bennehoof: In my opinion where it states "such ordinance shall also enact section"... "to dedicate at least 25% of all income tax revenues to infrastructure maintenance and improvements" says the thing that I think you're going for. [Councilman Lorenz: Okay.] If we spend 24% this year, we will carry the 1% and if we get a grant and can't spend any of our money because of the size of the grant, then it would roll to the next year. Is that how that would work Debra? [Debra Miller, Finance Director: Correct.] So we can have it dedicated to the capital improvements fund, knowing from my work in the state, if the funds are dedicated to that, that's only what it can be used for. It would carry over from year-to-year. I think we are okay there.

So Brian's first proposed amendment has been withdrawn. Are the comments with respect to his second proposed amendment?

Councilman Counts: I've plugged Brian's numbers in with the increased credit. It would generate \$1,440,000 dollars compared to the \$2,091,000 dollars. That is about a \$650,000 difference in those two numbers. For those living in Powell and working outside the City, there would be no increase whatsoever. That means the increased rate would be shared then by those living in Powell but working elsewhere with a tax rate that's below the credit, those that live and work in Powell, and those that work in Powell and live elsewhere.

Ms. Miller: I would also add that with this change to the credit, while it only raises approximately \$1.4 million dollars, with the language of 25%, it could take what we are currently getting, which is 6 million and add the \$1.4 million, that's a total of \$7.4 million dollars. But 25% of that is \$1.85 million dollars. That difference of approximately \$400,000 would be coming out of your general operating account. Going in this direction would mean needing to reduce your services and/or Staff to make up that difference. You can have one or the other, but you can't have both in this scenario without effecting the general fund.

Councilman Swartwout: I have no further comments on the proposed amendment. I would make a suggestion. As we start the discussion, we have had a chance at our last meeting to hear each other's thoughts to some extent, but we have not had the chance to hear from Brendan. So whenever we start the Council portion of our discussion, I think it would be beneficial to start with Brendan.

Mayor Bennehoof opened this item to public comment.

Rich Cline, 290 Weatherburn Court: I'm here under false pretenses because I'm not going to speak on behalf of the Task Force on Brian's amendments because we didn't discuss those as a group. Before I talk about the proposed amendments, I will say that the Task Force spent a great deal of time investigating the need, and determining whether there was a solution that could be done without going to the voters. I think it was pretty clear that everyone on Council agrees that there is a need and agrees that we need the help of the community to solve that concern. The real question is what solution do we put forth? The Task Force did believe that solution before any proposed amendments was the right solution. That was a unanimous recommendation of the Task Force.

Brian, thank you for the emphasis on the importance of the 25%. I do think we are both trying to say the same thing, but we're trying to find a way that says it clearly. I think we both agree that saying it clearly is the most important thing. Having said that, I think that the language that we currently have is clear that 25% is reserved for infrastructure maintenance improvement costs and, as the Mayor indicated, if this year we use 24%, 1% will carry over. If the next year we use 26%, we kept that 1% from the year before. But I think there's unanimity among everyone in the room that this is the concept and the record will be clear so that the voters will know that this is concept that we are doing.

I want to talk briefly about the credit issue because that did get a fair amount of discussion in the Task Force meetings. You were here for the 2010 vote. Many of us in the room were participants in that debate. One of the things I learned from that discussion was the number of people within the Powell community who circumstances mirror my own. What I mean by this is they live in Powell but work in a community that has a much higher tax base. I work in Columbus and pay 2 ½% of my income in municipal taxes. My effective rate today is 3%. I was surprised by the number of my neighbors who were in the same financial situation as I am in who said to me in 2010, the proposal doesn't require everyone in the community contribute to the solution. They didn't question that there was a need. They didn't question the amount of the need. But they felt it was unfair that not everyone paid an increase. So the Task Force talked about that. We talked about it in the context of exactly the point that you made this evening – that some members of our community, while Powell has a ¾% nominal rate, some members of our community pay an effective rate of 3%. Under the Task Force proposal, we would pay an effective rate of 3.15%. I believe that the Task Force looked at it and concluded that on balance, this is a Powell-wide problem and everyone in Powell should contribute to the solution. Everyone who lives in Powell, everyone that comes to Powell to work, and everyone who comes to Powell to run a business, all of us collectively, should contribute to that solution. The difference is that the people who currently live and work in Powell or who live in an unincorporated area and don't pay municipal taxes there and work in Powell, their increase will be higher than the 0.15% that I will suffer.

I'm comfortable with the 0.15% increase for me. It's less than a pizza and a 6-pack each month. If it's going to get my streets paved and my storm sewer working, I am perfectly okay with that. I am concerned about the point the Finance Director raised that if the proposed amendment is approved we're now taking roughly another \$400,000 out of the annual budget from operating costs and using that to offset the loss of revenue that the full credit represents. With those comments in mind, I strongly encourage Council to put this proposal before the voters and let them decide.

Larry Coolidge, 78 W. Olentangy Street: People come to Powell because they like it. They move here and perhaps it's because they don't want to live where they work. It's a nice place to live and that is why we are here. While we all have our problems, part of our problem is that being a bedroom community, we don't have enough people coming in to town and paying taxes. We are not on the outer belt, and we can't get those sort of taxes like other communities that border the outer belt get. I have had people say we need to grow up, we need more commercial and industrial, we've gotten by without it before. This can about the taxes has been kicked down the road over and over again. I told Rich that if you drive down to Columbus to make more money and you don't want to pay your fair share here, you want a deduction, why is that fair to me?

