



**CITY COUNCIL
MEETING MINUTES
July 16, 2019**

CALL TO ORDER/ROLL CALL

A regular meeting of Powell City Council was called to order by Mayor Jon C. Bennehoof on Tuesday, July 16, 2019 at 7:32 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; Thad Boggs, Legal Counsel; Megan Canavan, Communications Director; Dave Betz, Development Director; Leilani Napier, Deputy Clerk; and interested parties.

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION

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

Brittany Zoecklein, Delaware General Health District: We are currently dealing with the measles issue. There are currently over 1,000 cases nationally which is the most cases since 1992. In Ohio, there has been one case confirmed in Stark County. We are encouraging vaccination as the best preventative measure.

There is also a senior appliance pickup service offered. They accept electronics and appliances for those ages 55 and older in Delaware County. ([Exhibit 1](#))

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

PRESENTATION: [Age Friendly Assessment](#), by Abby Crisp, Epidemiologist, Delaware County Health District. Ms. Crisp presented the results of the age friendly assessment that was led by Source Point. ([Exhibit 2](#))

Councilman Counts: Were the respondents all over age 55 or were they skewed towards a particular age group?

Ms. Crisp: We saw a pretty good distribution for the makeup of the county so we did not have to weigh it by age. We did accept people who were 54 because they were on their 55th year of life. Overall, it was more of that middle group and less of the older adults, but proportional with what we expected with the county.

Councilman Lorenz: Excellent job. You always put together great reports.

Councilman Bertone: On the fraud and financial scam side, how did this county rate compared to others knowing where Delaware County ranks from a wealth factor within the state?

Ms. Crisp: That question was not actually asked in any other surveys we could find. That is a good question that I hope will begin to be asked in the future.

Claire Edwards, Source Point: I am overseeing the age-friendly initiative moving forward. One of the things we are working with is multiple state agencies that are becoming age-friendly such as Franklin County, Cuyahoga, Miami and a couple of others. We are considering pooling questions from all of these different surveys across the state to create a database of questions where if new age-friendly communities come on line, they can check those out and the financial scam question will be a bit more wide spread.

Ms. Crisp: Westerville is using a similar survey tool and they may be asking about financial scams.

Mayor Bennehoof: Do you do correlations to other counties and how far wide do you go on comparisons?

Ms. Crisp: We can benchmark with other counties on some topics if they are an established measure that we often look at or more traditional health questions. Nevertheless, the age-friendly process does not have standardized questions as of yet so we cannot compare to other counties in an apples-to-apples way.

Ms. Edwards: I thought it was important to talk to you about the context in which we sit as Delaware County now. Age-friendly is actually an international initiative through the World Health Organization and is run through the U.S. by AARP. On the local level, we do have Franklin County/Columbus to work with in getting off the ground because they are about 2 years further into the process than we are. They helped us collect this data and the next process is to create an action plan for Delaware County Age-Friendly initiatives. We hope to work on that over the next 7 to 9 months by reviewing the data, having focus groups, and going into the community.

Mayor Bennehoof: Do you have much interaction with the assisted living or memory care centers?

Ms. Crisp: For the assessment process we did have a group that came to advise on which questions and sections we asked and we had some assisted living and memory care people in that group. I also know that Source Point works extensively with those groups as well so they will be actively involved.

APPROVAL OF MINUTES – [July 2, 2019](#)

MOTION: Councilman Lorenz moved to approve the minutes of July 2, 2019. Councilman Bertone seconded the motion. By unanimous consent of the remaining members, the minutes were adopted.

CONSENT AGENDA

Item

- [Departmental Reports – June 2019](#)
- [Dream Catcher Hospitality LLC dba Locust Table](#)

Action Requested

Receipt of Electronic Reports
Waive Hearing

MOTION: Councilman Counts moved to adopt the Consent Agenda. Councilman Swartwout seconded the motion. By unanimous consent of the remaining members, the Consent Agenda was adopted.

