



**CITY COUNCIL  
MEETING MINUTES  
July 21, 2020**

**CALL TO ORDER/ROLL CALL**

A regular virtual meeting of Powell City Council was called to order by Mayor Frank Bertone on Tuesday, July 21, 2020 at 7:33 p.m. City Council members present included Jon C. Bennehoof, Frank Bertone, Tom Courts, Heather Karr, Brian Lorenz, and Daniel Swartwout. Melissa Riggins was absent. Also present were Andy White, City Manager; Eugene Hollins, Law Director; Megan Canavan, Communications Director; Karen Sybert, Finance Director; Rocky Kambo, Interim Development Director; Aaron Scott, Assistant City Engineer; 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.

Megan Canavan, Communications Director: There are no public comments from social media.

Karen J. Mitchell, City Clerk read two public comments received by email. ([Exhibit 1 – Public Comments](#))

Elton Sargent, owner of Prohibition, 21 W. Olentangy St: As a restaurant owner in the downtown area, it is extremely important to be prepared. I went through this with the Operations Committee tonight, so I will be repeating some of it.

With the upcoming event, there has to be some sort of skin in the game that controls what we saw at the first event. I was originally against DORA, but I personally now feel that it can be helpful to the businesses during this challenging time with the pandemic. The way it was handled the first time was not a success in my opinion. Financially it definitely brought numbers, but from a social distancing standpoint, there were things both the City and the businesses could have done better. I have taken ownership of what I can do better and have implemented a plan for my own business for future events to help with social distancing, among other things. We have set aside some money in purchasing all new equipment. Everybody will be purchasing drinks from outside and not allowed to walk into our building. DORA almost operates as a separate facility in our parking lot and it will be roped off. We have made strides to ensure we are doing this in the safest manner possible. I will not be participating in DORA unless implementations are put in place to ensure that we are all doing the right thing.

What I bring to you is a request that since we are limited in our ability for law enforcement to step in when social distancing is not being followed or to enforce when masks are not being worn, we work from the legislative end. The Chief of Police, whom I have a great relationship with, has told me that there are only certain things they can do to enforcement social distancing and masks. We discussed that at length today. Perhaps Council can find a way to put some enforcement in place by disallowing businesses to participate in future DORA events if they violate or refuse to control social distancing/masking requirements. We need something in place to show we are learning from the past and trying to continue to do the right things moving forward by setting standards and holding accountability. If we see a restaurant or bar not following those guidelines, then it is our duty to remove them from any future events for a set period of time, such as 90 days that they are prohibited from participating. It gives some reason for businesses to need to stand outside and control social distancing the best we can. I feel that if we do not do this, we are setting ourselves up for failure in the future. I am not worried so much about Dean from The Columbus Dispatch, but when it comes to Governor DeWine, one of the first mandates handed down was to close restaurants. I do not want to see that happen again. I would like for us to show how great Powell can be, how we are all involved, and how social distancing does mean something to us. I want us to do our best to be sure we are here in a week or a year. It comes down to Council putting this in place and limiting our ability to participate in the future.



I hope you look at this and say we really want to hold the event. I have personally invested a ton of money in being ready for this weekend and would hate to see it go away. However, if we cannot do it properly, then we should not do it. I beg you people to step up and put something in place that allows us to have some sort of control.

Brian Blackburn, 867 Wallace Dr., Delaware: I work with multiple businesses in the Powell area. I am a medical data analyst for the past 12 years for Cardinal Health and before I started working with businesses over the last couple of years in the Powell area. I have been neck deep in the data from the beginning of the pandemic, working with Dr. Douglas Frank out of southwest Ohio. He has a following of about 50,000 folks across the country. He is a scientist and teacher. I have worked with the Mayo Clinic and Duke University developing data models for medical solutions.

My niece was in Italy when this whole thing started to break loose in February. My grandmother is 87 and in a nursing in Lewis Center, so I have a lot of personal skin in the game. I have been working on educating the public in the state of Ohio over the last several months regarding the data. The reason I am here tonight is Council reached out to me. I spoke to Delaware City Council last week and am currently working with the County Commissioners to start up a task force that will help us get some clarity and ability to move forward with the new dashboard that has been put in place. There are many problems with the data. I would love to go through how that effects the Powell community specifically at another time and to get into some of the demographic data.