Nico Franano, 2855 Lexington Drive, Liberty Township: I appreciate the work you have undertaken, both in your special meeting last week and now. I applaud Councilman Lorenz for bringing forward possible amendments

that address what seems to be the biggest missing piece of this Resolution, and that's neighbor-to-neighbor equity of contribution and shared sacrifice toward the revenue needed to move Powell forward. Councilman Lorenz, I applaud you and your notion of a full rebate on the tax rate as you outlined. I don't know that it is the entire piece of the puzzle though. It seems to me that this 100% credit would also be a dance partner and that would be an adjustment to the overall rate to make sure that we generate the revenue that the Task Force identified to address pressing maintenance needs of the next 10 years. While I think you and the Mayor and other members of Council correctly identify that there may be other outside sources of revenue that may generate down the road, the larger issue is that Powell is going to continue to have needs beyond maintenance. I don't think it is enough to take the credit to 100%. I think you would also need to raise the effective rate. As Councilman Counts pointed out, that's about a \$630,000 revenue loss if you adjust the credit from .50% to .65%. Based on 2016 numbers, there is approximately \$360.3 million dollars of taxable income inside the City of Powell that would have to be taxed at a rate of approximately 2.25% in order to enact a full 100% tax credit to give neighbors any equity. So while I think that's an important issue to look toward, it's unrealistic and it kicks the can farther down the road if we don't also address the revenue issues that the Task Force very clearly identified.

The other thing I would point out is that many of you were here in 2010 and saw the tax issue fail. I would say that there are two major things about 2010 and 2018 that are different. One, the group of people that live in Powell/work outside of Powell were not given any incentive to be at the ballot box to vote on the taxes because if they voted, yes, no or did not vote, their taxes stayed the same. If we enact a 100% credit, you have an opportunity to encourage 60% of the residents of Powell to receive an effective local tax cut and still fund the maintenance infrastructure that the Task Force identified.

The second piece that is different is the 2018 electorate is a very different electorate than 2010. We are seeing that tonight in the special election tonight between O'Conner and Balderson. It's unrealistic to think that the composition of the electorate will be the same across and you will have the highest likelihood of passage for this Resolution in this election. So I would agree with Mr. Cline in saying it is important to put it on the ballot this year.

Councilman Lorenz: Just to clarify, nowhere did I say I wanted a 100% credit. I only wanted a .65% credit.

Mr. Franano: Sure, which is effectively a 100% credit [Councilman Lorenz: Those are two different things.]

Scott Lindsay, 244 Woodedge Circle East: I've been a Powell resident for 13 years. I'm vehemently opposed to the amendment as presented. I think this Council does all the hard work we don't want to as Powell residents and I applaud you for that. This is the third appearance I've had in 13 years as a resident at Council and that speaks volumes in how little there is to argue about. Your jobs, as I think a lot of the voters see it, is to keep things going in a great direction that we have in Powell, to fix the roads, keep the police strong, keep things quiet, and keep things nice. You've done that. To the previous speaker's point, the fact that a lot of you were here in 2010, when something was so opposed at the ballot box yet you were still reelected to be here in 2018 to have this issue kicked down the road again to you, speaks volumes.

No question that if you have a .65% tax increase with a .65% credit, it is not sharing the burden of what is a common problem for our residents. It really pits neighbor against neighbor. I've been impressed with the work of the Task Force. My wife was on the Task Force, but I came to the presentation meeting as a citizen to get the first impression. I think they did a thorough job and made a compelling argument in many areas. One of the ways I think it was compelling is how the pain was spread out among all the citizens. About 60% of residents work outside the City and pay that tax outside the City. To ask them to suddenly not have any skin in the game for this election is not sharing that burden and I would not be in favor of that.

The knee-jerk reaction when I've had conversations since the last meeting with neighbors is that if there's any kind of revenue increase, they don't want it. And then that stance softens very quickly when you go over the needs for the infrastructure improvements. This is not a wish list. This is a needs list that will only get worse and more expensive if we don't address it. Any number that comes short of the work that the Task Force did in addressing the \$2 million a year need, just kicks the can down the road again. I would implore all of you to have the same unanimous voice in supporting this at Council and with your neighbors that the Task Force did.

If there has been any opposition to this, I would say that I've been to the [Task Force] presentation, Coffee with the Mayor, last week's [Special] meeting, and tonight. I just haven't heard any opposition. And with a short explanation with neighbors, they come around very quickly to agree that it is needed and not that painful. I would implore you to pass it as unmodified.

Mike Jones, 3239 Winding Woods Drive: I would ask Council to vote against the proposed amendment from Councilman Lorenz. I fail to see the equity if there are 60% of the population of Powell that work outside of Powell giving them that additional credit provides no equity to me or anyone else who lives in Powell but doesn't work outside of Powell.

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

Councilman Newcomb: When I look at taxes, I don't look at taxes in isolation. One thing I looked at was the schools. On average our taxes went up \$800 with Berlin High School. In the next 5 years, we are going to have 1,400 additional students, so I would expect that we are going to have another increase in our property taxes to fund additional schools. Given that, I don't want to impose an additional burden upon the citizens. So I will be voting against the Resolution.

Mayor Bennehoof: Last week we had a discussion about recognizing the need that was identified by the Task Force and we all weighed in and said that there was a need. Do you agree, after reading the Task Force Report, that there is a need?

Councilman Newcomb: I think anyone can look around the City and see that different things need to be fixed. My opinion may differ from yours though in how to fix them.

Mayor Bennehoof: We also talked about the amount of effort - hundreds of hours - that were expended by the Task Force in aggregate, studying the issue and recognizing that their recommendation was thoughtful and thorough.

Councilman Swartwout: I take a couple of things away from the Task Force report. I think the report definitely demonstrates that there is indeed a need. I think when you look at what the Task Force laid out in citations to various objective sources of fact, the Task Force did a very good job demonstrating that there is a need. It makes sense considering that the City of Powell has grown from a village to burgeoning City and still has the .75% - one of the lowest tax rates in the state - it makes sense that the need would be there.

The other take away from the report is that the City is a good steward of the tax dollars of the people of Powell. The Task Force would have come in like conquering heroes if they could say, hey we can get what we need by trimming the fat off of this bone and there is no need for any additional revenue. [Because they were not able to do that] demonstrates to me that, with the limited resources the City of Powell has had, that we have done a tremendous job managing your tax dollars.

