



City of Powell, Ohio
City Council

MEETING MINUTES
December 4, 2018

CALL TO ORDER/ROLL CALL

A regular meeting of Powell City Council was called to order by Mayor Jon C. Bennehoof on Tuesday, December 4, 2018 at 7:30 p.m. City Council members present included Jon C. Bennehoof, Frank Bertone, Tom Counts, Brian Lorenz, Brendan Newcomb, Melissa Riggins and Daniel Swartwout. Also present were Steve Lutz, City Manager; Eugene Hollins, Law Director; Megan Canavan, Communications Director, Karen J. Mitchell, City Clerk; and interested parties.

EXECUTIVE SESSION: O.R.C. Section 121.22(G) (1) Personnel Matters.

MOTION: Councilman Counts moved at 7:31 p.m. to adjourn into Executive Session pursuant to O.R.C. Section 121.22(G)(1) Personnel Matters. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved at 8:32 p.m. to adjourn from Executive Session into Open Session. Councilman Swartwout seconded the motion.

VOTE: Y 7 N 0

OPEN SESSION

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION

Mayor Bennehoof: I suspect one of the interest points that some are here to talk about is the EMS issue. We are going to open up citizen participation in a moment. We will limit remarks to 3 minutes. I will state that this is not a City issue, although we have a vested interest in it. In the interest of your time as well as everybody else, if you have something to say that has already been stated, please do not repeat it.

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

Warren Yamerick, 174 Charterhouse Court: I came to speak on behalf of the Fire Department. I am the Medical Director for Liberty Township. I started in the late 1980s as a volunteer fireman and then became the Medical Director in 1990. I'm also the Medical Director and the Chairman of Riverside ED. When we took over this EMS in 1990, the men and women of Liberty Township Fire Department worked extremely hard to provide one of the best services in the county and in the area. We have become an elite, highly recognized and acknowledged leader in EMS care. In 2011, we were the State of Ohio EMS Provider of the Year. With the hard work of these men and women, we provide excellent care for our community and to the City of Powell. When somebody wants to change how the structure of EMS is provided and that which would affect patient care, the health and welfare of every one of our citizens, wouldn't it be in our best interest for that person to talk to the Medical Director of over 35 year who is responsible for the patient care that is provided in this county? Never once has she [Melanie Leneghan] approached me to talk about what the best way is to provide EMS care for this community. We are putting the lives of our citizens in jeopardy.

Nico Franano, 2855 Lexington Drive, Liberty Township: I appear before you as a member of the Libertydale Board of Trustees. Not only do you have a duty to the health, safety and welfare of your

community, we have the same fiduciary duty to the welfare of our residents. The EMS discussion and the consideration of shifting it to a county-wide service with two medic runs versus three without cross-trained, full support paramedic firefighters, our HOA felt posed a greater danger to the over 200 residents of our community. It also has the potential to increase our HOA insurance rates because of the raise in the ISO rate that would result from the 32 firefighters that would potentially be off the job. We took the extraordinary step of passing a resolution of dissatisfaction towards the idea that we would shift to a county-based EMS service and presented that to the township trustees last evening as well as to the county commissioners. We would encourage other neighborhoods both in the City of Powell and the larger Liberty Township fire district to consider expressing those views as they're indicated and would also encourage and welcome the support of a resolution by Powell City Council.

Mayor Bennehoof: It was suggested to me that I should go pro and con. Is there anyone here to speak in support of the proposal?

No one came forward.

Dan Schade, 10473 Dexter Court, Liberty Township: I appreciate you opening up this forum to allow citizens, some of which you don't represent, to approach you to share their concerns with you. One of the questions you must be asking is why? Why would we do this if this a township issue? Simply put, this has a massive impact on each of you, each of your families, and each of your constituents to whom you have been elected to represent. Now some of you may think that a county-wide EMS is a good idea. Some of you may think it's a terrible idea. But I think what we can all agree on is that from a public service philosophy, the idea that you would make a decision on an organization in which we've invested literally tens of millions of dollars over the last 60 years, to make that decision without consulting experts or other affected bodies, and without really taking any serious input from constituents in the form of a committee or give the constituents any power other than to complain, is philosophically bad governance. This body, I am hoping, is dedicated to good governance. With that in mind, I am asking that even if you think that an EMS, county-wide might be a good idea that you still unanimously support a resolution that it be given much further circumspect inspection by our trustees with greater input from the professionals and citizens to whom it will impact. That being said, I'm also asking you to show your support for good governance. I'm offering each of you a t-shirt to wear in support.

