



**CITY COUNCIL
MEETING MINUTES
July 7, 2020**

CALL TO ORDER/ROLL CALL

A regular meeting of Powell City Council was called to order by Mayor Frank Bertone on Tuesday, July 7, 2020 at 7:33 p.m. City Council members present included Jon C. Bennehoof, Frank Bertone, Tom Counts, Heather Karr, Brian Lorenz, Melissa Riggins and Daniel Swartwout. Also present were Andy White, City Manager; Eugene Hollins, Law Director; Ron Sallows, Deputy Chief; Chris Huber, City Engineer; Megan Canavan, Communications Director; Karen Sybert; Finance Director; Karen J. Mitchell, City Clerk; and interested parties.

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION

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

APPROVAL OF MINUTES: June 16, 2020 and June 25, 2020

MOTION: Councilman Bennehoof moved to adopt the minutes of June 16, 2020. Councilman Counts seconded the motion. By unanimous consent of the remaining members, the minutes were adopted.

MOTION: Councilman Bennehoof moved to adopt the minutes of June 25, 2020. Councilman Counts seconded the motion. Councilman Lorenz abstained. By unanimous consent of the remaining members, the minutes were adopted.

RESOLUTION 2020-14: A RESOLUTION AFFIRMING THAT FUNDS DISTRIBUTED UNDER THE COUNTY CORONAVIRUS RELIEF DISTRIBUTION FUND TO THE CITY OF POWELL SHALL BE EXPENDED BY THE CITY ONLY FOR COSTS PERMITTED UNDER THE FEDERAL CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT AND ANY APPLICABLE REGULATIONS AS IS NECESSARY PURSUANT TO HOUSE BILL 481 BEFORE RECEIVING SAID FUNDS. ([MEMO](#))

Andy White, City Manager: [This Resolution is] procedural in nature and is necessary for the City to make a request for reimbursement for eligible costs. We have had a lot of discussion over the last week or so about potential costs and our allocation for this is approximately \$210,000. There is a wide degree of latitude for Council's interpretation of what funds we can request as it relates to COVID-19-related local government expenditures.

Mayor Bertone: Can you characterize what is a legitimate COVID-related expense?

Mr. White: It is general now. The state is petitioning the federal government to ease up on some of the restrictions but Council through its legislative authority, has the power to determine what those costs would be. To stay within the lines of the program, we recently had a DORA program, for example, with some of the signage that would promote social distancing [would be something]. I would argue that we would look at some of the security costs of our law enforcement relative to the protests that were held earlier in the year. We had several hundred people come into the streets. We had officers pushing social distancing, providing security at the intersections, etc. Beyond that, we have provided an abundance of masks for Staff and the public that have visited city hall, hand sanitizer, etc. Moving forward with the increase in numbers right now, I think we need to be creative in terms of thinking how we might provide additional safeguards and protections within the community for things that could be considered eligible for reimbursement since this began and moving forward for the remainder of 2020.

Mayor Bertone: So it is fair to say that it cannot be used to cover any potential shortfalls such as property tax or any form of

capital improvement needs.

Mr. White: Correct.

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

Councilman Bennehoof: Related to this issue, Andy made us aware that Westerville's Council granted their City Manager extraordinary powers for the duration of the state of emergency under COVID-19. I wonder if we wouldn't entertain such a move on our part so that if there were something that came up, Andy could make us aware of it and would not have to have a meeting, etc.

Mr. White: A prominent feature of certain local governments that have gone this route of empowering their executives with this authority is that declaration of an emergency puts instead a different context as to a proclamation when you declare an emergency, especially as relating to federal reimbursement. I know that has been a focus of a number of other communities. Others have expanded the powers. In Westerville, there was the ability for the CEO there through an enacted executive order that it did. I believe the City of Delaware enacted similar legislation but did not advocate that council authority to the administration in terms of setting the policy. I think that is a careful policy consideration for you to consider as we move forward.

Councilman Lorenz: However it is approached, it is something, if it is considered, that should start in committee first and work its way up. We need to see some sort of legislation and the Law Director would have to bless it before we make any changes, in my opinion.

Mayor Bertone: Jon, I appreciate your comments. I agree with Brian. I want to maintain some split rail here on this conversation. I think what you are seeking in this Resolution is strictly on the financial side. I understand that there is a dance there between the two topics but, to Brian's point, I would rather spend some time in Operations discussing it first. Any form of executive powers whatsoever or any form of City mask policy, whatever that is going to look like, we all understand collectively how that is going to apply. How do you enforce such a thing? There is a lot of consideration and conversation this group has to have in relation to that. I do not think we are prepared for that conversation tonight. We all understand that public safety is paramount and we want to do the right thing, but I also want us to understand and think that through.

MOTION: Councilman Counts moved to adopt Resolution 2020-14. Councilman Bennehoof seconded the motion. By unanimous consent of the remaining members, Resolution 2020-14 was adopted.

