



**CITY COUNCIL
MEETING MINUTES
November 4, 2020**

CALL TO ORDER/ROLL CALL

A special meeting of Powell City Council was called to order by Mayor Frank Bertone on Wednesday, November 4, 2020 at 7:31 p.m. City Council members present included Frank Bertone, Tom Counts, Heather Karr, Brian Lorenz, Melissa Riggins and Daniel Swartwout. Jon C. Bennehoof was absent. Also present were Andy White, City Manager; Yazan Ashrawi, Legal Counsel; Megan Canavan, Assistant City Manager; Stephen Hrytzik, Chief of Police; Chris Huber, City Engineer; Karen Sybert, Finance Director; Elise Schellin, Development Planner; 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. Hearing none, the Mayor closed the public comment session.

APPROVAL OF MINUTES: October 20, 2020

MOTION: Councilmember Counts moved to adopt the minutes of October 20, 2020. Councilmember Lorenz seconded the motion. By unanimous consent of the remaining members, the minutes were adopted.

RESOLUTION 2020-22: A RESOLUTION REQUESTING THE OHIO DEPARTMENT OF HEALTH PROVIDE PERTINENT DATA RELATING TO THE TOTAL NUMBER OF COVID-19 TESTS PERFORMED FOR RESIDENTS OF THE CITY OF POWELL AND DELAWARE COUNTY, OHIO TO THE DELAWARE GENERAL HEALTH DISTRICT.
(MEMO)

Andrew White, City Manager: I have talked with several of you about this and it has been talked about in Development Committee. Councilmember Lorenz had brought it up. Delaware City and the Delaware County Commissioners have facilitated similar type legislation. I would note that I did reach out to the Executive Director for the Delaware General Health District and a copy of our correspondence is included in your packet. To summarize, she understood and felt that there was some pertinent benefit to that but wanted to emphasize that this is not the only consideration. Nevertheless, this Resolution is an expression requesting additional information to consider public policy.

Councilmember Lorenz: I brought this forward in Development Committee in September. We are having cases and data coming out and we are not getting accurate numbers. We were committed to receiving accurate numbers from the Governor effective August 1st. Those did not come and this is effecting positivity rates. What it is really doing, by driving different inaccurate positivity rates, is hampering our ability to provide economic development. It is having businesses in our community limit hours, limit capacity, and so on. So this is an expression to let the Governor know that Delaware County, and specifically, Powell, wants to have the straight story, especially now that we are trying to put the focus on a local task force. The Development Committee thought it would be appropriate to bring this forward to Council in the auspice of economic development.

Councilmember Counts: How do we know numbers are inaccurate? What has been the basis for figuring that out?

Councilmember Lorenz: We were promised to get numbers that reflected antigen tests since early August and they have never been given to us. Those drive the positivity rates and makes them fluctuate. [Councilmember Counts: When you say we...] All of Ohio. It is my understanding that these numbers will be issued later this month, but right now, we do not have that.

Councilmember Counts: And how would that help the City since this is on a county-by-county basis?

Councilmember Lorenz: By having accurate numbers we can plan accordingly, make accommodations and changes. I have four kids that are not in school, we are quarantining people that are healthy for no reason, and we are limiting business hours and occupancies. We just need the fair and full story.

Councilmember Counts: From my understanding, these requirements do not really effect the schools because they are making their own independent decision based on their own information. You do have some businesses that have been told they can or cannot operate and if we get back to a much greater quarantine, we will probably be back to essential businesses. However, I just have not heard that there have been inadequate numbers from the Health Department. I read the Health Director's email and from what she was saying, this is not the entire story, so I just wanted to understand where this was coming from.

Councilmember Karr: I was concerned as to whether the Health Commissioner had been consulted. When I discovered this was a piece of data she did want, I thought that was important. However, at the same time, it is not everything I think the Health Commissioner would ask for if I understand her email correctly.

Mayor Bertone: Can someone help me to understand what the Health District felt was lacking? If we understand that, this may not be the only piece of data that would help give a full picture. What else would there be?

Mr. White: Another indicator was trending up that she pointed out in the email.

Mayor Bertone: Obviously, we all see the numbers and we are alarmed as anyone that they continue to increase. I think there were approximately 4,000 yesterday in the state and a similar number today. As it relates to Powell and its businesses, we afforded them with some opportunities with things like the DORA and we have had some healthy debate amongst ourselves about what to do with the DORA. To that extent, I look for accurate data as much as the next person. While your children may be home, mine are in the school, and it is stressful as a parent to get emails that this or that class may have an issue. There is a lot to manage. From our seat, I want the best possible numbers to make the soundest decisions that we can make as a body. If we are not getting that, and this is an effort to help us drive that, then I am in support of it. However, I agree with Tom that I think we need understand what the core issues are and what data is missing better. What are we not getting? How does that affect us? I hear that the numbers are increasing because we doing more testing. Ok, well that is great, but how many are you doing and how many of that is in Powell? As all of this impacts our business community and us, I would like to have a better lens as to what is driving those behaviors.