Stacey Haney, 327 Vinwood Lane: I wanted to mention that one of the things Chief Vest said last night [at the trustees' meeting] resonated with me. The fact that our police and Fire/EMS Departments work together, collaborate and train together so that if we have an active shooter in one of our schools or businesses, or other catastrophe, they have a plan to work together. My concern is if we worked together for so long, we would have to start over with Delco EMS to get to that same collaborative point. But in-between that time, what happens? What if some sort of tragedy strikes and police and fire are not on the same page or haven't had a chance to train together? We have seven schools in Liberty Township, a city pool, two country clubs, and other buildings for the elderly. We have a great service today that I don't want to lose. I'm lucky, I have not had to call other than once. Some people rely on them frequently. The relationship that Fire/EMS has built with this community is not replaceable.

Les Wibberley, 5005 Bay Hill, Liberty Township: I think we have all been trying to sort out exactly what's going on, what the motivations are, what the value is with what's being proposed, and what the drawbacks are. Recently I was able to get access to the Fitch report which was executed at the request of the Delaware County Commissioners. My perception of what has happened is that Delaware County realizes that they have some issues/challenges with their EMS service. That's why they initiated this study. When you read through the Fitch report, it's pretty clear that these external consultants, not from around here, are very focused on Delaware County-specific EMS. It doesn't appear that they talked much to any of the townships or any of the subsidiaries or cities like Powell. So their recommendations are very much from the perspective of what Delaware County should do to their advantage. I agree that Delaware County has a good case for studying this and addressing what the shortcomings are. We all live in Powell or Liberty Township, but we travel in Delaware County. If we

have a car accident out there, we'd like to have good EMS service there.

There were a number of times there have been proposals both at the Delaware County Commissioners meetings and at the Liberty Township Trustees meetings that a blue ribbon group be put together to study this issue, really get the facts out there because we have obviously been told conflicting stories about what it's going to do, the money it's going to save, the impacts, etc. I think that an objective study which gets the facts out there in a credible way to allow intelligent decisions to be made is necessary to move forward. We certainly do not want to give up the excellent service that we have by our EMS here in Liberty Township and we don't want the side effect to be a set back to our fire service. We have all voted to fund the fire levy to provide the excellent service we have. So the solution should not involve compromising Liberty Township's services. But I think it is in everyone's interest to address the larger picture of what needs to be done at the Delaware County level to improve their service. What shows up in this report is that there seems to be a lack of collaboration between entities and that is something that could be addressed. We all need to work together to get the best result.

Shyra Eichhorn, 161 Tiller Drive, Liberty Township Trustee: I am not here to represent the board tonight. Last night we had an overwhelming group of residents show up to the trustees meeting. It was so overwhelming that we couldn't even house them in the 186 seats we had. They were down the hallway. They were in the bay. They were back toward the living areas of the firefighters. It was an awesome site to see. Whenever we have had an issue that is controversial, there is always two sides presented. We had 36 speakers last night. All but one of the speakers was in favor [of keeping fire/EMS as it is], and that one other person didn't claim a side, but was just looking for additional information.

In all the years I have been trustee, I have never come before you. We have a high deal of respect between us [regarding boundaries]. You have matters you vote on, we have matters we vote on. While I want to continue to respect that, this is a very different kind of situation. We are not talking about an apartment complex or a new housing development. We are talking about the safety and wellbeing of all of our residents. Residents, who in the City of Powell, passed the November 2017 [renewal levy] by 78%. As you continue to work on your plans of attracting businesses, how will this impact that? Last night I heard from businessmen that said that when they built their facility here that they were expecting a high level of service from their Fire/EMS. I do think you need to get involved. Has the zoo been contacted? Have we had a conversation with them? I know our Medical Director wasn't contacted. That might something that you guys want to talk about. How is this going to impact your future plans? Because it will. If I were in your position, I would want a seat at the table. And if you can't get a seat at the table, then at least surely you would want to maybe launch your own task force to understand the implication it is going to have on the City of Powell because, trust me, it is going to have an impact.

Nicole Brandt 2840 Minuteman Court, Liberty Township: My 2 year old son Michael has a long history of respiratory problems which began when he was 8 weeks old. When this symptoms first developed I took him to Nationwide Children's ER in Columbus in my car. It was snowing and rush hour and it took forever to get there. Within 24 hours he was in ICU and stayed there for 9 days. He needed a breathing machine and there were moments where they told me if we don't do more his lungs are going to give out. As a result of this incident, I have learned what to look for with his respiratory distress and since then it has not stopped. He has asthma and is on a daily medication.