I still maintain my belief that I expressed at our special meeting that there is no need to rush this on the ballot this fall. To submit something on the ballot it would literally have to be to the Board of Elections in 21 ½ hours. So we are making a decision right now that is seriously up against a deadline. There are a lot of questions that we can get a better handle on as this is presented to the community as a solution.

One of the things the Task Force did not have a chance to consider, because it was an unknown variable when the Task Force was constituted and throughout the Task Force's charge, and that is the potential impact of the Ohio State medical facility that's coming in and eventually bringing in an approximate \$50 million dollar payroll. That by itself won't change the game as far as meeting needs. I believe Mr. Cline mentioned that we would need 5 of these projects to meet the need. However, when we are bringing in something so big in scope and changing the potential tax base of the City, why wouldn't we want to examine that impact further to demonstrate whether this is still the best solution going forward? We can put something on the ballot in the spring. We could put something on the ballot next year. This doesn't have to go on right now. Wanting to further vet the proposal is not something I will apologize for. When we are asking for even one dollar more from

the citizens of Powell, it's important to me that in my mind what we have is the best solution and I don't know if I can come to that conclusion right now.

I know that there is a lot of support for putting this on the ballot among our Councilmembers as it is right now. I am not an obstructionist. I believe that Councilman Counts wants to put this on the ballot as it is this fall. We have a disagreement on that. That doesn't change the fact that I have a tremendous amount of respect for him and if that is the wishes of Council as a whole, I won't obstruct that. I just would like for us to take the time to vet this proposal as much as we possibly can. We've had equity arguments on both sides. We've had the tax equity from somebody that is the live-in-Powell/work-in-Powell. And we've had someone with the argument of the overall effective local tax rate. And if they are already at 3%, which is one of the highest in Central Ohio, why should they pay even more when their neighbor who is only paying 1.15%? Those are great questions that we need to address and right now I don't know if we have a better answer for anyone other than someone has to sacrifice. I believe we need a better answer than that.

When we look at the Community Attitude Survey and that 26% said no way will I support a tax increase. 24% said yes we need the funds. The rest said they would consider it with an open mind for their number 1 proposal. Well, we've only got 49% of the people's number 1 proposal addressed in the Task Force's report: roads, bike paths, and sewers. There is nothing about easing traffic downtown, building new parks, this is maintaining what we have now. What are we going to tell the people who are in this 51% that we are not addressing their number 1 need? I don't know if we have all of these answers yet, and I think these are answers that we need to have because I feel there is a good chance that we will have the discussion I want to have now in December. While I know there is support now, I would caution and say let's wait and vet this further.

Councilman Bertone: I would like to once again thank the Task Force. You met the charge that was asked of you. You identified a funding solution and mechanism that solves our capital improvement maintenance needs – an important distinction here in this conversation for me personally. That gap is \$2 million dollars. We all agree that there is a need. Like Brendan said, you may have a differing opinion on how we go about solving that, but what was asked of this group last week is: how else would you close this gap? How else would we get there?

Tonight we had a Development Committee meeting. It was pretty sobering to hear Mr. Huber, our City Engineer, express where we are with our capital improvement budget in terms of the street maintenance program for 2019 and 2020. This problem is very real folks. There are no funds for 2019 and 2020 for the street maintenance program because those funds are going to be allocated toward improving Sawmill Parkway – the pavement that needs to be done from Seldom Seen to Home Road. So now we are shifting assets and resources just to cover some basic, bare bones pieces. So when you don't have a street maintenance program that gets into the neighborhoods to remedy some of the issues we have, some of the issue we have with our sewers and inlets, etc., you also don't have a sidewalk improvement program either. That is because we coincide those projects together. But what I feel was articulated from the Task Force is a solution that while it's not perfect, it is equitable, it is specific, it is transparent, and it permits flexibility for this body to make decisions. We may spend 23% this year, we may spend 27% the following year. But it gives us a means to execute and improve what we know is a crumbling infrastructure.

Tonight we also heard about another project in Development Committee at Scioto & Liberty Streets about a decaying infrastructure where that entire area needs to be rebuilt from the sewer up. That's not cheap. We go to Adventure Park, we talk about crumbling infrastructure at an underpass [CSX tunnel]. While what we talked about was a repair a couple months back, now we talk about a potential replacement. Now we enter the third option: close it up. These issues are real.

Our job as Councilmembers is not necessarily to sit here and validate the ethics of what this proposal is. We have identified solutions and the Task Force did its part. Our role is to put this before the electorate and allow them to decide. Everybody adopts their own change path. You get into this conversation – gosh I hadn't thought about that, I hadn't thought about this. I commend you for raising the credit idea. I appreciate hearing any and all ideas. But to this point, I think from an equity perspective, I'm done with all that. I just really want to get us going towards resolving these issues we have before us in this community. That's not temporal. This problem is only going to get worse year after year. There's been conversations about reenacting or

renewing the park levy. That's 2022 at the earliest. You wouldn't see funding until 2024. You'd only see \$700,000 a year, so take me from 2019 to 2024, do the math, and tell me how we come back and rebuild what we didn't do? We will never catch up. The conversation can go on all night long. To me, the conversation is relatively simple: this goes before the voters for them to decide what is in the best interest of their community and let them decide.

Councilman Counts: I want to dispel the notion that there is a concept of tax equity. You can take any particular tax and argue it both ways. As a resident who works in Powell, you can say that this isn't fair to me because I'm getting an increase. You say, as a resident who works outside of Powell, you take my rate and my workplace and add it to the rate here and it's not fair. In my own personal tax situation which I would suggest that it's not fair. The Ohio income tax has a small business full credit. My wife takes advantage of it. She pays absolutely no state income tax on that. I consider that highly unfair, but I take it. It's those dollars that could have been paid into the state that could have funded the Local Government Fund in order to solve our problem. So in one sense, I'm getting this benefit from the state, but I'm going to have to pay it at the local [level]. We could go on with the federal and how that plays into it. No resident in the City of Powell has the same tax situation as any other resident. It's never fair or equitable. It is what it is.