I want to echo something Elton mentioned about DORA this weekend. I think with the current environment, the dashboard and data where it is at, it may be wise to put off DORA for a week or two to see how things unfold. There is significant problems with the dashboard from a data perspective that has hamstrung us. The red color code, regardless of any other mandates or restrictions that come along with it, is causing panic in people. The clinic just ran an article last Friday publishing the stats regarding Broken Heart Syndrome that is caused by stress. They are attributing it 100% to Covid-related stress. We are seeing that same type of activity and behavior from people right now so there is going to be an effort to understand what the picture is that is being painted by this new dashboard, and how it paints Delaware County. Just as an example from another county, Scioto County has been color-coded red as well. They have had zero deaths since the beginning of the pandemic, just to give you a sense of the disconnect that the dashboard has both from a negative outcome perspective, but also overweighting, in essence, cases. I am here to encourage a postponement on DORA temporarily until we get a better handle on the data. I would love to have an opportunity to go a little deeper with you on this topic to help educate and to let you know what is going on in other parts of the county.

Mayor Bertone: Thank you for that. It was very helpful. We certainly welcome you back at a future date to spend some time with you were we could give you 30 minutes or so to give us a deep dive on this information. Would you be open to that?

Mr. Blackburn: I would be very happy to do that.

Councilman Lorenz: I know we will talk about this later, but Development Committee approved the DORA at our last meeting. I just wanted to go on the record with that.

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

#### **APPROVAL OF MINUTES: July 7, 2020**

MOTION: Councilman Bennehoof moved to adopt the minutes of July 7, 2020. Councilman Counts seconded the motion. By unanimous consent of the remaining members, the minutes were adopted.

#### **CONSENT AGENDA**

##### Item

Departmental Reports – June 2020

##### Action Requested

Receipt of Electronic Reports

MOTION: Councilman Lorenz moved to adopt the consent agenda. Councilman Bennehoof seconded the motion. By unanimous consent of the remaining members, the consent agenda was adopted.

**RESOLUTION 2020-15:** A RESOLUTION TO ESTABLISH THE ESTIMATED REVENUES FOR THE CITY OF POWELL FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021. ([EX. A](#)) ([Memo](#))

Andy White, City Manager: This is a required piece of legislation establishing the budget development for 2021. I would not put a lot of stock in these numbers. They are very preliminary estimates on how we think things are going based upon the loose statistics [audio]. In general, in our most recent Finance Committee meeting, we reviewed our largest revenue stream, the income tax receipts, against our budget numbers. Through six months to the year, we are off by about 3.6%, reduced to our actual budget numbers, which is in comparison to some of the regional numbers that were closer to 17%.



That is not inclusive of any potential kick that we might experience because of the extended federal tax filing to July 15<sup>th</sup>. We will be looking at this closely with the Finance Committee going into the coming months to hopefully see an uptick. As it stands, if everything held through the rest of the year, we would be anywhere between 7-10% off our revenue, but we hope that this will shake out as we see some resurgence in the economy locally but also in response to the extended federal filing deadline.

Karen Sybert, Finance Director: The main point I would like to stress is that it is procedural. It is due to the county by August 15. We will have a chance later with the budget process to review it in more detail.

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

MOTION: Councilman Counts moved to adopt Resolution 2020-15. Councilman Lorenz seconded the motion. By unanimous consent of the remaining members, Resolution 2020-15 was adopted.

**FIRST READING: ORDINANCE 2020-14:** AN ORDINANCE AUTHORIZING THE CREATION OF THE LOCAL CORONAVIRUS RELIEF FUND, A SUPPLEMENTAL APPROPRIATION, AND DECLARING AN EMERGENCY. (Memo)