Councilmember Swartwout: More data is always better to make decisions. In the cover memo, it says that there are several other communities considering similar action. Someone said that the Delaware County Commissioners have made a similar resolution, have they have actually done this?

Mr. White: Yes. The Commissioners and the City of Delaware have already passed this legislation and we utilized that to draft the language in this Resolution. The other factor that the Health Commissioner pointed out was the positivity rate, which in late summer was trending down in the low 2%, but now is in the 7% range. She also pointed out that the cases just went about 350 and as recently as September 28, those same numbers were reported at 156. I think she was just giving additional information and clarification.

Mayor Bertone: That is an alarming trend. I wish I had a better answer. I am not an expert, but I can tell you that as it relates to my family, I want to understand this better. It is incumbent upon us to think about this from what is in the best interest for our community at large.

Councilmember Counts: I have been very impressed with Sheila [Hiddleston, Health Commissioner]. If I am trying to make a decision, I am going to be consulting the experts. Sheila has been forthcoming with all the information she has available. To me consulting an expert is the best thing to do than to just simply get data because I am not a health professional and data does not mean much to me. So you can ask for it, but I am skeptical that it would be very helpful.

Councilmember Swartwout: We are asking for the data to be shared with the Delaware General Health District, correct? [Councilmember Lorenz: That is correct.] Therefore, they, as the experts, will have data that is more accurate to provide those expert opinions.

Councilmember Lorenz: It is standing together as one community. That is what we are doing here – solidarity and transparency.

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

MOTION: Councilmember Lorenz moved to adopt Resolution 2020-22. Councilmember Swartwout seconded the motion.

VOTE: Y 5 N 1 (Counts)

RESOLUTION 2020-23: A RESOLUTION CONDEMNING RACISM AND THE CREATING A COMMITTEE TO BE KNOWN AS THE COMMUNITY DIVERSITY ADVISORY COMMITTEE. ([MEMO](#))

Mr. White: 2020 has been a very difficult year in many respects. This item was born out of a collaboration that occurred in the late spring when Powell was confronted with the potential for dangerous rioting that was happening throughout central Ohio and other parts of the country. Instead of that, this community came together, through the work of Staff, Council and our Police Department with some volunteers in the business community as one community and had a celebration that day instead of any riotous action. During that conversation, we started an engagement with the citizenry. Councilmember Karr was involved in those discussions and led the discussion in putting this Resolution together. Most recently, our legal counsel helped in putting the final touches on this. I think it is a very good program and stands for what we want to represent for the best interest of the community and all of our constituents. This is properly before you now because of a lot of work from many different people.

Councilmember Karr: I want to thank every single member of Council for your collaboration on this. I also want to thank our Chief who spearheaded many of the events leading up to this Resolution. I want to recognize two community members who did have input with language in this Resolution: Dee Miller and Robert Davis. I am proud of the collaboration on this. I wanted to thank Yaz as well for his last minute wording changes that really brought the document together.

Councilmember Riggins: I have a question. I brought this up before and have not really gotten an answer. Under Section 4, it directs the City Manager to update the personnel manual to include Martin Luther King Day as a recognized City holiday. Obviously, I am fine with that, but I don't think this merits giving City personnel an additional holiday. Will a holiday be removed before this is put into the personnel manual?

Mr. White: This has come up in this conversation, but also through the collective bargaining agreements. Out of respect for many different moving parts, the Powell Police Department had proposed this in a contract variable, which was ultimately removed from the agreement. However, in exchange of removal from the contract, it was acknowledged that it would become a component part of the personnel manual. It would be a net draw. There would be no expansion. We would remove one federal holiday and I believe it was selected at their request to be Columbus Day in exchange for MLK Day and that would become a component part of the personnel manual and the same change would go throughout the organization for all employees. I think that is consistent with what many places have done.

Councilmember Riggins: I am concerned that Columbus Day, because of employee choice, will be removed as a holiday. As I have discussed with other members of Council and as someone that works for the state, the Friday after Thanksgiving is not a holiday. My understanding that it is here in the City. I am concerned that a group of employees is choosing to eliminate Columbus Day as a city holiday and what that reflects and how that plays out.

Councilmember Swartwout: In the title of this Resolution there appears to be a typo – the word “the” appears to be an extra word that needs to come out. With respect to the collaboration that Heather and Andy commented on, this has been in the Operations Committee since summer so it has been thoroughly vetted and is the result of a tremendous amount of collaboration over several months.