Last February, we woke up at 3 a.m. because Michael had a fever, continued to have respiratory distress, and his inhaler was not working. I did what I was taught to do. We called 9-1-1, then went to Lewis Center ER where he was diagnosed with pneumonia. It was so much better than the first time because he got care very quickly. There have been other incidents of his respiratory distress, but just 2 weeks ago, he was fine when he woke up, had a fever that spiked quickly and had his first seizure. I was unsure of how to deal with the seizure. We called 9-1-1 and EMS arrived very quickly. I'm telling you this because it's not just about my son. It's about all of the children we have in Liberty Township. We need to keep the 3 truck medics like we currently have. If we go to Delaware County, it

will go down to a 2 medic truck in Delaware. Thankfully my son didn't need to be intubated, but if he did, they would need 2 people in the back of the truck helping to do that. There are many other examples that I could give you about why we need 3 medic trucks versus 2. In addition to pediatric cases, elderly people, people with severe cardiac distress need 3 medics.

Libby Wallick, 8444 Maple Leaf Court: I would like to piggyback on Stacy's comments. She was talking about collaboration. I would rather focus on the idea that our local EMS is not only trained, but equipped to deal with active shooter situations whereas Delco is trained, but do not have the equipment to enter an active shooter situation. My background is in education. I was a teacher before staying home with my children. Several years ago, in a different school district, I found myself in an active shooter situation. I spent several terrifying moments locked in a closet with first graders. I was eight months pregnant at the time. I want to believe that, God forbid, if that ever happened to any of the Liberty Township schools, I want to know that our first responders can get in to the building and do something. I don't want anyone else to have to feel like I did that day.

Shaun Simpson, 510 Bantry Street: Much like if there is an issue nationwide that effects our state, I expect the state to throw their hat in the ring to take care of us. I hope that the City can do that with the township in this case. As a real estate agent, I see people that look at safety numbers. They look at safety ratings. This is not just an emotional issue or a safety issue, this is also a business issue. This is something that will affect our property values. This is something that will affect our businesses and will impact our commercial growth. We've become an asset in the way we handle things in the township. The county's trying to take that away and spread it around the county. If they're not going to respond to us or work with us, we need to make ourselves less vulnerable in the future. I don't know how to go about doing that, but hopefully we can look at a way to make ourselves less vulnerable to decisions made by the township.

Ann Murnane, 4760 Millwater Drive, Liberty Township: I am personally asking you, as a governing body, to help us come up with something that might work to stop this process. Could you put your professional heads together and see if there's anything that we can find to make this proposal come to an end so we can go on with what we have all supported?

Sue Grebb Lorenz, 411 Village Club Dr: Hi. For the record, I am Brian Lorenz's wife. I say this at every Council meeting I speak at. These guys are used to me being in here by myself. Brian and I do not share the same brain. We do not share the same beliefs, and we do not share the same opinion.

I want to take this in a different direction. About half of the people that spoke tonight are residents of Liberty Township. First of all I commend all of you for taking the time to listen to everybody. I understand where your government lies and I understand that this is not your decision to make. Your support has been unbelievably amazing. I think your ability to listen to all these residents whether they're in the township or the City is very commendable and such a great thing to see.

So you've got half of the township begging you to now help them. Where do we stand with annexation? Isn't a township an antiquated form of government? Again my husband might not share my beliefs. [Councilman Lorenz: No, I agree with you.] So maybe since you might be powerless in making this decision, maybe it's time to start looking at becoming one entity instead of two separate entities. Because I know if all seven of you were to make this decision, it would be very different. I'm a resident of Powell, so my safety and security is obviously very important to us. That's why I chose to live in the City. I trust my life and my family's life with Chief Vest. I choose to live in this City. I think maybe the township residents are starting to see the benefits of a city government – those benefits that I've seen. We moved into a house in Powell and chose to move to a secondary house within the City limits because we appreciated the City services. I would ask you guys to look into maybe some generalized annexation as a solution to this problem.

Christine Slagle, 20 Beech Ridge Drive: At last night's meeting, the trustees considered sending out

postcards to all of their township residents to make them all aware that this issue was even being discussed. There's a lot of the population that will be effected by this that do not know this is happening and cannot make their voice heard. Is there a way for Powell to let at least the Powell residents know that their services are in grave danger? It sounded like during last night's meeting they were tabling that idea and were going to talk about it at another meeting, but usually when that happens, it's just a delayed no. I am concerned that the citizens aren't going to know that this is happening and I am asking if the City can find a way alert them.