Mr. White: This item is related to Resolution 2020-14 and the CARES Act. As you are aware, the federal government has set aside funds for eligible reimbursement expenses in response to the City's efforts to manage the pandemic. That was affirmed at the last meeting. This is the next step, which is an appropriation of those funds. Once this is completed, Staff will begin to present eligible expenditures that will be authorized to be deposited up to a total not to exceed \$207,000. That number was as modified from the initial amount of \$209,000. Council has some discretion relative to the establishment of what is a Covid-19 eligible expense. We have gone through some of the allocated costs associated with payroll functions, which is relatively small compared to that outlay. But we also believe some of the expenses we have looked at for some of our sponsored events downtown, like the DORA, some of the merchandise we purchased recently, additional manpower that may be necessary, is something that I think we should consider. As we discussed in Operations Committee tonight, some upgrades to our technology are needed to allow for a greater social vehicle and presence of our regular committee and Council meetings. This would have a good impact on the efficiency of the entire City's operation as it relates to coordinating and managing information that we generate every two weeks at Council and all the committee meetings. All those venues could be devoted to a wider audience. As it relates to economic development and costs effecting our local businesses, if there are ways to invest in time, effort and resources to help mitigate some of these difficult times relative to these special events, we may be able to invest those dollars going forward. In total, \$207,000 is available. We have to spend those dollars, or appropriate dollars, for use this fall. Keep in mind that every nickel we do not spend will be absorbed somewhere else in another community.

Councilman Swartwout: Could you walk us through the process of how we actually obtain those funds. These are federal funds, correct?

Mr. White: As I understand it, the federal funds have been deposited to state of Ohio and distributed to the 88 county auditors. Our funding is available through the Delaware County office. The action we took at the previous meeting, seconded by the action we take tonight, allows you a line item to be able to draw the investment into the community. Moving forward, I imagine we will be coming to you with a list of expenditures for your approval that will then be submitted to the county for review and they will be looking to be sure these are eligible expenditures and then those monies would be distributed to the City from the county upon receipt. I think it is a quick turnaround. After we have the legislation in place to open up the deposit, you have a fair bit of discretion to go ahead and seek those reimbursements. As soon as our next meeting, we have several thousand dollars of eligible expenditures which we would like to present for reimbursement.

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

Councilman Swartwout: In Section 2 of this Ordinance, are those hard and fast numbers for monetary guidelines for the categories?

Mr. White: No. That is a great question though. Those breakdowns by line item are the general category lines that we feel will be eligible. The costs that we came up with were an approximation that the administration undertook. In theory, we think the expenses will lay out in this fashion. If we get into a position, where we are off significantly, those can come back to Council for modification.

MOTION: Councilman Counts moved to suspend the rules regarding Ordinance 2020-14. Councilman Bennehoof seconded the motion.

VOTE: Y 6 N 0



MOTION: Councilman Bennehoof moved to adopt Ordinance 2020-14. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

#### COMMITTEE REPORTS

**Development Committee:** *Next Meeting: August 4, 2020, 6:30 p.m. We do not have any hard items yet so I would be happy to have Mr. Blackburn come in and make a presentation to the committee if he would like.*

**Finance Committee:** *Next Meeting: August 11, 2020, 7:00 p.m. We met last week and discussed the resolution we just passed. We spent the majority of our time talking about a JEDD, from a policy standpoint, and how that plays into annexation; a diverse revenue stream; and a whole host of aspects. It was a very good conversation and it is the conversation we need to have as a Council to have a policy such that Staff can execute on that policy regarding all aspects of economic development. We hope to have further discussion, but then we need to include the rest of Council, educate Council on what it means to have a JEDD, and how that might play into our future financial success.*

**Operations Committee:** *Next Meeting: July 21, 2020, 6:30 p.m. We met earlier tonight. Since nearly all of Council was present, I will not spend a whole lot of time going over our discussion again. One of the big things we left for later tonight was the DORA and having a further discussion on the DORA that is scheduled for later this week during Other Council Matters as a full Council discussion.*

**Planning & Zoning Commission:** *Next Meeting: August 12, 2020, 7:00 p.m. Carriage Farms came before P&Z for its second public comment meeting on July 15, and it was passed. That is 23 single-family lots on 7.7 acres. It should be coming to you for review, along with the annexation, in the next 30 days.*

**Powell CIC:** *Next Meeting: TBD. We will meet in August. Chairman Hrivnak has asked for a July pause so that we can reorganize a little bit with Dave and Rocky's departures.*

#### CITY MANAGER'S REPORT/CITY CALENDAR

Mr. White: We have had a steady evacuation of our Development Department recently. I wanted to recognize Mr. Kambo. Unfortunately, Rocky and I only had a chance to work together for a brief period, but I was impressed on meeting him with his professionalism and the work product he helped me understand and get to know. I wanted to wish you well, Rocky, in your next endeavor in upstate New York. It is a great area and I know you will do well.