Councilmember Counts: My only question now is what do we do with it? As I see this issue develop over time, there has been a lot of talk about doing something, and the question is, what will we really do with it? For the City, I think there are all sorts of ways we can actually do things, but do we have enough guts and drive to actually make sure we say what we put on this paper?

Councilmember Lorenz: I am quite confident the City will follow through and act accordingly and appropriately as designed in this Ordinance. I know Heather has spent an inordinate amount of time on this. I tried to draft something and did not even come close. I think that you are helping us take a stand and, like the previous Resolution, really make a statement to our Community. Thank you for letting me be a part of it. I don't know Mr. Woods, but I do know Mr. Miller on a personal basis. I spoke to him a little bit on this and know how excited he is for this and how special this is for them.

Mayor Bertone: Great work Heather. It was a nice effort and collaboration all the way around. Dan, great job sheparding this through Operations Committee. To Tom's point, executing on this is going to be very important. We are creating an

advisory committee. What we do with that group is going to be crucial in making certain that it means something to all the representatives in the community, not only just in that committee, but in how it is applied. I agree with Brian. I think this is something we will get behind, continue to support, and hold each other to account.

Councilmember Swartwout: To Tom's point, this issue will continue to be on the agenda in the Operations Committee as we work to create that committee and give it a specific charge.

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

MOTION: Councilmember Lorenz moved to amend Resolution 2020-23 to remove the word "the" before the word "creating" from the title. Councilmember Swartwout seconded the motion. By unanimous consent of the remaining members, the amendment was adopted.

MOTION: Councilmember Karr moved to adopt Resolution 2020-23. Councilmember Lorenz seconded the motion. By unanimous consent, Resolution 2020-23 was adopted.

SECOND READING: ORDINANCE 2020-25: AN ORDINANCE AUTHORIZING AMENDMENT TO THE FEE SCHEDULE OF THE CITY OF POWELL. (EX. A) (MEMO)

Mr. White: We had a discussion and went over all the values. The biggest thing I took away from the conversation was that we needed to study it at Operations. A field utilities charge for the new programs for Seldom Seen Park was not included with the fee schedule. There have been a dozen or so modifications to keep current. Based on recommendations of Staff and some of the utilizations of services, notably out of the Building Department, trying to shift some of the cost for re-inspections has been elevated so that it is a cost mechanism to compensate for that. However, nothing has been changed since the first submission.

We could kick it back to the committee level to discuss specific detail and bring it back. The changes are substantive. I am also comfortable, if Council has no disagreement, to adopt it tonight. In the future, this policy becomes much more of a discussion throughout the year. However, traditionally I think we have just looked at it at a department level, come back to Council with some recommendations and adopted.

Mayor Bertone: You are right Andy. I think we have done this on an annual basis in the past, but if there is a need or a desire for us to have this much more fluid, I am open to that, but I am going to defer to the group.

Councilmember Counts: We did talk about it in Finance Committee. My takeaway, in terms of what was presented, was that it was fine. With the issue Dan raised, we need some more time to deal with it. My recommendation is that we should adopt what we have here and then amend it when we get around to that.

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

MOTION: Councilmember Counts moved to adopt Ordinance 2020-25. Councilmember Lorenz seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2020-26: AN ORDINANCE CREATING AN ADMINISTRATIVE DEPARTMENT TO BE KNOWN AS THE COMMUNITY DEVELOPMENT DEPARTMENT AND DECLARING AN EMERGENCY. (MEMO)

Mr. White: The Staff recommendation on this is to suspend the rules and adopt as an emergency based on the starting date of the newly created Community Development Director. His tenure will begin Monday, November 9. However, if you would like to continue the conversation, we could dispense with that and move forward with this tenure. For the benefit of the public, this is a big step in some of the restructuring efforts that City Council and the administration have been working on - the consolidation of Engineering, Development, Planning & Zoning, and Building under one director. This is set to try to coordinate and facilitate these cross functions that all have numerous intersections throughout the entitlement review process and the development process. This is a step in formally moving in that direction and the first kernel of restructure.

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

Mayor Bertone: I want to thank you. This is the first step to a mass restructure that you have been trying to put forth for a few months now. Thank you for your leadership on this. I am looking forward to having Jeff on board and seeing what he can do to make things more efficient among the various departments. I think this is a step in the right direction.

Councilmember Counts: My thought is that we have tacitly given our approval to this restructuring with the hiring of Jeff so I am ready to recommend that we suspend the rules and will make that motion.