My concern here tonight is that we are focused on equality. This concept of equality is drowning out what truly is important here which is that we have this horrendous need in the City for maintenance and repair. In addition, we have a need for things like fiber optics, additional bike paths, for all sorts of things, and we can never get there because we are so focused on this fairness argument that we forget why we are here. We've got a community that has infrastructure that if we do not repair, is only going to get worse. If it gets worse, it's going to be our General Fund that will have to make up the difference. If our General Fund makes up the difference, then our bond rating goes down because suddenly we don't have the assets we had before. It's a spiraling down effect. I commend Brian for providing an opportunity to discuss something, but that has that same spiraling effect that we just talked about because it doesn't generate enough revenue to cover the 25% capital requirement.

The other thing that I'm going to chastise all the other Councilmembers on is that this Task Force was set up a long time ago. They knew what that Task Force was intended to do, they knew when that Task Force was to provide a report. The Task Force was open to all. Any potential proposal that came from Councilmembers could have been discussed in that Task Force, but more importantly, this is the kind of issue that has to be done in a Task Force where you can run the numbers, you can talk about it at length and not at the 11th hour. I personally have the spreadsheet. I can put in any credit and any tax rate and calculate the numbers. I can come up with a 100 million different permutations. So this cacophony of other things about fairness and lateness, and did we talk about this, drowns out what we really need to talk about which is this serious problem that the City can't solve it. If we don't do something now, or in the short term, it will get worse.

I look at the proposal our Task Force came up with. These numbers are a tad bit different than we've talked about. We've talked about an average salary in Powell of \$100,000 and what it's going to mean. Quite frankly, there isn't an average taxpayer in Powell at a \$100,000. What we know is that our residents who live and work in Powell, our residents who live in Powell and work outside of Powell with a tax rate that is less than the credit, only earn somewhere \$45,000 - \$68,000 on average. The only group that actually earns anything close to \$100,000 are those residents who work in the City of Columbus - it's a \$105,000. So I took all of the wages that those people generated and divided it by the number of tax returns and figured out that on average, knowing that some are going to be more and some less, what is this proposal going to do? We end up with numbers between \$126 and \$184 dollars per year. The question you really have to ask is whether \$126 - \$184 per year is too much to invest in your City that needs roads repaired, sewers and bike paths repaired? Is that too much for your community that you live in and for which someone else paid for all the amenities that you enjoy and now you want to provide for all the others that are moving in? My subdivision is full of small kids who want the same kind of life that we've had.

I recognize that each of us on Council believe wholeheartedly there is a need and that the City can't solve it. There's other ideas out there but there is no magic solution. The Task Force tried to come up with one, I tried to come up with one, but it doesn't exist. So what that means, as I described at our meeting last week, is

compromise. That's the only way we can do this and we have to come together as community in order to solve this problem.

Councilwoman Riggins arrived and Mayor Bennehoof brought her up to speed in the discussion.

Councilman Lorenz: I don't have much more to add. I think Dan summed it up pretty well. I am not an obstructionist either. I am not a fool. I know something needs to be done. I applaud the Task Force. They did what they needed to do. They gave us something. No solution will be perfect, but I don't know that we need to rush into it. I understand the sense of urgency. We've been talking about it for 9 years. If we wait another six months, that's fine. I have a problem with the credit situation because I think it is out of whack. It is the first thing that the constituents that I speak to bring up, and I think that needs to be examined further. If that means we wait a little bit longer and take a few more months to examine that and straighten it out....The Task Force gave us something, it's our job to pick it apart and put the best thing out there. I'm not sure what's here is the best thing to put out.

We are in competition. The Delaware County Board of Developmental Disabilities is going to have a levy on the November ballot. In theory this is the best time to go out there because of mid-terms, but I am not going to withdraw my [credit] amendment. But at the end of the day, I will not stand in the way and I will leave this up to the people to vote on.

Councilwoman Riggins: First I would like to apologize for being late. I was stuck in court. Brian, what is your amendment?

Councilman Lorenz: I made an amendment to change the language on the Resolution and Ordinance to change the credit amount from ½% to .65%. My fellow Councilmembers have indicated that this will create a deficit within the budget, but I think it is something we can deal with through other mechanisms.

Councilman Swartwout: What your proposed amendment would do would essentially, for the individuals who work outside of Powell, pay a tax – for example currently pay 2.5% to the City of Columbus, .5% to the City of Powell – your proposed amendment would essentially leave the effective, overall tax rate unchanged for that group.

Councilman Lorenz: The reason behind that is, while it's great that we have the lowest tax rate in Central Ohio, but if this passes as written, we will have the highest taxed people in Central Ohio from a municipal income tax standpoint.

Councilwoman Riggins: I would reiterate my remarks from the Special Meeting. We've known this was a problem for some time. The Task Force was created and put into place before I was on Council. We put a lot of time and effort into this. If there were other suggestions that could or should have been made – this process has been going on since the end of last year - I would have expected that any other ideas would have been presented in some fashion prior to tonight and during the meetings and discussions with the Task Force. I understood from our last meeting, we discussed how important it was to get it on the ballot this fall because of [higher] voter turnout, etc. I don't think my opinion has changed from last week.

Mayor Bennehoof: I want to thank everyone for their comments on this issue. I don't think we are rushing this. This problem existed and has been kicked down the road long before 2010. An attempt was made to fix the infrastructure funding problem in 2010 and it failed miserably because of some bad press, although it had the full throated support of most of Council at that time.

Last year, we created a Task Force to spend a lot of time to come up with a recommendation. I think we need to honor that recommendation. The need is undeniable. Debra, thank you for pointing out that if we gave the full credit of the increase to that 60% of the community that works outside of Powell, we would be short and we would be scavenging money from the General Fund, causing cuts to in some other way. I think that is untenable.