Mandy Gardner, 135 Gainsway Court: We chose to move into Powell for two reasons: the great schools and public safety. The Powell police have been amazing, as has Liberty Township fire. My question for you is how are you going to protect your residents in the City if the EMS is changed so that it no longer is what it was when we moved here? Mr. Mayor with all due respect, I ran into you in the hallway last night on my way out of the meeting and we asked if you could help and you said yes. I don't understand all the ins and outs of the township and the City and who can do what. So I am really here to understand what you can do to help your residents with this situation.

Spencer Dirrig, 4440 Millwater Drive, Liberty Township: I could stand here and tell you all the reasons why I oppose this plan, but I think it's more effective to quote directly from the experts on the issue. This is a quote the Liberty Township professional firefighters Local 3754 released today: "Dear Liberty Township/Powell Residents: Simply put, any change in our response with single roll EMS-only providers is a decrease/reduction in service to you as residents, business owners and visitors. There has been talk of losing 18 fulltime firefighters and paramedics. That is all you would lose. You stand to lose a total of 32 highly trained firefighter/paramedics. We have 14 highly trained part-time firefighter/paramedics on staff as well. The Liberty Township Fire Department has been serving you and your community since 1947. We want you to know that your family is our family. We take great pride in our profession and our responsibility to protect and serve you. Your Fire/EMS Department is an all-hazards, emergency response agency. We are crossed-trained firefighters and paramedics. Your Liberty Township Fire Department cannot provided the same or equal services if we lose 32 firefighter/paramedics. This is over half of your department, highly-trained, cross-trained professionals. In the interest of public safety, Mr. Simmons, President of IAFF Local."

I want to mention that this is really an issue of local control. Right now, Liberty Township has local control over its Fire and EMS and makes the decisions that are the best for our community. If we allow Liberty Township to give up that local control to Delaware County, we will never get that back. I am asking you as Powell City Council members to put your hat in the game because you will never get another opportunity to do so. I know, like me, there are many residents, your residents, that are concerned about this and want you to take an action to support what we are here to fight for and I hope you will consider doing so.

Larry Coolidge, 78 W. Olentangy Street: I have a business in the City and live in Liberty Township. What happened last night was a travesty. People are always concerned about safety and Mrs. Leneghan, I saw a video tonight, had three sheriffs escorting her into the meeting last night, so obviously she's concerned about safety for herself. Both Gary [Vest, Powell Police Chief] and Jon [Bennehoof, Mayor] spoke yesterday and did an excellent job. There were 12 people there that were experts that spoke. Even a 9 year old gave some testimony. I was going to tell about my heart attack, but I got trumped by a guy who had died for 24 minutes. I've ridden with these guys in the backend. They're excellent, well trained, and genuinely nice guys who love this community and its people. There's a couple of people that are trying to run some stair-stepped to get into Congress or something. I know you guys. I would like to see 100% support of a resolution of support for these firefighters.

Chip Vance, 275 Oakham Court: I have to reflect on the wisdom of the seven people in front of me and how you lead our City and make good decisions for us. After being at the meeting last night and seeing three people who effect my life, I am terrified. I mean that seriously. I naively thought for the longest time that I lived in the City of Powell and the City would protect me so I had nothing to worry

about. Then I learned I was also in Liberty Township and that 3 people can make decisions for me. I am very concerned about that and how that effects not just the City of Powell but all of Liberty Township. I disagree with Sue Grebb on some of her beliefs, but tonight I really think she hit the nail on the head. It's time for our community to come together and try to work to fix this. It is broken and it needs to be fixed.

I have the good fortune of having a customer by the name of Andrew Kern who had his garage catch on fire in Grandshire. Thankfully, Liberty Township came and saved the house. He gave me permission to talk about that. If it had been any other way, his house would have been gone. I'm concerned as a business owner. I own Auto Assets in Powell. If something were to happen and less [fire/EMS] service showed up to take care of my employees, I can't imagine what that would do. It pains me to think about what that means to me and my employees. Some of them have been with me for 15 years. I'm frustrated. I'd like to see change, and I implore you to do whatever you can to make certain that we keep the great services that we enjoy and that we all deserve.

Krista Hawk, 2518 Bryton Drive, Liberty Township: My family has lived in Liberty Township for about 6 months. Like Mandy, we made this decision to move to Powell/Liberty for the schools and fire/EMS. In full disclosure, my husband is a retired fire chief so he was very passionate that we find a community that had a strong fire/EMS system and it was a driving factor for why we made this move.