MOTION: Councilmember Counts moved to suspend the rules regarding Ordinance 2020-26. Councilmember Lorenz seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilmember Counts moved to adopt Ordinance 2020-26. Councilmember Swartwout seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2020-27: AN ORDINANCE TO ACCEPT CORONAVIRUS RELIEF PAYMENTS FOR DEPOSIT INTO SAID CITY OF POWELL CORONAVIRUS RELIEF FUND; TO ESTABLISH THE CITY OF POWELL SMALL BUSINESS GRANT PROGRAM; AND TO APPROPRIATE MONIES FROM THE CITY OF POWELL CORONAVIRUS RELIEF FUND; AND DECLARING AN EMERGENCY. ([EX. A](#)) ([MEMO](#))

Mr. White: This is an exciting piece of legislation to bring before you. Most notably, the movement at the federal and state level has now earmarked an allotment of \$805,000 [in Coronavirus relief]. Megan has been spearheading this out of the administration and has done a great job. I would also like to recognize Yaz and his input on the legalities of it. Moving forward, we want to get this adopted so we can begin the process of reimbursement. The U.S. Treasury earlier this fall provided additional guidance that make the reimbursement process much easier. What we are considering is the adoption of \$805,000 of law enforcement salaries that are considered and presumed by the federal government to be COVID-19 responses. That provides Council with the greatest yield of flexibility in how to apportion these funds for a program like the proposed CIC small business program. However, it also preserves your right to use those dollars for a number of discretionary items.

We discussed about a half a million dollars to initiate that process. The CIC has moved forward with that and are ready to go. Moving forward with this legislation allows that process to begin. I feel a little sense of anxiety because of the amount of money involved and wanting to make sure that we get it into the City's treasury and out into the community. It is not simply a small business administration program, but also some things that are pressing concerns of Council and the benefit of the new federal guidelines provides you additional consideration to do that. I am recommending that we go forward with a half a million dollars that would be allocated in that regard. It is an exciting project to work on and we look forward to bringing it home to the City.

Megan Canavan, Assistant City Manager: We discussed this at the Operations Committee in October and discussed it last week with the Powell CIC. This is a small business grant program targeting businesses with 25 or fewer fulltime employees. There are many details included in the memo and Exhibit A that provide the guidelines and stipulations as part of the program. We are targeting launching this program on Friday. The campaign is Together Strong, Together Powell. We are focusing on the fact that businesses have been through a lot this year. We want to come alongside them and provide this program for them. We have already had a few businesses reach out to us. They heard that Council is going to be reviewing this tonight and are excited about the program to cover expenses for things such as PPE, extending outdoor dining equipment, Plexiglas barriers, etc. We will have a media release and have a lot of information to go on the website. The applications will be online. The CIC will review this application on a rolling basis and it will be first come, first served with the funds. We are very excited to bring this to you. This is the first time we have ever done this in Powell and we think the business community will be appreciative.

Yazan Ashrawi, Legal Counsel: Staff did all the heavy lifting. I just thought, in reviewing the newest guidance relating the presumption that law enforcement and other public safety officials' payrolls are eligible for reimbursement under this creates incredible flexibility with the funds because of both of the tight time window to having incurred and spent the funds. Then as long as those actual funds are earmarked and go into the CARES Act fund through the City are paid out to an eligible recipient, we have that same amount to use for other endeavors.

Councilmember Lorenz: The CIC met last week and reviewed all this information. We are very excited about this. I believe Megan is going to do a virtual open house next Tuesday. The CIC will be distributing funds on a first come, first served basis and will hold special meetings as needed for fund approval. I would like to recognize all the partners and players in this. It is an awesome opportunity for our businesses and doing something to support them in these difficult times. From CIC to Staff to Operations to Council, it has been quite a roller coaster getting this together. We are all very excited for it.

Councilmember Swartwout: I would just echo what Brian said. This is tremendously exciting. I really would like to thank and recognize Staff for their ingenuity in crafting a program like this. The idea of this is tremendous. To see it come to fruition in such a quick time because the quick time was necessary as a result of the deadlines established under the

program; to come with such a great idea, to execute the idea so well, and then to be able to help the businesses that mean so much to our community, this is one of the most exciting things that I have seen in my 5 years on Council.

Councilmember Counts: Earlier this year we discussed a possible loan program and there were many concerns that were raised in that. What we have here is something that we can control and know that our local businesses are going to get some benefit from it. I think that is the reason why we need to do it.

Councilmember Karr: Thanks to Staff for all of their hard work on this. I am excited for our business community to be able to participate in this.

Councilmember Riggins: I think it is great. I am looking forward to see how it plays out. I hope our businesses will seek it out and use it to their best advantage.

Mayor Bertone: A hardy thanks to everybody. This is fantastic. I love the speed in which everyone is moving to get this out to the street. Brian, as the representative to the CIC, if you could keep us posted as this is going on as to number of requests, approvals, etc. We are finally in a position to deliver something of value and have a tangible role to the directive of our downtown businesses. This is great and I thank you all for your efforts.