As far as equity goes, giving the full credit of the increase to that 60%, they have no skin in the game. They are

not investing in the City at all. As Mr. Cline pointed out, it's [the cost of] a six pack and a pizza. It's not much. A few years ago the fire levy in the township was defeated for the cost of a haircut a month for the average homeowner. I think it would be a disservice if we did not let the people know this. While it is an increase of taxes, yes it puts that 60% of those who work in Columbus and live here - they choose to live here for the schools and police and the community, etc. They choose to work in Columbus for the pay scale that they can attain there or the skill set that they can bring to the table.

I am not for scavenging the General Fund. I do believe we have a choice, and that choice is to honor the recommendation of the Task Force. We have a commitment in our Oath of Office to the health, safety and welfare of the community and oh, by the way, a decade or is it longer? Is it 15 years this problems has been broiling? This has been kicked down the road a very long time, not just 8 years and it's time to quit kicking it. Yes, there may need to be some other measures taken in the not too distant future, but we have to address it.

Frank eloquently pointed out waiting on the bond – that's 2023-2024. All the other different avenues, different machinations of equity and fairness, I don't see any of it as a salable argument when you boil it down to a 6-pack and a pizza. With all due respect, I will oppose Brian's amendment if it is not withdrawn and I will honor my commitment and my oath to look after the health, safety and welfare of the community.

Councilman Swartwout: I would like to raise a point about the members of Council being chastised for thinking about the time of the Task Force. Yes, the Task Force was constituted in such a manner so that a potential ballot initiative could be considered for this fall. There was nothing that said a ballot would be considered this fall. There was nothing in the charge to say to them that they had to figure out something for this fall. So even though the timing of the Task Force allowed us to address potentially putting it on this fall's ballot, it was not the charge of the Task Force and it was not a presupposition of the constitution of the Task Force.

The other issue was about presenting ideas to the Task Force. In my mind, one of the most important facets of the Task Force was its independence. This was truly a group of 18 people who operated independently of Council. I did not think it would be appropriate to go in and appear to sway the Task Force in any way or appear that the Task Force was rubber stamping Council's wishes. I thought the independence of the Task Force was paramount and that is why I didn't offer my thoughts or solutions.

I liked a lot of things that the Task Force said such as when they talked about how well the City handles tax dollars. It's a lot easier to say this when it is an independent group that said the City handles tax dollars well. They are good stewards of your money. This isn't a group that was influenced by Council to say that.

When you look at the recommendation of the Task Force, and with respect to merely timing, there is no recommendation to put it on the ballot this fall. They made their recommendation as to what they think needs to happen, not to timing of when it needs to happen. Nor were they charged with that task.

Councilwoman Riggins: Maybe I misspoke earlier, and I believe you are now chastising me. [Councilman Swartwout: No, no, no. I wasn't chastising you. I was referring to Mr. Counts' remarks, before your arrival, where he said he would like to chastise members of Council for talking about the timing.] I agree with and understand the independence of the Task Force. My thought was more along the lines that if there were ideas, they could have been brought to Council. Council could have discussed it outside of the Task Force. I absolutely agree with you about the independence of the Task Force. But as long as I have been on Council, there has not been options discussed or put forth at any of our meetings among members of Council. That's the point I was trying to make.

Councilman Swartwout: As we move forward with the vote, I think it's important to convey that this is not a vote by us, as a Council, to raise taxes. That's not what it is at all. It is a vote to present this proposal forward to the voters so that they can have the say. It's up to the voters, it's not up to us. This just allows the voters to have a say on the matter. This is a very important clarification to make. So while I might think it might need more time and while I think it might serve a better chance of success with more vetting, at the end of the day all we are doing is saying is you make the decision.

Mayor Bennehoof: I don't know that anyone was being pejorative about anyone else's decisions or thought-process. It is our job to collaborate, debate and dissect the issue. We've done exactly what we are supposed to do here. And yes, it is only that we are saying that there is a definite need, and here is a recommendation of the Task Force of a solution to that need, and I support that recommendation. It's not the end of the road, but it stops the bleeding. The hemorrhage would stop and we can look at configuring and positioning for the rest of our growth with the economic development, etc.

MOTION: Councilman Counts moved to amend Resolution 2018-12 in four places: in the heading, third Where as clause, Section 1 and Section 3, strike the word "capital" and insert the words "infrastructure maintenance and." Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Lorenz moved to amend Resolution 2018-12 in four places: in the heading, third Where as clause, Section 1 and Section 3, strike the phrase "one-half of one percent (0.50%)" and insert the phrase "sixty-five one-hundredths of one percent (0.65%)." Councilman Bertone seconded the motion.

VOTE: Y 1 N 6 (Bennehoof, Bertone, Counts, Newcomb, Riggins, Swartwout)

Councilman Lorenz: Before I cast my vote, I want to echo what Dan said. I don't believe that this is the best proposal for our community; however, it is not for me to make that decision so my vote will be yes to allow the electorate to make this decision.

Councilman Swartwout: Like Brian, this is not in our hands anymore but in the hands of the citizens of Powell and they will tell us loud and clear whether this is the best proposal. My position is similar to Brian's in voting yes for this. All we are doing is giving it to the voters to decide.

MOTION: Councilman Counts moved to adopt Resolution 2018-12 as amended. Councilman Bertone seconded the motion. Resolution 2018-12 was adopted as amended.