FIRST READING: ORDINANCE 2020-12: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2020. (EX. A) (MEMO)

Mr. White: This is relative to the EV United charging stations located in two areas within the City. This step is necessary in order for the Finance Department to secure funds from AEP. It is not binding in terms of any expenditures that are put out. That will go through additional review. In order for us to seek reimbursement through the program, Council's action on this appropriation is necessary. It will serve as an obligation from AEP. As it stands right now, we do not have the wherewithal within the line items to deposit these dollars.

Councilman Counts: I would presume the sooner this becomes effective, the sooner we will be reimbursed.

Mr. White: Correct. Assuming this is passed, we can begin to go through the process to get the City reimbursed. We have \$15,000 going back to the CIC, which fronted a portion of the payment. Through discussions we have had, there is an amount of dollars we agree with and then some other costs, around \$7,000 dollars, that we are not any closer to finalizing that and are not tied to this program. The appropriation allows us to get to the next step of grant reimbursement.

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

MOTION: Councilman Bennehoof moved to suspend the rules regarding Ordinance 2020-12. Councilman Counts seconded the motion.

VOTE: Y Y N N

MOTION: Councilman Bennehoof moved to adopt Ordinance 2020-12. Councilman Counts seconded the motion.

VOTE: Y Y N N

FIRST READING: ORDINANCE 2020-13: AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS ASSOCIATED WITH THE IMPROVEMENT PLANS AT 55 SOUTH LIBERTY STREET, AS PART OF STURM HOUSE IMPROVEMENT PLANS AS APPROVED ON APRIL 15, 2016 AND CONSTRUCTED BY BECKY AND JEFF STURM. (MEMO)

Mr. White: On this executive summary, I tried to do a bit more of an information piece on this in order to give you a proportionate perspective as to what is being accepted here. At 55 S Liberty St., as depicted in the before and after pictures, there has been a significant private investment within the community. It has been held and guaranteed for that two year period and is now properly before Council for acceptance at which time it is now our responsibility moving forward for the maintenance.

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

Mayor Bertone: I appreciate you summarizing it in this fashion. Sometimes you move through these projects and you forget what they once looked like and it is nice to see the comparison to what it looks like today. It is a vast improvement and a significant addition to the cityscape. Thanks to Staff and everyone who helped coordinate that and put that together with the owners.

MOTION: Councilman Lorenz moved to suspend the rules regarding Ordinance 2020-13. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Lorenz moved to adopt Ordinance 2020-13. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

COMMITTEE REPORTS

Development Committee: *Next Meeting: July 7, 2020, 6:30 p.m. We discussed our first DORA event that was held a few weeks ago. It was a great success and Staff did an excellent job in providing safety. It was a great opportunity for people to get out and, in this social-distancing era, a tool to spread out and enjoy the downtown area to get back into a bit of a routine. Most importantly, the DORA is more designated as an economic development driver. In these times where businesses are hurting, we had several businesses that had huge gains in sales while being safe. Having said that, we can always do better. Some of the things we discussed about our next DORA are to add signage, hand-sanitizer stations, reminders to spread out, and closing Depot St at Case to keep people safely out of the way of traffic, and possibly adding some trash cans at DORA exits. The committee suggested holding another DORA and possibly extend the length of time and hours of it. Staff will come back to Council to report on that on July 21st. We are looking at possibly making the DORA a multi-day event instead of something compressed on the weekend simply to spread out any crowd that may come. We also discussed naming our bike paths and updating our maps and will create a subcommittee to take that to the next level.*

Finance Committee: *Next Meeting: July 14, 2020, 7:00 p.m.*

Operations Committee: *Next Meeting: July 21, 2020, 6:30 p.m.*

Planning & Zoning Commission: *Next Meeting: July 15, 2020, 7:00 p.m.*

Powell CIC: *Next Meeting: TBD. We will meet sometime during the last week of July.*

CITY MANAGER’S REPORT/CITY CALENDAR

Mr. White: I wanted to review with you some of the conversation the administration has been impacted by the last two days in particular with regard to the facemask regulatory policies that are ongoing throughout Central Ohio and across the country. As you may be aware, the Governor took a big one for the six counties that are no longer pursuing some of the local government mask regulatory policy, which is an incredibly difficult burden to enforce. In talking to some of you and folks within the community, that is a considerable variable for discussion. Whatever Council’s prerogative is on this, I agree that it should be maintained at an Operations Committee level and work its way through the system. I think Brian mentioned legal. Gene [Hollins, Law Director] and I have had minimal conversations as to any policy consideration because I am not certain, within the last 48 hours, what Council’s prerogative is on that other than the fact I know that safety is priority number 1 and we will continue do what we can.