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

MOTION: Councilmember Lorenz moved to suspend the rules regarding Ordinance 2020-27. Councilmember Counts seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilmember Lorenz moved to adopt Ordinance 2020-27. Councilmember Counts seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2020-28: AN ORDINANCE TO ACCEPT THE PROPOSED BUDGET, AND TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF POWELL, DELAWARE COUNTY, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021. (EX. A) (MEMO)

Mr. White: I wanted to recognize Council for your due diligence and patience with us. Tom, you probably understand this document better than most of us. There is a fair degree of nuisance involved in this type of document. As it stands today, the budget for 2021 really doesn't have any of our ownership on it. This is a new group and we are working through the process so I appreciate the latitude with which we are working through that and your patience through the process.

Traditionally, I believe this is the time of the year when we bring this document to you for a first reading. I know there is a rush to get this done by the end of the year and certainly, we want to accommodate that. I would appreciate additional time, but in recognition of the clerk's responsibilities in advertising this for the public, we want to accommodate this. What I had suggested in my memo was a brief, general overview of where we are at with the express consideration of the labor employment factions that are still ongoing in development. The Finance Director has prepared an overview similar to what we have talked about at the Finance Committee level and I would like the opportunity to briefly go through that and to give some additional guidance on what we are able to do.

Karen Sybert, Finance Director and Mr. White reviewed the proposed budget. (EXHIBIT A).

Councilmember Counts: I don't have too many questions. I have had multiple conversations with Andy and Karen about various things. One thing I would like everyone to think about on a high-level approach is this budget is a vision of the City. The budgets going forward will be multiple visions. This is just the first one. This is a vision of how we operate in the City, Andy's vision. We have given Andy the opportunity to restructure the Staff and come up with a more efficient, economical and aspirational vision, to be creative in our City. Therefore, he has come up with this budget.

If you look at that budget, you might say we are spending a lot of money. However, I would say two things. First, we have had a history of open positions or creating positions and not filling them. For several years at the end of the year, we have had revenues in excess of our expenditures to the point of about \$850,000. I do not know where we are this year, but I know that in September we showed the excess of revenue over expenditures about \$803,000. Therefore, within the last 3 years, we have had about \$800,000 in savings each year and now is our opportunity to fund this vision. We hired Andy to do this job and I think this budget reflects what Andy has said is what he needs to move this City forward in the area of operations and personnel. If you are scared of having that kind of deficit, I will tell you that over the last three years we have saved, saved, and saved for this day. If you believe that Andy's vision is the right vision for this City, then I believe we

have the funds to commit to that.

The second thing is Andy is right in that we have a revenue problem. We all know we have a revenue problem and we see that exhibited in the form of the need for capital expenditures. We also know that all the communities around us that seem to have vibrant economic development programs are because they have money that they can allocate to companies coming in and that is key. Our issue is that we don't have those kind of funds available. If we want to be much more of a player in that area, we need to have those kinds of funds.

Thirdly, in terms of the various funds we do have, is we have put our street repair program aside now for many years, in part because saving enough funds to redo Sawmill Parkway. I know that we have S.R. 750 coming up to pave too. However, we cannot keep delaying rebuilding and repaving our residential streets. I think if there is ever a fund that we need to dip into to start that program up, it is the street repair program. I would encourage us to consider adding additional dollars to that so that we can do some more street repairs.

Councilmember Lorenz: I will put in my annual pitch: has Staff considered in the budget the hiring of an income tax administrator versus a continual depletion of 3% of all income tax collected to RITA? Every year I bring this up. I think the economies of scale probably benefit us to have that person here. Being a conservative, I like to hold on to as much as we can. With the personnel changes, the modifications we are making and the new direction we are moving in, I would ask that this be considered. It may not be able to be implemented in the budget, but it is something for your consideration

With respect to any income tax modifications, the only way this community will support and pass anything like that is if we have a strategic modification to the credit system. You see other communities that do that as well. It has to be pitched, clean, and simple.

Mr. White: The strategic benefit with RITA comes with a cost. As an agency that represents millions of tax filings, they have resources to acquire information and make sure the funding that is coming in is appropriate and current whereas an income tax administrator would not. Where I do see strategic opportunity would be an interface between the taxpayer and RITA. That could be provided in a budgetary outcome during the tax season. That there could be some funds put together at a relatively affordable clip that we can provide that service in-house and then still retain the strategic benefit of RITA as an agency. However, I would be happy to explore that further.

Councilmember Lorenz: My counterpoint to that is I think we need to be considering how we are collecting these income taxes now specifically with so many people working from their homes. Our society has not transformed into a home-related business and how is that defined. I just want to make sure we are capturing all of our funds fairly that we should be.