VOTE: Y 6 N 1 (Newcomb)

SECOND READING: ORDINANCE 2018-33: AN ORDINANCE TO ENACT SECTION 182.012.1 OF THE CODIFIED ORDINANCES OF THE CITY OF POWELL TO INCREASE THE CITY INCOME TAX RATE FROM THE CURRENT RATE OF THREE-QUARTERS OF ONE PERCENT (0.75%) TO A RATE OF ONE AND FIFTEEN HUNDREDTHS OF ONE PERCENT (1.15%) TO BECOME EFFECTIVE ON JANUARY 1, 2019 FOR THE PURPOSES OF GENERAL MUNICIPAL OPERATIONS AND SERVICES, STREET MAINTENANCE, AND CAPITAL IMPROVEMENTS AND RELATED COSTS; TO ENACT SECTION 182.013 TO DEDICATE NO LESS THAN TWENTY-FIVE PERCENT (25%) OF ALL INCOME TAX REVENUES FOR THE PURPOSE OF CAPITAL IMPROVEMENTS AND RELATED COSTS; AND TO AMEND SECTION 182.081 TO INCREASE THE CREDIT FOR TAXES PAID TO ANOTHER MUNICIPALITY FROM ONE-FOURTH OF ONE PERCENT (0.25%) TO ONE-HALF OF ONE PERCENT (0.50%).

Mr. Lutz: On this, if you choose to, once again we will make the amendments on the floor. We would recommend that this Ordinance be tabled until the December 4, 2018 Council meeting.

Councilman Counts: Do we really need to amend this if we are tabling it?

Mr. Hollins: We can either amend it this evening or we can wait to see if the ballot issue passes and then amend it then. Regardless, what we adopt would need to match the ballot language. But it can be done now or later.

Councilman Swartwout: Can we amend it now for the sake of clarity and to ensure there are no potential oversights in the future?

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

MOTION: Councilman Counts moved to amend Ordinance 2018-33 to strike from the heading and the last line of Section 2, the word "capital" and insert in its place "infrastructure maintenance and;" and strike the word

"capital improvement" from fifth line of Section 2. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved to table Ordinance 2018-33 to a date certain of December 4, 2018.

Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

SECOND READING: ORDINANCE 2018-28: AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR MEWS AT ZION TO CONSTRUCT FOUR, 2-UNIT RESIDENTIAL BUILDINGS ON 1.51854 ACRES AT 10331 SAWMILL ROAD. ([EX. A](#))

Rocky Kambo, Assistant Development Director: Staff has no further comments but are here to answer any questions you may have. I will turn it over to the developer and his team.

Councilman Swartwout: I will not be participating in the discussion or voting on this Ordinance because of a conflict.

Murthy Puchha, 10331 Sawmill Road: We are here hoping for the final development plan approval for the 8 unit residential doubles at the intersection at Zion & Sawmill Roads. We have been here a lot of times, and I'm here to give a brief update. We are not here just to propose one more development in the community only for profitability, although it is part of the plan. What we are proposing is a beautiful community. It's been vetted out by the neighbors. We made every effort to talk to all the parties involved, including the neighbors and the associations around the area. We spent a lot of time on that with good intent. We have gone back to the drawing board in an attempt and with every effort to do the right thing. We tried to accommodate everyone in the community with respect to all the questions that were raised. For example, after some concerns, we went to the Lakes of Powell HOA, had multiple talks with them, and are possibly going to get into an agreement of maintaining the fence and corridor along Zion Drive. There were also some HOA concerns on how it will be maintained, and we put the HOA documents together for you to address those concerns. The only issue we were unable to address was the stop sign. That is not an issue we are able to do. I believe that we have addressed all the issues that we are able to, as a developer, to get it to the next level. We ask that you approve this.

Councilman Newcomb: How many feet is this driveway from Zion?

Dave Pontia, Pontia Architecture, 39 E. Main St., New Albany: The exact dimension from the house is 130 feet or so. I don't know the exact dimension off the top of my head, but it is in that range.

Councilman Newcomb: In The Commons, which is to the south of it, what is the distance between that driveway to the The Commons driveway?

Mr. Pontia: I don't know off the top of my head, but it is less than that. It is fairly close, but it was the only option on where to connect into it.

Councilwoman Riggins: I would like to hear from Mr. Betz on his thoughts on this.

Dave Betz, Development Director: I think the overall development will fit in fine with the neighborhood. From a design standpoint, the houses will fit in very well. The opportunities for driveway access onto Zion Drive really is not something we heard from in Planning Commission that the neighbors would like. That stems back from earlier applications that Zion Drive is a nice drive to look at. From a traffic standpoint, it would be best to have the driveway come off of Zion Drive. In relationship to other improvements that are being made, the Fire Department has asked them to do a little stem of a turnaround that is in their drawings. It will be placed on the Engineering plans as we review them. It will fit fine. The storm water control has been reviewed preliminarily with our Engineering Department and they are happy with the design. The stop sign issue at Zion and Sawmill Roads will need to be looked at from a regional corridor perspective. It's really not up to the developer to put it in. You would need to consider that as a corridor. Regarding the maintenance, they are going to be setting up control of the maintenance of the property and the buildings. We can review all that to make sure it is in

the best interest of the City as they prepare and finish the documents. Overall, it fits in, it's an infill piece, a transition piece which are very difficult to work with, and we feel that this the best we can get.

Mayor Bennehoof: I put you through the ringer. It's because I have concerns about a first time developer. You have a great architect. I think that you can probably rely on him for counsel. I would hope that you get a great general contractor so that your project doesn't suffer some of the other first time developer issues that we have seen. So I will ask you as a personal thing, to please rely on some of the people around you who I believe are good, strong people, to help you get the best general contractor you can.

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

MOTION: Councilman Counts moved to adopt Ordinance 2018-28. Councilman Lorenz seconded the motion.
VOTE: Y 5 N 1 (Newcomb) AB 1 (Swartwout)

FIRST READING: ORDINANCE 2018-34: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2018. ([EX. A](#))

Ms. Miller: Last week we settled our short term note to receive the funds on Thursday. We have made the appropriate transfer today that will be effective tomorrow for the payment for the 2017 note. Part of that was the issuance costs that we need an appropriation. Those were taken into consideration when we did the notes, so we do have funding for being accepted these issuance costs from the General Fund and the other funds its rolled up into the note. So that's the source of funds for that.

Councilman Swartwout: If anyone wants to know about this issue, it has been discussed at length in previous meetings that are public record. I feel we've vetted this pretty thoroughly, therefore, I have no additional comments or questions.