[RESOLUTION 2019-09](#): A RESOLUTION TO GRANT CONSENT TO THE BEVERAGE REFOUNDRY LTD, D/B/A THE DAILY GROWLER, FOR USE OF THE ROAD RIGHT-OF-WAY FOR INSTALLATION OF A BOCCE BALL COURT AND FENCE. ([EX. A](#))

Steve Lutz, City Manager: This proposed bocce ball court is located on the west side of the Daily Growler. It has gone before Planning & Zoning, and Dave Betz will review this tonight.

Dave Betz, Development Director: The Daily Growler is located on Olentangy Street near Village Pointe Drive. The Daily Growler is on the end of the building. They are proposing to add a bocce ball court to the area west of their building. It will mean the removal of two trees, which will require replanting two trees elsewhere on the property. The plan, which is attached to the proposed Ordinance, show that the encroachment is only 3 foot, 3 inches for the court and the fence that will go around it.

P&Z reviewed this last week and approved it with conditions. All the conditions will be satisfied by Section 2 of the Ordinance that allows a 30-day notice by the City to take out the bocce ball court if the City needs the right-of-way for any purpose. With that, the Commission did approve it.

Councilman Bertone: This was also shared at Development Committee on July 2nd.

Councilman Lorenz: Go for it. It is great to see a great business doing well and expanding.

Councilman Swartwout: I was telling a friend that this might be coming in and, as a bocce ball player, he was very excited about it. I think this will be a wonderful addition to the City.

Councilwoman Riggins: Was the outdoor seating in the right-of-way previously or was that just up to the right-of-way?

Mr. Betz: It is outside the right-of-way. The seating area was approved by P&Z as part of the certificate of appropriateness when the business moved in.

Mayor Bennehoof: It is just a continuation of the existing western edge of that fence.

Mr. Betz: No, it actually comes out and that makes the encroachment happen.

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

MOTION: Councilman Counts moved to adopt Resolution 2019-09. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

SECOND READING: ORDINANCE 2019-28: AN ORDINANCE TO ADOPT AN ADDITIONAL FIVE-DOLLAR VEHICLE REGISTRATION TAX ON MOTOR VEHICLES REGISTERED IN POWELL.

Mr. Lutz: In the past as well as into the future, the City will continue to investigate funding alternatives that can be utilized to help the City maintain our capital infrastructure, such as streets, sewers and parks. This year the state legislature provided municipalities a tool for their toolkit, if they so choose to utilize it, and that permits municipalities to impose an additional \$5 tax on vehicle registrations. The municipality can only utilize the money that is generated for road construction, road maintenance, and those types of projects. This matter has been discussed in Finance Committee and at your first reading during last Council.

Councilman Swartwout: I do not think it will come to any surprise to the other members of the Finance Committee that I will be voting no on this. I have been against this since we first started talking about it. It is going to generate approximately \$62,000 a year. That does not meet any real needs of the City. The Citizens Task Force that was established last year recognized a \$2 million dollar need per year so essentially this is a little more than 3% of that. We would need to receive this tax for approximately 32 years or so to meet a 1-year need. I do not think there is any project that you can envision that costs \$62,000. If you look at the Sawmill Parkway project that is coming up, which we received a [partial] grant for; this \$62,000 would only cover approximately 410 feet of that project. I do not see this as a useful or necessary tax. I see it as a tax simply for the sake of imposing a tax. As Brian mentioned at our last meeting, we have a duty and an obligation to come forth with a fair and equitable plan that addresses our sustainable capital needs while also being fair and equitable to the residents of this City. I do not think this goes anywhere toward making that a reality. In fact, I think it could hurt that from happening. Imposing a tax for the sake of imposing a tax could make people antagonistic to listening to ideas about a fair and equitable solution. For that reason, I will be voting no on this additional tax.

Councilwoman Riggins: I think what is hard is that we do need money, whether [or not] people want to realize it, want to accept it, or want to believe it. The City does need money. There was some communication this week with a resident complaining about potholes on the street. \$62,000 could be put toward filling potholes. We know that our streets are not in the best shape. I struggle with this because I am not for taxing, I'm not, but we are charged with doing what is best for the City so I am open if anybody's here tonight to discuss that or would like to make their thoughts known on that. Obviously please let us know your thoughts. But this is a hard one because \$62,000 could repair some potholes that are throughout the City, so I'm still weighing it. Thank you.