Mr. White: I think that is a very good point. Irrespective of the transition we are going through, a lot of wealth in the normal year is income tax, which leaves Powell and goes to the surrounding areas. A normalization of the rate to be competitive, middle of the road with these other communities is going to pull that money back at no one's expense other than our competition. That is not true across the board, certain folks could be affected by it, but the goal on a strategic objective would be to provide you an incentive that you are actually gaining because of the strategic use of the credit and more of your money staying in your community because that is where your house is.

Councilmember Counts: With respect to the income tax. One of the things that has happened in the City over the last 10 years is that we have three sources of income tax revenue: individual, withholding mainly from employees that work in the City, and net profits from businesses in Powell. Over the last ten to twelve years, the individual income has increased the least. Our withholdings have significantly jumped, and our net profits have significantly jumped. However, our individual revenues from you and me have increased only moderately. If you were to keep the same tax structure that we currently have, in order to achieve the kinds of revenue that we would need, we would have to keep ratcheting that up. However, because the other two forms of income has increased significantly, business income would have to be increased as much. So back to your point, we can increase the tax to be competitive with other cities but we can also increase the credit such that, for most of our residents, we could say you are not paying additional tax as you are paying now. We have not been able to say that. Ten years ago, when we went to the voters we could not say that. We now can. To your point about RITA, if we can achieve that kind of situation, for 60% of our residents who would no longer pay tax to the City, is that they wouldn't have to deal with RITA. Frankly, I think that would make many people happy. I think we can achieve some of your goals in trying to restructure our tax rate, which will then benefit our City without going back to the taxpayers repeatedly for additional funds.

Councilmember Riggins: Andy, did I hear you correctly that it is a 2.25% increase across the board to all City employees? [Mr. White: Yes]. How did that decision come about? I know many government employees, based on everything going on around us at this time, have not gotten a cost of living increase, have not received step increases, have been forced to take

unpaid vacation resulting in less money in their paychecks, etc.

Mr. White: That is a very good question and we are sensitive to it as well. The initial proposal we put out there included a measured expense increase associated with the union proposals and the administrative fees we kept flat. In discussions internally, when we came down to the 2.25 inflation, which was through all the assessments that I provided, consistent with the market or below. That was provided to you in the interest to provide a fair cost of living adjustment to our employees that are doing a very good job, wearing many hats. It is important to consider the market that we represent. Without any disrespect to another governmental agency, the state of Ohio is a completely different organization than the City of Powell. We are understaffed and trying to get by like everyone else. In order to try to accommodate agreements within our labor portfolio that are sufficient to become adopted and foregoing an arbitration challenge, which I believe we would lose based on the markets I have reviewed beyond the six or seven we traditionally look at, but in central Ohio, I think the Delaware County sheriff just received a 3, 3, and a 3. Whether or not I agree with that, it does have bearing on the consideration as we move forward. However, the statistical agencies that we look at, a number of police departments are in the second or third year of a contract and seeing over 3%, so the ability to keep a fixed cost contained and to avoid the displeasure of going through an arbitration process, which I don't agree with. In total, looking at the budget, looking at some of the cost containment, I feel comfortable placing the question before Council at that 2.25% cost increase for discussion but with the caveat this is the City Manager's recommended budget but the policy statement itself is the ownership of Council. Any modifications that you would like to see is easy for us to produce, but I think we are coming in underneath where we would need to be on an expenditure. For those general reasons, I utilized that guidepost for the inclusion of those adjustments.

Councilmember Swartwout: I would add that this has been a very high-level discussion, but at our two previous Finance Committee meetings, we had a much deeper discussion so a lot of this information has already been vetted in public meetings.

Mayor Bertone: I appreciate everything that you have done to get us to a first reading. When I look at Powell, we are at a competitive disadvantage. From the economic side, we obviously understand what the limitations of our current tax rate. That conversation needs to change for us to continue to grow as a community. I commend you and Staff for the budget approach that you have been taking us down and bringing us along conversationally. Where we go in 2021 and where we evolve to, we have a lot of needs, wants and desires. I know you said three readings. I am available if so if there is a need to meet, this group is energized enough to stay engaged. We will meet more often if that is necessary. It is important for us to get some acceleration behind this conversation. If the desire is some type of modification coming into 2021, we will need to meet more frequently. I will leave that to you to adjust.

Brian brings up a good point about what you feel the residents would absorb and adjust to and that is the credit. It is an important part of this whole strategy and conversation, but also business development, like what we approved earlier, in relief we are offering to our downtown businesses. This Council over the last couple of years, but this year more importantly, this group has done a phenomenal job at trying to create opportunities to collaborate side-by-side with our businesses, give them a boost, and keep them afloat. We have to take care of our own house. We have a significant gap in our road improvements that have to be addressed. There are areas in this community that are significant disrepair. We drive through the streets and have a different lens than what some of the residents may have. I am not sure it is just income tax with associated credits with savings. We have expiring bonds. It is great to see some of those coming off the books. However, what other saving vehicles can we offer to the residents? I appreciate the group. The conversations this year are very different and I thank you all. I think we are looking for some creative ways to save the community some money as well as generate and position us for the long term.