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

MOTION: Councilman Lorenz moved to suspend the rules regarding Ordinance 2018-34. Councilman Bertone seconded the motion.
VOTE: Y 7 N 0

MOTION: Councilman Lorenz moved to adopt Ordinance 2018-34. Councilman Bertone seconded the motion.
VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2018-35: AN ORDINANCE DECLARING THE NECESSITY OF, DETERMINING TO PROCEED WITH, AND LEVYING ASSESSMENTS FOR THE PURPOSE OF IMPROVEMENT, CONSTRUCTION, AND RECONSTRUCTION OF THE PUBLIC SEWER MAIN INFRASTRUCTURE ON THE NORTH SIDE OF POWELL ROAD AND ON PROPERTY OWNED BY VERONA LLC AND KNOWN AS THE VERONA SUBDIVISION, AND DECLARING AN EMERGENCY. ([EX. A](#))

Mr. Lutz: The Verona subdivision has a special attachment attached to it which funded the sanitary sewers in that subdivision. The assessment is \$1,200 per year per patio home and \$1,800 per year for the single family homes. This Ordinance allows us to continue the assessment for next year. You will see in red on the exhibit the new homes that have come on line since last year – those that have been finished. We have a lot under construction right now so next year you will see significantly more homes being added to this assessment.

Councilman Lorenz: It's limited to a time period, isn't it? Is it seven year?

Ms. Miller: It's seven years per lot.

Councilman Lorenz: So some of these people will start falling off?

Ms. Miller: Correct.

Councilman Counts: Because this is just a set amount there's no discretion about this, isn't that correct? [Mr. Hollins: That's correct.] So, we could legitimately suspend the rules on this.

Councilman Newcomb: Are people living in these homes now?

Ms. Miller: Yes. That's how it is determined they are put on the rolls when the final occupancy is given.

Councilwoman Riggins: Why is this an emergency?

Mr. Hollins: The county auditor needs any assessments for the succeeding collection year to be certified to them by early September. We start the readings in August with the intention it would pass at the second meeting in August and then we would need an emergency clause because the 30 day period for any referendum would not run before the date we need to report to the county auditor.

Councilwoman Riggins: Why isn't the process then started earlier?

Mr. Hollins: We could do that. It's something that's also in accordance with the financing scheme we came up with for this so it's not something to a referendum. It would throw off your reimbursement for financing...[Ms. Miller: We are trying to collect as many final occupancies as we can and this is about as late as we can get.]

Mayor Bennehoof: So they may complete a home next week or the next two weeks, and it won't be on here because it doesn't have. [Multiple speakers]

Ms. Miller: Correct. So we waited as long as we could.

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

MOTION: Councilman Counts moved to suspend the rules regarding Ordinance 2018-35. Councilman Bertone seconded the motion.

VOTE: Y 6 N 1 (Newcomb)

MOTION: Councilman Counts moved to adopt Ordinance 2018-35. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2018-36: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO AWARD A BID TO DECKER CONSTRUCTION COMPANY IN THE AMOUNT OF \$91,272.60 FOR THE 2018 STREET MAINTENANCE AND REPAIR PROGRAM, AND DECLARING AN EMERGENCY.

Mr. Lutz: This year, as with next year's street maintenance program, is a limited one due to funding. We went out for bids and recommend awarding the contract to Decker Construction as the low bidder. We had one other contractor whose bid was \$1,200 higher and the Engineer's cost estimate for the work was \$111,000, so it is below the estimate.

This year's program includes some crack sealing in residential subdivision streets and some cut out and asphalt repairs on some of our major roads, such as Murphy Parkway, Presidential Parkway, S.R. 750, Bennett Parkway, and Retreat Lane.

Councilman Newcomb: When were the bids requested or sent out?

Chris Huber, City Engineer: The last week in June.

Councilman Newcomb: And when did we receive the bids?

Mr. Huber: The first of July? It was right before the last Council meeting.

Councilwoman Riggins: Is Decker Construction a company the City has dealt with before?

Mr. Lutz: They have done work here and we've been satisfied with it.

Councilman Bertone: This was a matter discussed in tonight's Development Committee meeting and it has the full support of committee.

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

MOTION: Councilman Counts moved to suspend the rules regarding Ordinance 2018-36. Councilman Bertone seconded the motion.

VOTE: Y 5 N 2 (Newcomb, Riggins)

MOTION: Councilman Counts moved to adopt Ordinance 2018-36. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2018-37: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO AWARD A BID TO STRAWSER PAVING COMPANY IN THE AMOUNT OF \$274,556.01 FOR THE OLENTANGY STREET AND LIBERTY STREET INTERSECTION IMPROVEMENTS, AND DECLARING AN EMERGENCY.

Mr. Lutz: This item was discussed in Development Committee tonight. We recommend City Council table this Ordinance for the next Council meeting. We received one bid for our Four Corners repairs. The pavement condition at the Four Corners is poor. We need to mill and overlay it. We need to have new ADA accessible walks because of that. What we put together in our specs was to have a lot of the work done at night time in order to minimize the impact on residents and businesses in the area. The Engineer's cost estimate for this work was \$163,000. We received one bid and Staff is working with our consultant engineer, talking to the lone contractor that bid on this project, and to some other contractors to find out why the bid is so high and why we only received one bid. If we do reject this bid at the next Council meeting, we will not be able to get the work performed this year. The Four Corners will go one more winter in its current condition.

Councilwoman Riggins: Just to make sure I am understanding what you are saying. So one bid came in for \$274,000. The estimate on what this should have cost was \$163,000. This bid is a \$110,000 dollars more than the estimated amount. Am I understanding that correctly?

Mr. Lutz: Correct.

Councilwoman Riggins: When was the bid put out on this?

Mr. Lutz: The bids were opened on Friday. It was probably advertised three or four weeks ago.

Councilwoman Riggins: Is Strawser Paving a company the City has dealt with before?

Mr. Lutz: They are.