Some of the considerations we have been talking about internally would be more relevant to administration operations within the City and with things that we can control within our own confines. Telecommuting policies to disperse the dense population of the City Staff. I think we have proven to ourselves over the last several weeks and months that there is the capacity to do good work while enforcing a safe work place.

Powell is is unique to some of this conversation in that we have co-mingled borders where one side of the commercial

area is in the township and the other side is in the City. To try to promote any kind of cohesive policy as it relates to this regulatory issue of face coverings, I think, will have to be coordinated with the township and perhaps the County as well. I had noted that prior to the Governor's action this afternoon, the Franklin County Health Department had agreed to be the enforcing agent for the suburban communities located within Franklin County. Delaware County Health District has not put itself in that position to have that conversation, so that would be another hurdle for us to consider. Ultimately, what is a policy that is going to endorse safety? Going back to the legislation adopted tonight that allows the City to go after reimbursement at the federal level, I think there are plenty of examples throughout the country of communities doing a good job with signage and public service campaigns. I would advise that you consider those types of things along with any other regulatory policy as it related to enforcement. That would be a much less difficult road and would not rely on other entities to enforce some of these issues. I know many of you, as well as Staff, have been fielding these calls and emails on this issue. From a framing point of view, I think this is something that we need to discuss and I think we need to be smart and swift about it, but also deliberate as well.

Considering internal structure, we just had Mr. Betz retire and now have a vacancy in the Development Department. I have not done so, but my intention would be to appoint the Assistant Development Director as Acting Development Director while we go out to recruitment and look at the compensation from within the budgetary confines we already set up. In order that we may continue with the day-to-day practices of the department, I would be open to any questions. As we previously talked about, this would cover the establishment of a recruitment package, job description, compensation table, followed by an advertising campaign to target the future of that department under the context of a Community Development Director that would have a presence spread over several functions of community development, as opposed to simply development. That would be the Building Department, the Engineering Department, Development Department, and Public Services. I would like to have that conversation again. We can talk about it more in-depth at the Operations level, but I would seek to get the endorsement of Council on that measure moving forward. As it related to the actual appointment, being administrative, I would invite members of Council or specific committees that would have oversight with regard to the impact of this position, to participate in some of that process and recruitment. We will work diligently on that over the next couple of weeks and hope to bring it back to you in August and have something solidified in the fall. It is an aggressive schedule, but I hope it will put it on a path to attract a very qualified candidate.

Within the personnel function, I did meet this week with Staff and our labor attorney. We are continuing to pursue policies relative to the employee handbook that we talked about at the Operations level. My target is to have these adopted by Council, but we have several policies that are in need of updating. My intention, once completed, is to reissue the manual to all employees.

Regarding the work session we had, I think it is incumbent upon us to keep the good work that was started with that going. The next step we discussed would be the inclusion of Staff level perspective on some of the broad-based goals coming out of that first session, with a re-establishment of policy in the personnel manual, roll in the municipal objectives with Council to individual departments, and work plans for personnel. We need to discuss a next meeting date and time within the next week or two to set that up.

Councilman Lorenz and I had a conversation regarding the Redwood development. I have been going back and forth with those guys. They would like to have a sit down and review that concept. If you recall, there was some questions as to the density of residential and Council's expressed desire, in part, relative to commercial presence within the developed footprint. I will reach out to them and circle back with you tomorrow.

Councilman Counts: You have seen other issues similar to the mask issue where there seems to be this freight train going in one direction. Primarily that has been the no smoking policy for restaurants, and then it was the Tobacco 21 – same sort of issues where we were being asked to develop an ordinance or policy where, like you mention, across the street, things would be different. That was one of the objections. However, what we saw in both instances, it was this freight train that was going on and things were happening at the state level. I suspect that is what will happen here too. I think we need to consider those for how we deal with this.

Councilman Lorenz: The virus is a mess. We do not have a City health department, so if there is going to be some sort of mandate, I feel like there has to be some sort of accountability passed down from them. It would be confusing now. We had the same problem with the Tobacco 21. You could go into Giant Eagle and not buy it if you were 21 years old, but you could go across the street to Kroger [in a different jurisdiction] and buy it if you were 18 years old. Working with our regional partners is probably some sort of an approach we need to have.

Tom mentioned the train. Although we share a border with Franklin County, we are in a different level of distress than Franklin County, so I think that also needs to be considered along with everybody having a high degree of personal responsibility.


OTHER COUNCIL MATTERS

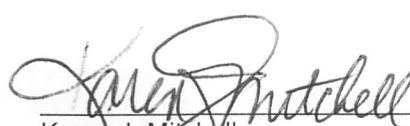
There was none.

ADJOURNMENT

MOTION: Councilman Bennehoof moved to adjourn the meeting at 8:03 p.m. Councilman Swartwout seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

MINUTES APPROVED: July 21, 2020

 7/22/2020
Frank Bertone
Mayor

 7/23/2020
Karen J. Mitchell
City Clerk