Councilman Lorenz: I want to reiterate my comments from the last Council meeting. I am not in support of this Ordinance because it is another attempt to Band-Aid a funding solution. I understand and appreciate that it could be repealed should we pass a legitimate levy with a 100% credit. At the end of the day, it is not that much money. For me it is more of a principle on the matter. The residents are tired of patchwork solutions and want a fair and legitimate funding source. Subsequently, we need to stop wasting money on things like mailing out the PAFR. The township spent \$10,000 on a newsletter. I am sure this thing was probably at least \$20,000. We could have used those monies to help with the potholes. We are also going to need to take a hard look at the 2020 budget. We will need to make additional cost saving decisions. This is the only way we can show our residents we are making solid money decisions every single time and not throw surcharges on our residents to fix streets or the tunnel, etc. I am a no.

Councilman Bertone: I am for this use tax. Many of you here arrived tonight by your own vehicles using City roads. It is a \$5 use tax. Let us call it what it is. I doubt many of us would bat an eyelash at spending \$5 on

improving our largest investment, perhaps our home. This City's financial issues has been well documented in terms of even funding potholes, parking lot improvements, etc. Therefore, from my vantage point, we do have an obligation to our community to continue to provide the utmost in health and wellbeing for our community and investment in our roads is paramount. We know we are heading for a financial cliff. We know we are heading for major road issues. Otherwise, this is just kicking the can down the road. We had a voted measure that was defeated last November. This is not simply a money grab. This is \$62,000. We recently funded a project to repave the Adventure Park parking lot that had deteriorated to the point that it was creating a public safety issue. Our cost will be approximately \$20,000 to repair that. I believe it cost approximately \$3,000 to mail the PAFR. At the end of the day, when I look at the rejected measures that the City has put forth for a number of years, we have an opportunity before us to help soften the blow of some of these issues we have coming up down the line. We cannot ignore it. Whether it is fairness, equity or a political stain on someone's record, it does not matter to me. We have an objective here that we have to do and that is to satisfy the needs of this community. From my vantage point, \$5 is a relatively small expense for us to cover this. It can be repealed once we obtain a long-term funding vehicle to solve our capital improvement issues. We owe it to this community, and all of us here, to find the funding source that satisfies that requirement. However, until we do, small mechanisms like this will help us contain and keep the City afloat.

Councilman Newcomb: While thinking about this issue, I wondered how did a very small community like our – 5 square miles – end up with 112 miles of roadway. Laid end-to-end, you can drive from Powell down to Cincinnati. That is the underlying problem. We have so much infrastructure and roadway and it is very expensive. Frankly, we cannot pay for it. My second question, why do we continue to add to those liabilities? Until we answer those questions, it is going to be a never-ending search for revenue and we will never come up with enough with enough revenue to repair 112 miles of roadway.

I would like to point out is that the state increased the gas tax 10 ½ cents. That is going to give Powell an additional \$276,000 next year and an additional \$278,000 the following year. So next year we will have approximately \$700,000 for roadway maintenance, and the year following we will have over \$700,000 for roadway maintenance. I hope we use it wisely. [Mayor Bennehoof: I did not follow your math on the \$700,000, but that is okay.] That is from what we are currently getting with the additional \$273,765 dollars. We will get \$711,543.00 in 2020 and a little bit more in 2021.

Mayor Bennehoof: This is a one-time charge. It is the cost of an average Starbucks once a year per vehicle. It is not a haircut a month or a haircut every week. It is a small amount of money that adds up to something that can be used for some patchwork to fill potholes. We have a number of emergent things that come up that this money could be used toward. We all took an oath to protect the health, safety and welfare of the community and we are remiss if we do not do so when we can. I do not know that the community, despite some of the social media confabulation that has been going on, is up in arrears. We are at the second reading. This is a fee and not a tax. It is repealable and Ohio Revised Code provides it in recognition of the fact that the governor, a number of years ago, removed the Local Government Funding, which is what caused our financial shortfall in the first place.

With regard to the PAFR, I seem to recall unanimous support for [mailing] the PAFR and the CAFR reports in the past. I do not know why it has come under fire tonight. Nevertheless, we do have a financial reporting responsibility to the community, which the PAFR satisfies.