I also wanted to say that I had an opportunity to have a long conversation with Trustee Gemperline today. He assured me that he is not interested in decreasing services in any way. I want to encourage all of you here to reach out to him directly to speak about our passion on this issue and the importance of us keeping services at the level they are today. My point to him was that I think the county can benefit from this, but I do not think that we want Liberty to sacrifice service for the benefit of the county.

Larry Coolidge: Years ago we tried to start a group called One Community and Mayor Bennehoof was involved in it. It was to get Powell and Liberty Township together. Shyra [Eichhorn] went along with it, but Melanie [Leneghan] did not want to do it. She put a thing out that we were bad, we were pro-annexation, we wanted to take more of Liberty Township, and I think this is proof why maybe something like that should happen. I've seen people put that in some of the social media pages about going after some annexation.

Back on March 1, 2012, if I remember right, [former Councilwoman] Sara Marie Brenner made an attempt to get rid of this Police Department. Though she denies it today – she has a shorter memory than I do – she's quite adamant that she did not do it, and she wasn't able to do it. But lucky there was a vote and 6 people voted against it. She abstained. This should show people this is better than having 3 people where 2 of them are out on an agenda to do something, that sort of thing wouldn't happen here. It might be a good time to think about going after some annexation.

Karen Slavic, 449 Village Ridge Court: I am a Powell resident and have lived here for 20 years. I did listen to the nearly 3 hours of public comments yesterday. It was stunning how Trustees Gemperline and Leneghan, the self-proclaimed, fiscal conservatives, defied the wishes of their constituents, ignored the facts and expert-level testimony that was presented at the trustees meeting as well as the compelling stories of the people who depend on this service. One of my now adult children is a childhood cancer survivor. Although we are no longer EMS frequent flyers, my husband and I are getting up there in age now and we may be again in the future. So I'd like to see [the same level of service] continued. I am here to do everything I can to defeat this ill-conceived proposal. I will contribute time, money, whatever is necessary and I am asking you, Council, to please be more responsive than the trustees and do anything and everything you can to help us stop this madness and stop playing politics with our lives and the lives of our first responders.

Amanda Paul 2802 Minuteman Court, Liberty Township: I will admit that I have reached out to several of you through social media. I appreciate you Dan [Swartwout] for reaching back out to me. It is

interesting to me that people have been so quiet on this situation given that so many community members want to know what your thoughts are because you are our voices. You represent us, but we represent you at the same time. Since this has blown up in the last two weeks, we all feel very disheartened as to what is going on in this community to the point that there were people in tears last night, myself as well.

I could touch on what my kids have gone through with this EMS Department, who are outstanding. I have 3 under 3 years old. One of my twins in just this year alone has been in the ER twice for stitches. Without this EMS response team, I don't know what I would have done. One of the times it was my fault for smashing his finger in the door when he was 10 months old, partially amputating the finger. It wouldn't have been reattached had it not been for this timely response from our EMS services in Liberty Township. We were told that when we got to the ER.

But it's not just my kid. There are many kids in this community that need our quick response time of 7.5 minutes for a 3 person crew. If it goes to a 2 person crew, the average time is going to be 15.3 minutes. Our EMS is amazing. They respond in a timely manner that many people aren't fortunate enough to have that privilege. We do here in Liberty Township and we take pride in that. We support it, we approved the tax proposals. We stand here and tell you, as citizens, that we want this to continue. What happened last night was disgraceful when it came to being considerate of what people were talking about by the way some people reacted. The way people were disrespectful to concerned citizens that [it felt like] people don't care about their values, their families and especially their children. That's the bottom line of much of this.

Jim Hurt, 2081 Bunty Station Road, Liberty Township: I have the distinction of living in one of the homes that is just about as far from the Liberty Road 321 medic as is possible to get and still live in the township. I listened to the county and went up and talked to the commissioners. I sat through the same meeting last night as you did, Mr. Mayor, and spoke at it and I witnessed the same thing that everybody else did. I would stand before you tonight and say you have no choice, Mr. Mayor and Council, but to do something. We get no comfort or help from the county. We are clearly going to get no aid or help from our trustees. There is nowhere else to turn but to this body for help in fixing this problem and I urge Mr. Mayor and the rest of Council to figure out some way to fix this because if you can't fix it, we will have to live with it. We are going to lose people and it's a terrible shame that this should be allowed to happen. You must do something.