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

Councilmember Counts: I would add that I did not hear any significant requests for modifications but if there are, they clearly have to happen between now and the next meeting in order for us to get the budget approved in time.

Ms. Sybert: The Finance Committee meeting is next week so we will have more detail at that time.

Mayor Bertone: Why don't we have a consensus that we will have any final edits to you by next Tuesday.

Ordinance 2020-28 was taken to a second reading.

FIRST READING: ORDINANCE 2020-29: AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION, REVISING ORDINANCE 2020-14, AND DECLARING AN EMERGENCY. ([MEMO](#))

Mr. White: We discussed this companion legislation under Ordinance 2020-27. This is simply the appropriation

modification to the budget to allow the finance administration to submit for reimbursement and deposit the \$805,000. That would then become reflected in your budget statement and have considerable impact for the conversation going forward. If Ordinance 2020-27 is exciting, this is really the meat of it because this provides us the resource to really go do some great things.

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

MOTION: Councilmember Counts moved to suspend the rules regarding Ordinance 2020-29. Councilmember Lorenz seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilmember Counts moved to adopt Ordinance 2020-29. Councilmember Lorenz seconded the motion.

VOTE: Y 6 N 0

COMMITTEE REPORTS

Development Committee: Next Meeting: November 4, 2020, 6:00 p.m. We had a lengthy meeting tonight. We discussed the possibility of the applicant wanting to an application for a cell tower in Arbor Ridge Park area that was met with mixed support. The process for entitlements and approval would be a lengthy one. Staff will follow up with the applicant and give them some options. In the coming meetings, you will see a pre-annexation agreement, TIF agreement and rezoning development plan for a property at the southeast corner of Home Road where the overpass is for a Redwood Development. They have been before us previously, but have modified their plan significantly to include some commercial mixed use medical and multi-family. Our engineering staff is going through a capital improvement proposal update. Finally, Frank, Andy and I toured a wellness facility in New Albany last week. One of the things that continually comes up in our Community Attitude Survey is the desire for gathering spaces and community center. While we are not suggesting that is what we are going to be bringing forward, we will possibly be engaging in some sort of analysis on what may be supported within the community. Health and wellness for all of us is paramount and offering different programming for all ages of our residents and expanding out and reinvigorating Parks & Rec is something that is important. Somewhere down the line, you will see more information on that.

Finance Committee: Next Meeting: November 10, 2020, 7:00 p.m.

Operations Committee: Next Meeting: November 17, 2020, 6:30 p.m.

Planning & Zoning Commission: Next Meeting: November 11, 2020, 7:00 p.m.

Powell CIC: Next Meeting: November 24, 2020, 6:00 p.m. We did speak at length and passed several ordinances relating to the COVID-19 funding and the loan program that we are going to kick off tomorrow. I am very excited about that and the CIC is energized to partner with Council in the awards of those loans. Another great item we passed was an incentive for Scioto Properties. This is a company with about 30 employees looking at Powell Center for improvements so a tentative agreement has been offered to them. Finally, I would draw your attention to this wonderful magazine insert in your packet. There is a great picture of our new City Manager and Mayor. CIC financed this effort as a marketing piece. I think the last time we did that was when I was mayor four years ago. It has many interesting articles highlighting the community, the changes, housing stock and schools. We have copies for anyone interested in them as well as for Megan to use as a marketing piece.

CITY MANAGER'S REPORT/CITY CALENDAR

Mr. White: Frank you talked a little bit about the year-end planning process and the fact we have three meetings left. We would like to employ our remaining time in 2020 on some specific items. Yaz and I have been talking about specific outlines. There are many gaps to fill in, but on the issue of a May ballot initiative, a lot of work has to be done if it is going to be placed on the ballot. There is a requirement of a 90-day filing notice prior to the election, so we are looking at a February 2021 timeframe. I will get that specified.

We also talked about the Redwood development and annexation policy in Development Committee and it is another critical item I would like to work on a position for Council to implement for 2021. I know it gets a bad rap in many conversational circles, but I am ultimately convinced for this Central Ohio community that this is a tool that is a benefit of both the City and the Township. I would like to work on a program to try to implement that and share in the proceeds of a tax policy to benefit both. There are numerous impacts to our infrastructure, to our service models to snow removal and law enforcement dispatching in areas outside the City until a policy is crafted that can help offset those costs and provide more resources for better service. I think that is something that is incumbent upon the Redwood development that is intriguing to me especially where it is situated geographically, but also throughout the City. There are numerous opportunities if we get the policy on tax correct that you just put a big tool in the toolbox for us to develop and do some cool things. Like a wellness facility, some of the items we kick around are big ideas but I think we are in the business of inspiration. I think a project like this on its face, 9 out of 10 people may say you can't do that. Well I think we can. I think we need to sit down, look at it, and produce. I am very excited to see what will come out of that conversation.