Rocky Kambo, Interim Development Director reviewed the interactive GIS map and Business Welcome Packet on the City's website under the Development Toolkit.

Mr. White: I also wanted to bring up that last night at the Liberty Township Trustees meeting they endorsed the fuel sharing agreement that has been discussed. Chief Hrytzik had been involved in that and I asked Jon about it today. I have a copy of the document and had a chance to review it briefly with the Law Director. As an intergovernmental services agreement, it is going to require legislative approval. Perhaps we can add this to a development or operations committee meeting. Ultimately, the concept was born within the last year. There is an agreement in place that I think we need to act on it. Therefore, I wanted to acknowledge the work of everyone that has been involved in that. The trustees passed it last night so we have the outline of an agreement to move forward on. It is a nice example of collaborated services sharing.

We have been talking a lot about Covid-19. Our police department has a direct contact with the Health Commissioner and we are getting really good information on that. We are still at a Level 3 as of this afternoon, although the cases we are looking at have been hovering around 24 within the City proper and there are a number of others that are stagnant in terms of potential areas to watch. I hope that we can see some additional decline in those numbers.

#### OTHER COUNCIL MATTERS

Councilman Swartwout: During Operations Committee, we heard from Elton Sargent, a local restaurant owner in downtown Powell, as well as from Andy and various members of the committee with questions and comments about the proposed DORA event that is scheduled this week, Thursday through Sunday. Megan and Andy gave us a little bit of an update on that. After some discussions, we thought it would be prudent to bring the topic before the entire Council. The message that has been conveyed to the local businesses is that the event is planned to go forward from Thursday to Sunday; however, there was also going to be discussion about that with Council tonight and based on that discussion, the situation could potentially change.

Mr. White: To reiterate, this is changing issue for all of us daily anymore. Nevertheless, with the anticipated investment that we estimated reinforced by the comments that were made to us by some of the business owners and others, there is a monetary commitment that is out there. A number of us have heard from the other side of the aisle and are concerned about potential spread. Therefore, we felt it best to seek some legislative input. It is unfortunate that we were not able to convene until just a few days before the scheduled event, but it is the path we find ourselves having to deal with. We

wanted Council to have the opportunity to hear from its constituents and Staff and help us make that determination.

Mayor Bertone: Thank you Dan and Andy. I would like to hear from each Councilmember about their thoughts about holding the event this weekend. When this was discussed in Development a few weeks ago, the conversation was held about the Thursday through Sunday event.

Councilman Lorenz: Development Committee did recommend enacting that DORA event at our last meeting on July 7 and shared that with Council. We have gone ahead as a community and publicized this on social media. We have had businesses that have made significant investments planning to have this event this weekend. I understand that there is a concern from some in the community regarding spread. As I said before, we have been in this pandemic six months now and it is based on personal responsibility. We have an obligation to do everything we can to protect our residents but support and protect our businesses as well.

What bothers me is that we have this constant comparison to what is happening in Franklin County. Sure, we are neighbors, but however you read into the Governor's distribution systems of levels of scrutiny or spread, those communities have a much higher potential for spread and issues beyond what we have here in Delaware County. Not to mention that if you do look into those numbers, we are governed by a general health district that does not cover the area where the majority of these numbers are coming from within Delaware County. The majority of the cases are coming from portions of Westerville and Columbus. There is a huge disproportionality. Bottom line is I am tired of the push back and comparisons that we get with another county. The DORA has been talked about for years.

The impetus of the DORA is to be an economic development tool. We had a first one a few weeks ago. Did we learn some things? Sure, I think we did. From a resource standpoint and getting better at it, I think we will do a great job. If we are struggling a little bit to find resources to help guide us, we just passed a Resolution and Ordinance to accept over \$200,000 of money to help us fund that. Therefore, if we are having problems looking for support services, we should be able to utilize those funds and get creative. Perhaps we could collaborate with Shawnee Hills or Delaware, something like that. It is no different from what we do when we have construction projects.