Mr. Franano: One of the questions that was addressed last evening at the trustees meeting is the notion of who gets to define quality? Who is the expert about what is superior care? The Fitch report lays out certain cases. We had some speakers last evening speak to the notion that a lot of their sourcing about 2 versus 3 medic runs didn't actually have any data in the sources about patient care, so there were questions about Fitch's ability to determine what is and isn't better patient care. We are very lucky this evening to have some representatives here from the Fire Department and the Safety Director and Battalion Chief. I would say if there are any questions by Council to speak to safety and to get a perspective from the township cross-trained EMS firefighters, they can address those concerns.

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

Mayor Bennehoof: I would like to address a few points that I think need clarity. A few people made the comment that we should come together – Larry [Coolidge] mentioned One Community. We tried to do a virtual coming together and that worked for a little while and it was fine. But I think the thrust of that comment was to join the City and township. I need to make this pretty clear: that's a very, very expensive proposition if the City and township were to merge into one because there are a lot of services that the county provides to the township that the City would be responsible for. And while there would be additional income tax from the people that were merged in, if the majority of the people that voted agreed to that, it's probably still not enough.

Someone asked what we can do. I said in the hallway [last night] that we could look into what we can do and we are going to look into what we can't do. We need to have an Executive Session where we talk about what those opportunities may be. I apologize. I know that it doesn't seem transparent, perhaps, but that is the way City government works. We would have legal issues to deal with. I do want to appreciate Larry Coolidge and Dr. Yamerick's contributions to this community for being unparalleled. Can all the fire responders stand to be recognized?

Finally, I'd like to thank everyone for their civility and professionalism tonight. I have taken a position [on this matter]. I think a lot of you know that and you can look at my remarks at the Commissioners' meeting on YouTube to see exactly where I stand on this.

Councilman Counts: I believe that we really owe it to the people here and the residents to give our opinion as to this particular issue. What I want to do is to find out from Council whether this is something that we should make a "voice" decision on tonight or whether this is something we should have a resolution prepared for our next meeting to review and really hone in on what we want to say. What I don't know is whether the township trustees are having a meeting before our next meeting, in which case, to wait until the next meeting might be too late. [Councilman Lorenz: The trustees will meet next on December 17th and we meet next on the 18th.] There are lots of options we can do and I think we should consider all of them. But I think the most important thing is to speak out as quickly as we can before there is any kind of action that's taken for which leads us down a road that is inappropriate.

For me, I have always been very skeptical of this proposal and I think we need to slow it down a lot. It does not mean that I am in favor of it, it just means that there's way too much that goes into this decision that frankly I'm not aware of. The other thing I will say is that as a City, we could have our own Fire Department, our own EMS or our own school system and we choose not to because we get excellent service from what we have. That in itself is a basis for being very concerned about what's being considered.

Councilman Lorenz: I just took down some notes here. I had a whole big thing written up and then I threw it away earlier today because I've been thinking it over this weekend. I want to start by saying I think you guys are awesome. I've seen your work. I was present at one of the meetings by watching it on Facebook. Thank you to whoever streamed that.

I want to say on the record that I do support our Liberty Township Fire/EMS. You guys are the best. They go above and beyond so many things. Little things like coming with the trucks for the kids. They make those events all the more special. There were a couple of ladies that had stories about their kids. My wife and I had triplets that were preemies. We didn't live here at that time, but I understand the breathing issues that you were talking about. We went through many of the same things with our children. I want to validate your emotions because this is an emotional issue. Like the school redistricting, it's another one of those emotional issues. The trustees were given a report that cites a potential cost savings. They are going to examine whether that's valid or not and it is not for me to decide. My job here as a Councilmember is to listen to our residents and make decisions on what is wanted and what is right.

I have a great relationship with Shyra [Eichhorn] who I have known for over 25 years. I can pick up the phone and talk to her at any time. I have a great relationship with Ms. Leneghan as well. In fact, I had coffee with her and discussed [this]. I wanted to know what her impetus is going forward and get more details from her. I will reach out to Mike as well. I've talked to him numerous times about City or township issues in the past as well. So I'm in contact with them regularly. So when you ask what are we doing about it, that's what I'm doing about it. I'm speaking with them, I'm understanding their perspective. My goal is to continue to gather facts, support our residents, and to work with the trustees, but ultimately, they are the ones that are responsible for this decision. I think there are a lot of great ideas and Tom said it, there's a lot of things out there that are uncertain. They may be valid or not. We need to take our time and explore them. There may be options that are not on the table that haven't

been discussed. I've seen comments about the City just taking over the Fire Department. I don't know that this would be feasible from an economic point, but we need to continue to talk. So those are the things that I will continue to do as a Councilmember in representing you. I would welcome any of the township residents to call me at any time as well.