Councilman Swartwout: I would like to clarify a couple of things. Regarding the PAFR, I am sure everyone that was here on the Finance Committee will say that there has not been unanimous support for mailing out the PAFR because I argued against it every year.

When you say this is a fee, not a tax, the word tax is on the face of this Ordinance twelve different times, so I am having a hard time seeing how it is not a tax.

Councilman Lorenz: I cannot recall any time ever validating sending out a PAFR or CAFR. In fact, the CAFR is on the City's website. The PAFR could be put on there as well. It is ridiculous that we are mailing out things, regardless of cost, when it could be put on the website. There is no obligation for us to mail that out and until we stop doing those things, all we are doing is showing our residents that we do not really care about what we are sending out and we do not take anything seriously.

Mayor Bennehoof: We do run a rather tight, financial ship here. I think the Finance Department head and City

Manager can attest to that.

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

Councilman Counts: As you know, we have a serious infrastructure problem. I think we can all agree on that. We have not agreed upon the appropriate method to fund that. Our residents have not agreed on the appropriate method to fund that. At this point, we have no plan in the works. Even if we did, one of the things that has been difficult is when is the appropriate time to go to the ballot? There has clearly been the lack of desire to go to the ballot in this year when there is an election. I understand that but for something as serious as this is, we have to deal with it. So by the time that we actually go to the ballot, and if our residents actually decide to approve it, it will almost be a year and a half before funds are available. Until that point, we have to cobble together funds to meet those issues as they come up. I think the City of Powell has been very good at cobbling together and finding every single source of revenue to try to keep the big number coming to our residents. I think we have been somewhat successful, maybe even to our own detriment, as a result. What we do not talk a lot about is that we had a street maintenance program for a long time. We did not have a street maintenance program for this year and likely will not have one for next year. That program went for our residential roads. We are trying to come up with enough money to do Sawmill Parkway and I understand that. However, it is our residential roads, many of which you do not see if you live in certain neighborhoods, that are in dire need of significant repair. Not getting that significant repair, they are going to have to get patchwork. Quite honestly, that is what I see this money going for. As Dan said, this is a drop in the bucket. It is not going to do what we need it to do yet and, until we come up with a permanent solution, we need to have funds available just to keep things from getting unserviceable.

On another matter, there has been much disagreement about whether or not the PAFR should be mailed. As we saw from the Age-Friendly report, there are many people aged 55 or older that still receive things by mail. One of the challenges that this City has is how to reach all the residents in a way that they can access this information.

I have four cars in my family. My two adult children each have a car they need to drive to work. My wife and I need to drive to work. That is many trips. Frank, you will have that same situation. Brian, you will have that same situation. It is those cars in our residential neighborhoods that create some wear and tear [on the roads]. \$5 is the kind of thing that is probably appropriate for people like me who have four cars. Now, Brendan, I understand where you are coming from, but that is a completely different universe – a whole different mantra. This City, as well as so many other cities, were not built on that and, quite frankly, it is not going to solve our problem in the short-term or in the long-term. We need to come up with a viable solution. In the short-term, I think that is what this is. So I will be voting in favor of it and I hope that this Council can come together to present a long-term solution as quick as possible.

Thad Boggs, Esq., Legal Counsel, Frost Brown Todd: A technical point to bring to your attention. In Section 1 in the reference to the Revised Code, there is a typo referring to 4505.173, which is correctly noted in the Whereas clauses, it is 4504.173. I would suggest a motion to amend Section 1 of the Ordinance to refer instead to 4504.173.