I have received overwhelmingly positive feedback on our last event. I have had six businesses reach out to me today and they are alarmed that we are potentially not doing this. I had several businesses in the past reach out and were so thankful for the event we had back in June. One person told me they quadrupled their normal business sales. It is not about going around, wildly having drinks in the middle of a pandemic and rolling in the streets. This is the perfect opportunity and environment for people to safely come downtown, spread themselves out, stimulate the local economy, and enjoy themselves. If we need to push it a week to get it right, then we need to do that. Fine. I am a huge advocate of getting this straightened out and getting it done. The event should carry on as planned.

Councilwoman Karr: When we had our Development Committee meeting, it was approved. I also expressed reservations at that point as the Covid numbers were climbing. Since then, we have gone to a level three [audio issues]. Part of the guidelines say that there is a limit on attending gatherings of any number. I support our local businesses and I think the future use of the DORA would be a good economic development tool. However, in light of a Level 3 emergency, I think it would be reckless for the City to host this event at this point.

Councilman Bennehoof: I have expressed concerns about the DORA with regard to infrastructure and lighting in the past. I do believe that the DORA can be a very good economic development tool. As the former secretary of the Finance Authority that developed the port authority for the county for the four years preceding, I am obviously a strong proponent of business development and economic development. However, we do have an oath that we took for the health, safety and welfare of our community. If we were to hold a concert on the City green, we could be responsible for a spike in elevating the numbers. I am concerned with this very fluid environment that we are in with respect to Covid. I appreciate Elton's and everyone's investment. I understand that this is a real tough situation. Nevertheless, with Covid being very fluid and very contagious, and taking out my personal situation because I am not coming to the DORA because I only go out when I have to. I am trying to stay very isolated. My personal issue is not in this. I think we have a commitment to the community and I am concerned. I think the DORA was designed as a business tool for the businesses to use and they need to step up and host the DORA. I am not sure that the City should be taking this on all the time. I am in favor of the DORA in concept, but not in a time and space.

Councilman Swartwout: I think the DORA is an excellent tool. I would like to see more City-sponsored events in the future or regular DORA times as some other communities have done. I think that the first event being a City-sponsored event, showed that it could be a good way to do things. However, I just do not feel like 2 days from now is the right time to start and have another DORA event. I think a postponement is in order. We have no idea how long this situation is going to last. If we get back to a similar situation with we first proposed the DORA and things were moving forward, I

would be open to having it again. It was a great event and I think future ones will be as well.

A couple of concerns I have, and I go back to some of the things that Elton Sargent said in his comments as far as enforcement mechanisms and potentially having a 90 day penalty to prohibit those businesses not complying with social distancing rules to participate in future events. My concern with having a two day runway until our next DORA is (1) we are allowed to have the DORA through the Ohio Revised Code, so it is an Ohio law that allows us to have the DORA; and (2) we passed an Ordinance to set up how our DORA would be because under the law, cities had a lot of flexibility with how they wanted to construct a DORA within the municipalities. I do not know, based on the legalities of Ohio law requirements and the requirements under our own Ordinance, that in 40 hours we would be able to figure that all out and get an Ordinance passed, if necessary, get the mandatory staff in place to be in compliance, such as law enforcement and services staff. I want to be able to do this soon, I just do not think now is the right time.

Councilman Counts: Where I start with my analysis is that the DORA was set up with certain assumptions – that it would be easy for the establishments to do this relatively cheaply and easily, monitoring compliance on their own. Likewise, for the City's aspect, we did not anticipate that we would have to be there spending a lot of time, effort, and staff to monitor this thing. What Covid has done to this event, as it has done to everything else, is it has inserted itself into a situation and made it more difficult, expensive, and unreliable. I do not think that is what we set the DORA up for. That is my initial concern – that we are going through with a DORA that will be a lot more expensive for our businesses and the City. City Staff is going to have to be a lot more involved, potentially at the risk of the health of City Staff members.

The next thing I think about is I heard from one of my colleagues who lives in California. In her particular county, the gyms are open. In the adjoining counties, the gyms are closed. What has happened is that everyone from those adjoining counties are now going to the gym in her county. That is the unfortunate part about county lines, city lines, etc. We saw that with liquor control on the eastern side of the state and the state of Pennsylvania. It becomes problematic.