Mayor Bennehoof: Before we go any further, I'd like to mention that this is a little irregular to Robert's Rules of Order but this is a very important issue and we would like to allow you to be heard on this matter.

Councilman Swartwout: I look at this issue in two different ways. I look at this issue both as a Councilmember with constituents who have overwhelmingly told us that they oppose any changes to our Fire/EMS model that currently exists. I also look at this issue, as many of the folks out there do, as a family who is a frequent flyer with Liberty Fire/EMS.

My sister-in-law lives across the street with her parents, my in-laws, and her 13 year old son. My sister-in-law had a massive stroke several years ago and because of the excellent work of Liberty Fire/EMS, who have been to our house so many times and did such incredible work, because of that, she, my sister-in-law, can stay in the house across the street from us with her child and keep her family intact as much as she can. It pains me to think of any changes that could come to that, that which could separate that family – because that's what we're talking about. We're talking about danger. We're talking about separating families. We're talking about minutes, crucial minutes and seconds that matter. And when we have such a great system as we have now, I see no reason to change it.

As soon as I saw Shyra's message online last Monday about the surprise vote at the county commissioners meeting, I was immediately on the phone with Mayor Bennehoof. Thank you Jon. I know you had about 40 calls that day, so I appreciate you taking mine. We have been in contact that entire time and I can assure you that I, since Monday, have done everything possible to look at every alternative we can take as a City to save our Liberty Fire/EMS. I am committed to that now and I will be committed to that going forward.

Councilman Bertone: Thank you for being here tonight. I appreciate all the shares – the information that you have provided to us and how it impacts you as both Liberty Township residents and Powell residents.

Many years ago I lost my nephew to an asthma attack. It wasn't due to lack of care from an EMS, it was his health. His situation was pretty bad. Regardless, to hear some of your stories tonight, brings to light all those memories, and it concerns me greatly. Many of you have a lot of great shares.

But tonight I heard a friend ask for assistance. Shyra, I hear you. I've been pushing back for a while, obviously, because we have a respectful fine line of how we step over to help one another and what we can and can't do. This matter does involve all of us as a community and this matter involves a solution and resolution to help us build trust and confidence in what we have as our great service provided by our first responders and we thank you greatly. None of us want to see a degradation to that. And to that end, I'd ask that in support of what Tom has mentioned previously, be it a resolution and/or a special meeting of some form or another well in advance of our meeting on the 18th, for us to consider a solution to the whole matter. Thank you all this evening for all of your time.

Councilwoman Riggins: I would also like to say how amazed I am for the turn out tonight. I wish we had this turn out for all our Council meetings. That would be wonderful. Thank you all for coming. Thank you for your comments. As the newest member of Council, I'm taking this in. I'm also an attorney and hearing officer for the State of Ohio.

I agree with Tom and believe we need to step back a little bit, get some more information and facts. What I'm concerned about as an attorney is what can we, as City Council, legally do? What can we

do that won't put us in a worse position? I would like us to have an opportunity to discuss with our legal counsel what we really can do. Please don't take this as any poo-pooing of what's going on here tonight because I am with everything that has been said. But so you know where I'm coming from, we have to be careful with what we do.

Councilman Newcomb: You asked what we can do. I think we should have a voice vote tonight in support of EMS. Secondly, I think we can also have a written resolution and I think we should ask the Law Director to draft that for our next meeting. The third thing, you asked about publicity. I think we can ask Megan Canavan, our Communications Director, to put something on the website and get it out to Powell residents.

I read the report. I agree with Mr. Wibberley and Mr. Simpson of that analysis. That report seemed to be geared toward Delaware County EMS and its problems, so I would probably ask the county to focus on that. I do think a professional task force would be helpful.

Mayor Bennehoof: I will close this out. I would suggest that you look at my remarks from the commissioners meeting on YouTube. I have said more than once that I've been speaking as an individual. I am in full support of the fire/EMS as it exists in Liberty Township, but I am in full support of the people that think that since 74.79% of the population of the township and 78% of the population of Powell voted in favor of the last levy that we don't need to fix something that isn't broken. Everyone here and Shyra and her colleagues have taken an oath of office to protect the health, safety, and welfare of our community. I'll be damned if I ever violate one of my oaths. I've taken an oath to my country, my state, my city, my county and my wife and I've never violated a single one of them. I have taken multiple oaths to some of those entities and I stand by those statements and I stand by you.