Councilwoman Riggins: And has the City been satisfied with their work?

Mr. Lutz: We have been.

Councilman Bertone: Murphy Parkway comes to mind, Melissa, that Strawser completed, and the roundabout.

Councilwoman Riggins: Knowing that we wanted this repair done by the end of this year, why wasn't the request or the bids put out months ago and put us in a position to only get one bid? Why wait so long in the season when we now may have to wait until next year to go back?

Mr. Lutz: The first six months of the year Engineering has been working with the Task Force. A lot of construction is taking place these days and we are trying to do the engineering inspections for subdivisions, homes, just a

work load issue.

Councilman Lorenz: From my line of work, I would also comment that bidding it extra early might add more price to it. The contractors may not hold to that price when the work time came. And, quite frankly, getting the contractors on board is a lengthy process these days with all the construction work that's going on and around. I would probably hazard to guess that's probably why there was only one bid.

Councilman Counts: And based on other projects in the past, what we have seen is that there are times in the season if you bid they're going to be higher because they've got so many projects in the pipeline that they don't really need it so the price gets inflated. If you do it at a different time, such as the end of the season when they know exactly what they've gotten done and how much capacity they have left, they provide a more attractive bid. The other thing I would add to this is that this is a really small job, so it will increase your cost.

Mr. Lutz: And our desire was to not do this during the summer traffic season in June, July and August.

Councilman Counts: So my sense is that it's not so much about when it was bid as much as it was the nature of this project and our requirements for this project, such as the night time work.

Mr. Lutz: And a lot of it is luck of the draw when you go out to bid. All you need is one hungry contractor.

Councilwoman Riggins: My thought process on this is for \$110,000, we could bring in more Staff or other people to help run the City. For this figure to be so far off at this time....

Mr. Lutz: Last year we rejected the Grace Drive traffic signal installation, rebid it, and it came in significantly lower.

Councilwoman Riggins: How urgent is it that this get done this year?

Mr. Lutz: It isn't. We do not recommend adopting this. We will be most likely reject this bid. What we want is just two weeks to talk to the parties involved and get a little more information so when we go out to bid again, we know if there are things in our design that need to be modified to get more interest in the project as well as a better bid.

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

Ordinance 2018-37 was taken to a second reading.

COMMITTEE REPORTS

Development Committee: Next Meeting: August 7, 2018, 6:30 p.m. We met tonight and had a lengthy conversation regarding status updates on a variety of projects, specifically our 2018 street maintenance program, items that have been discussed yet this evening, such as the Four Corners, North Liberty & Grace lights, etc.

Finance Committee: Next Meeting: August 14, 2018, 7:00 p.m.

Operations Committee: Next Meeting: August 21, 2018, 6:30 p.m. We will furthering our discussions on our broadband initiative.

Planning & Zoning Commission: Next Meeting: August 8, 2018, 7:00 p.m. We have two items on the agenda: OSU's coming back with a preliminary development plan review; Gallos has an amendment to their patio. Mayor Bennehoof: The patio had been descaled, but P&Z asked them to stay with the original plan with the idea of phasing it in. Is that correct? Mr. Kambo: Yes. Once we were able to get more information, we found out that they were just changing their trellis design and ultimately we want to stick with the idea that they originally had and phase it toward that ultimately.

Powell CIC: Next Meeting: Next Meeting, TBD, but we will probably pick a date sometime this month.

CITY MANAGER'S REPORT

Tomorrow night is the City's Mystery Night Out is being held here at Village Green at 6:30 p.m. It is a nice community event. There will be food and beverage if anyone would like to stop by as well as an opportunity to meet some of your neighbors.

Also, at tonight's Development Committee, it was suggested that we set up a tour of Seldom Seen Park to get Council out onto the site. I think typically our Tuesday nights seem to be busy with meetings. I don't know if Council wants to talk about doing it on a weekend, a weeknight, and then have me poll your availability.

Mayor Bennehoof: Why don't you poll interest and availability.

OTHER COUNCIL MATTERS

There were none.

EXECUTIVE SESSION: O.R.C. SECTION 121.22(G)(2) PURCHASE OF PROPERTY FOR PUBLIC PURPOSES (LAND ACQUISITION).

MOTION: Councilman Counts moved at 9:47 p.m. to adjourn into Executive Session pursuant to O.R.C. Section 121.22(G)(2) Purchase of Property for Public Purposes. Councilman Swartwout seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bertone moved at 10:35 p.m. to adjourn from Executive Session into Open Session. Councilman Swartwout seconded the motion.

VOTE: Y 7 N 0

OPEN SESSION

MOTION: Councilman Counts moved amend the agenda to add Resolution 2018-13 and Resolution 2018-14 to the agenda for consideration. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Lorenz moved to adopt Resolution 2018-13. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

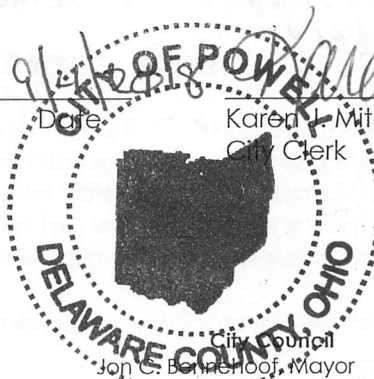
After further discussion regarding technical corrections, Council instructed Staff and the Law Director to revise Resolution 2018-13 and Resolution 2018-14 for reconsideration at the next Council meeting on August 21, 2018.

ADJOURNMENT

MOTION: Councilman Counts moved to adjourn the meeting at 10:40 p.m. Councilman Bertone seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

MINUTES APPROVED: August 21, 2018

Jon C. Bennehoof 9/5/2018 *Karen J. Mitchell* 9/5/2018
Jon C. Bennehoof, Mayor Karen J. Mitchell, City Clerk



Frank Bertone

Tom Counts

Brian Lorenz

Brendan Newcomb

Melissa Riggins

Daniel Swartwout