The third thing I would mention is that everyone can throw out statistics to support their case, but this came without any kind of thought about what was happening with the DORA. My wife sent me this email called, "A Covid-event Planning Tool" by Georgia Tech. It was on a county-by-county basis. If, for example, you are having an event of 50 people in a particular county, it will show you the percentage chance that one person at that event will be Covid-positive. I literally took a 50 person event and looked at what it meant for Delaware County, and the result was a 50% chance that one person would be Covid-19 positive. It may not happen, only a 50% chance. In Franklin County, it was closer to 70%. We have all had to change our plans quickly and on lots of different things. Our schools are dealing with that right now. Therefore, I just do not think it is the time to move forward with this event, especially by increasing it from the last event over four days.

Mayor Bertone: I echo the comments of many of you. I think there is some reason to be concerned. I will split this down the middle a little bit in that the DORA is a fabulous opportunity not only for our civic events, but also as an economic opportunity for our businesses. We have one DORA event under our belt. It was a great experience for many folks; it was a concern for other folks. The lessons to be learned from that were shared in our Development Committee meeting, and many very positive things came from it. I think Elton spoke to that earlier - that there are opportunities for the City to improve upon each rollout of the event. There are opportunities for the businesses to change their processes for getting certain things done as well. I just do not feel we are there. I do not feel, be it from the community and the business community, that both are aligned properly in order for us to effectively hold the event.

I am also concerned with the changing dynamic that we have going on in our county. The Development Committee meeting where this was discussed was in early July. A lot has changed in the last 14 days. Some for better and some with a lot of interpretation. Some people interpret data with their head, others with their heart. I look at this from a very pragmatic view, and I do not feel that we are prepared because of comments that I am hearing, not only from Staff, but also even from some of the business owners. I think we need to be in a better position to go out with a positive opportunity to have a positive experience for all involved. Just because a local hardware store is having, a sale does not mean I go run over there and get what I have to get. I have to be understanding of what my personal responsibility in the situation is. Do I really need to do it? Can I do it online? Are there other ways and means I can accomplish my goals without exposing my family or myself? Nobody wants this pandemic, but we have an obligation to the best of our ability to take care of the public health and welfare. This is a situation where I think we need to step back and understand what we are prepared for from our Staff to handle here. We have had our own setbacks this week. Are we prepared to understand even the contact tracing of that situation? No, I do not feel we are. In addition, where is the Health District on this conversation? I think if you posed the question to them, they would have strong reservations with us. We do not report to them; I get it. It is our opportunity to say yea or nay to this opportunity and I just do not feel this group is ready at this moment. It would be best even if it was diverted for a short period of time in order for us to get those lessons learned and see what changing dynamics come about for the next week. If there is anything positive about change, it is always



coming.

With that, I think we have heard from everybody this evening and we have a firm 5-1 split in this conversation. Andy, I will turn it back to you. I do not know what more you may need from this body and this conversation.

Mr. White: I read the conversation the same way, specifically regarding this weekend event. I think it will be helpful, not only for Staff, but for the business community. What I am also hearing is an endorsement of the concept. Going back to something Elton said is what modifications could we make so that in the event we have this DORA going on and there is not compliance with a business practice, what sort of enforcement do we put in place? What is a relevant period to postpone this event? I would advocate a position of clarity moving forward. If we are moving forward with another event, what duration of time are we comfortable moving forward with? A week, two weeks so we can try to hold on to some of the capital investment that has been made? This is on Staff's minds and I am sure it is on the businesses' minds too.

Mr. Sargent: Is there a chance for public speaking?

Mayor Bertone: Go ahead with your comment Eton.

Mr. Sargent: Thank you. I do not want my comments to be misunderstood. DORA is such a powerful tool. If we put this off too long, then we are running the risk of many businesses not being there. When I say that there are things that need to be put in place, and I have felt that way all along with DORA, it is something I think we should look at right away and make a move on it quickly. Postponing DORA a week would be a great thing for us to set down what the rules and expectations are for businesses and how we conduct ourselves. At this point, that just has not been handed out. If we postpone it a week, I think that is the best thing we can do as a group to give ourselves set guidelines. My business needs help right now. It is going to need help next week and so is every other restaurant downtown. I want to see DORA happen. I just want to see it done with some structure.