MOTION: Councilman Counts moved that this Council being resolved to oppose the current plan by the Liberty Township Trustees to move the Fire/EMS; that we resolve to support and with gratitude express our appreciation to the Liberty Township Fire & EMS staff; that we direct City Staff to prepare a formal resolution to memorialize what we have talked about tonight; and we direct City Staff to help us to identify items and measures that the City can take to fulfill these resolutions that we are undertaking. Mayor Bennehoof seconded the motion.

VOTE: Y 7 N 0

APPROVAL OF MINUTES – November 20, 2018

MOTION: Councilman Counts moved to approve the minutes of November 20, 2018. Councilman Bertone seconded the motion. Councilmen Lorenz and Newcomb abstained. By unanimous consent of the remaining members, the minutes were adopted.

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 INFRASTRUCTURE MAINTENANCE AND 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%). – *tabled from July 31, 2018*

Steve Lutz, City Manager: Last month, the electors were asked to vote on whether they wished to increase the City's income tax rate and the City's credit in order to provide funding for capital improvements. That measure was defeated at the ballot. So it is now legislatively required to have the second reading of this Ordinance to defeat the motion to adopt. That maintains the City's income tax rate of ¾% with a ¼% credit.

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

Mayor Bennehoof requested that the matter of next strategies be put on the agenda in the near future for discussion.

MOTION: Councilman Counts moved to adopt Ordinance 2018-33. Councilman Lorenz seconded the motion.

VOTE: Y 0 N 7

FIRST READING: **ORDINANCE 2018-59:** AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2018. (**EX. A**)

Mr. Lutz: This appropriation is a modification from the one that was approved at the last meeting. Our Finance Department was reviewing this with the auditors and the auditors notified us that instead of all the money going to general fund, a portion needs to be credited back to the auditor and treasurer and we pay in advance. This is a zero net change. It is just appropriating the funds back into the appropriate funds.

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 2018-59. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2018-59. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

COMMITTEE REPORTS

Development Committee: Next Meeting: December 4, 2018, 6:30 p.m. We met tonight and had the opportunity to review the Vogt Strategic Insight study. It's a preliminary read if you will. We're simply trying to get a summary review of the findings and we expect at one of our upcoming meetings to have a much more detailed summary share with other members of Council as well as the community.

Finance Committee: Next Meeting: January 8, 2019, 7:00 p.m.

Operations Committee: Next Meeting: December 18, 2018, 6:30 p.m.

Planning & Zoning Commission: Next Meeting: December 12, 2018, 7:00 p.m. There is a full agenda next Wednesday. They will be reviewing a proposal for an indoor athletic training facility off Woodcutter. They will be looking at a dentist office and some other buildings associated with medical uses at the Wolf Commerce Park off of Seldom Seen and Liberty Streets, and reviewing a proposed 11 house subdivision in front of Wyandot School on North Liberty Street.

Board of Zoning Appeals: Next Meeting: December 6, 2018, 7:00 p.m. The commission meets later this month to review a setback variance request.

Powell CIC: Next Meeting: December 11, 2018, 6:00 p.m.

CITY MANAGER'S REPORT

I have a reminder for your next meeting on December 18th, the request was made to begin that meeting at 8:00 p.m. Councilman Lorenz also elected to move Operations up too.

OTHER COUNCIL MATTERS

There was none.

EXECUTIVE SESSION: O.R.C. Section 121.22(G) (1) Personnel Matters and O.R.C. Section 121.22(G) (3) Imminent or Pending Litigation.

MOTION: Councilman Counts moved at 9:50 p.m. to adjourn into Executive Session pursuant to O.R.C. Section 121.22(G) (1) Personnel Matters and O.R.C. Section 121.22(G) (3) Imminent or Pending Litigation. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Lorenz moved at 10:50 p.m. to adjourn from Executive Session into Open Session. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

ADJOURNMENT

MOTION: Councilman Swartwout moved to adjourn the meeting at 10:50 p.m. Councilman Newcomb seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

MINUTES APPROVED: December 18, 2018

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| Jon C. Bennehoof | Karen J. Mitchell | |
| Mayor | City Clerk | |
| Date | Date | |



City Council

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| Frank Bertone | Tom Counts | Brian Lorenz | Jon C. Bennehoof, Mayor | Brendan Newcomb | Melissa Riggins | Daniel Swartwout |
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