Mayor Bennehoof: There was a Task Force that spent a lot of time [on our infrastructure needs] and had very identifiable skeptics on it, people that had been very vocal against the former tax increase that went down in flames over a decade ago. This financial issue has existed for this City since the repeal of the Local Government Fund, and that has been around 25 years. We have operated a very tight budget despite that. I think Staff are operating thinly and should be commended for the work they have done over that 25 years with very limited funding. The counterproposals I have heard to the Task Force all mention raising the tax significantly and then giving a full refund. The direct impact of that is that the gross overbearance of the tax increase is borne by the people that do not work outside the City while you are actually giving the people that work outside the City a tax cut because the full credit takes away from what they are already paying. Dublin does it, but Dublin is right on the highway, they have a couple of major thoroughfares, they have great infrastructure for commercial, and they have a lot of commercial. We are not blessed with that situation so we have to come up with something creative that everybody in the community gets to share the burden. I think that the capital funding need is clear. We have developed our roads and infrastructure over time through development and now we are at the point where we are paying the piper. We need to address it.

MOTION: Councilman Counts moved to amend Ordinance 2019-28 to strike the number 4505.173 in Section 1 of

the Ordinance and insert the number 4504.173. Councilman Bertone seconded the motion.

VOTE: Y 5 N 2 (Lorenz, Swartwout)

MOTION: Councilman Counts moved to adopt Ordinance 2019-28 as amended. Councilman Bertone seconded the motion.

VOTE: Y 4 N 3 (Lorenz, Newcomb, Swartwout)

SECOND READING: ORDINANCE 2019-29: AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR McCLURG PROPERTIES, LLC TO DEMOLISH THE EXISTING BUILDINGS AT 204 S. LIBERTY STREET AND CONSTRUCT AN OFFICE AND GARAGE. ([EX. A](#))

Mr. Lutz: Tonight is the second reading for the proposed new home for Buckeye House Painting. Dave Betz will give a brief review regarding this. It was also presented at your last meeting. The owner is here tonight to add any comments or answer any questions you may have.

Mr. Betz: It has been a pleasure working with the property owner on getting the new business into town. This business will be located just north of the Village Academy preschool access point to the parking lot. The existing buildings would be demolished. In its stead would be a new building for the office, associated parking and a building in the back to store a trolley and some other company vehicles. It includes a good landscaping plan and parking in the rear and to the side of the building as required by Code. There is a 2-story plan to the building with offices and conference rooms and open to the front porch for gatherings of clients, owners and employees.

Many of these perspectives were done for the development plan staying true to the historical district commission guidelines with regard to the downtown buildings. It did receive approval by the Historic Downtown Advisory Commission and Planning & Zoning Commission with the condition of working with the Applicant on some design matter with the back building's dormer. Staff recommends approval.

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

MOTION: Councilman Counts moved to adopt Ordinance 2019-29. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

COMMITTEE REPORTS

Development Committee: Next Meeting: August 6, 2019, 6:30 p.m.

Finance Committee: Next Meeting: August 13, 2019, 7:00 p.m.

Operations Committee: July 16, 2019, 6:30 p.m. We met tonight and we discussed the AC units in chambers. We also had a discussion regarding regulation of massage establishments. We will have the Police Department distribute to any resident that would like it, a no-solicitation sticker. It has come to our attention that we have had 80 peddlers register this year. Probably the biggest item the group has been working on for the last 3 months is the extension of left-turn restrictions at the Four Corners. I am pleased to announce that you will see at our next meeting a proposed Ordinance that will request left turns be restricted from 7:00 a.m. to 7:00 p.m. every day.

Planning & Zoning Commission: Next Meeting: August 14, 2019, 7:00 p.m. and we have no applicants at this time.

Powell CIC: Next Meeting: TBD

CITY MANAGER'S REPORT

There was none.

OTHER COUNCIL MATTERS

Mayor Bennehoof: The City Manager, Communications Director and I host a Coffee with the Mayor & City Manager event. The next one will be on July 26th at 7:30 a.m. It is the second and fourth Friday of the month. We look forward to seeing you there.

ADJOURNMENT

MOTION: Councilman Counts moved to adjourn the meeting at 8:26 p.m. Councilman Bertone seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

MINUTES APPROVED:

August 6, 2019

Jon C. Bennehoof
Jon C. Bennehoof
Mayor

8/13/2019
Date

Shirley Mitchell
Shirley Mitchell
City Clerk

8/13/2019
Date



Frank Bertone

Tom Counts

Brian Lorenz

City Council

Jon C. Bennehoof, Mayor

Brendan Newcomb

Melissa Riggins

Daniel Swartwout