Mr. Blackburn: Can I give thirty seconds as well?

Mayor Bertone: Please, go ahead sir.

Mr. Blackburn: I echo Mr. Sargent's comments for slightly different reasons. I think if we can get a chance to unpack the data, it will equip you when you get questions from concerned citizens. I think it is important that you understand what is going on with the state dashboard and why we are in a red state right now and how it is disconnected from what is going on in the cities. The second thing is it may help to put some distance between whatever statements are going to come out from the Governor's remarks tomorrow or Thursday. There is conversation of additional mandates that may be put down, so waiting to declare when that next DORA date may be helpful - you may just want to wait a few days to find out what the Governor is going to say so you are not coming up against the state. I think a week delay is a good suggestion.

Mayor Bertone: I will simply propose that by next Tuesday we have go-no decision on this opportunity proceeding for the next week. I will open it up to the remainder of my peers for their thoughts as well.

Councilman Swartwout: Frank, can you elaborate on what exactly it is you are proposing?

Mayor Bertone: Yes. If we were to have this event next week, I think between now and then, we would have additional points of information and data that would help us make the determination whether we should or should not have this DORA event next weekend. What I am looking for from Staff, as well as all parties, is have we or are we prepared to hold an event next weekend by Tuesday. What the Governor's comments will be in the next day or two is one thing. What the county's figures are going to be is another factor. What are the City's circumstances is another factor. I would like to have all those elements in front of me in order for us to make a determination.

Councilman Counts: This is a fluid situation, you can only make a decision based on the information that you have up until that point, and the information can change.

Councilman Lorenz: We have beat this thing like a dead horse for two years now. Covid or no Covid, if we need to wait a week to reassess and make a good decision that is fine. It is all about the health, safety and welfare. However, at some point in time, this community has to move forward and provide tools to our businesses to help them generate income during this pandemic. What are we going to do, cancel Christmas next?

Mayor Bertone: I am not suggesting that Brian.

[Multiple speakers]

Councilman Lorenz: It has been six months of this. It is time for us to move along, utilize and stress personal responsibility. Heather made the comment about spread and being a level 3, but every community – Hilliard, Grove City – those communities are level four, and they are having their DORAs. There are no problems down there. That is the way I see it.

[Multiple speakers]

Councilman Lorenz: I think we need to act on it. We need to make some decisions. We are either going to do it or we are not going to do it.

Councilman Bennehoof: There could be an argument made that they are Level 4 because of the increased interaction of people. That aside, Elton, would you take on some to-do work with all the participants of DORA to come up with guidelines for social distancing and any of the other guidelines and precautions for us to have a successful DORA in a Covid 3 or 4 or whatever level we are at?

Mr. Sargent: Yes, I would be happy to get on that. We all want to have it. It is very important to our restaurants. It is a financial benefit during this time that bleeds blood into us. I will get something together and have it back with Brian Lorenz or any of the rest of you that want to share your contact information by week's end so we can make a decision and go forward. That would be my ideal situation, to go forward with it next week. Let us just implement what we expect of the restaurant owners and of the public and get that information out as quickly as we can. Like Brian said, many communities can still have this, we just have to set the guidelines and I do not think we as a community have done a very good job of setting those standards at this time.

Councilwoman Karr: I would like to know what our Health Commissioner thinks about holding such an event. If we could get Sheila's input on the DORA, I would appreciate that.

Mr. White: I have had conversations with her. Under the guidelines, even as we sit today, there is an argument that it is actually safer to promote the availability for activities outside of the confines of a physical building because you are expanding the base footprint to allow people to congregate in a less dense area. In a health professional's mindset, though, if you could just shut everything down, that would probably be the safest way to go in that regard, so she has expressed both thoughts. I think overall, if we could get back with an endorsement from the Health Department that there is an environment to promote safe commercial activity, then what we need to do tonight as Staff is to reach out to the businesses to promote some level of enforcement.

Westerville or Worthington or somebody actually expressed legislative emergency powers which allow businesses to establish that if they require me to do anything (i.e. social distance, wear a mask, etc.), and I refuse to do so, I can be removed from that business and it became a local enforcement law. It would be much the same way as if I started a fight in a bar or restaurant. We need to ponder if our current law enforcement operation have the legal capacity to do that and then we can worry about the logistics of it. But I think that is a conversation we should start today and get out to express to the overall business community in the next week to find out what they need at their business level so we can promote the types of guideposts for people to follow and roll this thing back out. It is an entirely different environment and everybody knows what lane to stay in. If anyone deviates from that, there is an apparatus of response. That is how I am thinking about it. I think we can do that. It will cost us more money, but it may be reimbursable from the CARES Act.

Mr. Sargent: I spoke with Chief Hrytzik concerning exactly that issue. The only thing legislatively that can be done at this point is a violation for trespassing should someone not be following the social distancing/mask rules. [audio issues] There is some level of enforcement. From my standpoint, we are just looking for clearer direction that has not yet been handed out explaining the DORA and what is or is not acceptable. I think the direction you are trying to head now is the direction we wanted to see you go in giving us time to get together to talk about what we need to do and put out the posts, and do this in the best manner we can. We just want to learn from the last one and how it was perceived and to a better job protecting ourselves going forward.

Mayor Bertone: Thank you Elton. Andy, do you feel we have enough to coordinate our efforts between now and the remainder of the week? I am available to reconcile any of the to-dos tomorrow as well and we can connect with Elton and coordinate efforts with the various business owners as well as Staff.

Mr. White: Yes. Megan, maybe we can even send an alert out that we are having this conversation and we have to meet in earnest starting tomorrow. I am willing to clear the decks so we can have this conversation. We are all trying to do the



same thing. I think that sometimes we forget we are a business too and we need these units in our downtown to be productive so that we can be productive. There is a causal relationship there that we need to promote.

Ms. Canavan: We have held several stakeholder meetings even when we were preparing for the event in June. We do have a very engaged business stakeholder group. I know a few of them have reach out today and are expecting an update following tonight's meeting. We will definitely reach out.

Mayor Bertone: In your packets was another agenda for our July 30<sup>th</sup> Strategic Initiative Session. That is also a Thursday evening. Feel free to familiarize yourself with that agenda. If you need any additional information or materials prior, please let Andy know.

I want to acknowledge and thank Rocky for all you have done for the City over the various years of service you provided to us. You will be missed greatly. I am a little worried about my tech support, my email system, and how I keep things organized. You have the ability to make things very easy and I am going to miss that. I really wish you and your family well in your next adventure.

Councilman Bennehoof: I would like to wish you well too. I do not know about your choice of states, but that is okay. I know that it is a great opportunity for your wife, so good luck to you and your family.

Mr. Kambo: Thank you very much.

**EXECUTIVE SESSION:** Ohio Rev. Code §121.22(G)(1) Personnel Matters – to discuss the hiring and compensation of public employee(s).

MOTION: Councilman Lorenz moved at 9:00 p.m. to adjourn into Executive Session pursuant to Ohio Rev. Code §121.22(G)(8) Economic Development. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

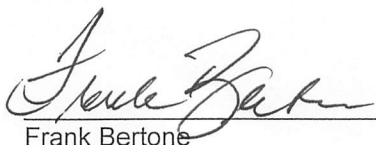
MOTION: Councilman Bennehoof moved at 9:18 p.m. to adjourn from Executive Session into Open Session. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

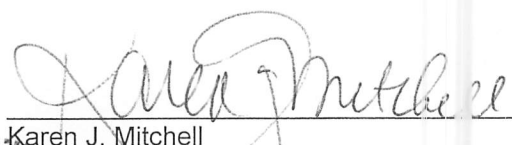
#### ADJOURNMENT

MOTION: Councilman Bennehoof moved to adjourn the meeting at 9:22 p.m. Councilman Counts seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

**MINUTES APPROVED:** August 4, 2020

 8/18/2020  
\_\_\_\_\_  
Date

Frank Bertone  
Mayor

 8/18/2020  
\_\_\_\_\_  
Date

Karen J. Mitchell  
City Clerk