Some good news is that Karen [Sybert] received correspondence that the Governor had issued a BWC premium reimbursement. We brought in about \$45,000 in premium reimbursements so we will have to adjust the budget for that deposit.

With regard to the development conversation regarding the cellular tower, I believe that they will go forward. One of the things that had come up at a prior meeting was a kind of a quid pro quo - it is going to be this cell or you're not ready to preserve the property footprint because of 5G. Yaz has coordinated with my office to come up with guidelines and the Engineers have been very passionate about including that in the right-of-way ordinance so we are going to be working on incorporating that going into the end of the year.

We are going to implement some structural changes and you will start to see that with the advent of Mr. Tyler coming on board on Monday. I think that's really going to help move some of your initiatives even farther along. I think you can expect to have some impact yet this year through that placement.

We talked at committee level recently on an engagement with the Chamber on a Winterfest. There was support and Staff was to do the analysis on what the fees would be. We are close to \$1,000. [Ms. Canavan: Yes, for the December 5th market which would be more of an all-day event. However, she wants to do it once in January and February and it would be about half of that.] Much of the cost that would be incurred through the program is related to the increased maintenance we would have to absorb due to Covid-19. My question to you is aside from the actual facility fee that anyone would have to be responsible for; would we consider the labor component as required because of the Covid-19 to be absorbed through the Covid-19 reimbursement?

Councilmember Swartwout: You mentioned the labor component being due to Covid-19. How does that differentiate for any event in a non-Covid situation? Isn't the fee the fee regardless of Covid? What is the labor component?

Mr. White: The fee itself is the fee and that doesn't change. The associated additional labor cost is that which is required by state guidance. Ordinarily if we were having a family reunion in the East Room without the pandemic, that labor cost wouldn't be there. It is the cleaning and sanitizing required every 2-hours and someone would have to be here to do that which in an ordinary capacity wouldn't need to be here.

Councilmember Swartwout: So this is in addition to the fee? It is not so much the fee but the labor cost.

Mr. White: Correct. The Covid component.

Ms. Canavan: On most of the dates they are proposing, it would be \$200 for the labor fee for Public Service for one staff member to clean restrooms every two hours. In December, that fee would be \$400.

Councilmember Karr: We talked about this at committee level; it sounded like the December event would be more crafts. Are there businesses on board that were coming in to participate?

Ms. Canavan: I don't know what their vendor looks like but it is more an indoor farmers market and will have many handmade items.

OTHER COUNCIL MATTERS

There was none.

EXECUTIVE SESSION: Ohio Rev. Code §121.22(G)(4) Bargaining.

MOTION: Councilmember Counts moved at 9:08 p.m. to adjourn into Executive Session pursuant to Ohio Rev. Code §121.22(G)(4) Bargaining. Councilmember Lorenz seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilmember Counts moved at 9:39 p.m. to adjourn from Executive Session into Open Session. Councilmember Lorenz seconded the motion.

VOTE: Y 6 N 0

REGULAR SESSION:

RESOLUTION 2020-24: A RESOLUTION AUTHORIZING THE APPROVAL OF THE TENTATIVE AGREEMENT

ACHIEVED IN COLLECTIVE BARGAINING BETWEEN AFSCME, AFL-CIO, OHIO COUNCIL 8 AND THE CITY OF POWELL, OHIO, AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY AND APPROPRIATE ACTIONS TO FINALIZE THE COLLECTIVE BARGAINING AGREEMENT NEGOTIATED BETWEEN THE PARTIES.

Mr. White: In concert with the discussions we had in Open and Executive Sessions, Resolution 2020-24 is an extension of the current agreement between the City and ASCME Ohio Council 8 from October 17, 2020 through December 31, 2021. The Parties agreed to a modification of wages over that period of time of 2.25%. The anticipated cost has been born in the recommended budget and is established at an increase of \$14,017. From 2020 to 2021, the total amounts in 2020 was \$436,842 and will rise to \$450,859.80. A 2.25% wage comp is consistent throughout central Ohio based on our analysis and when accounting for salaries and fringe benefits associated that are affected, the total cost is expected to be within a 3.21% increase for next year.

Councilmember Counts: The 1-year extension, from a City prospectus, helps us. The comps are reasonable and so I am in favor of approving this agreement.

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

MOTION: Councilmember Counts moved to adopt Resolution 2020-24. Councilmember Lorenz seconded the motion. By unanimous consent of the remaining members, Resolution 2020-24 was adopted.

RESOLUTION 2020-25: A RESOLUTION AUTHORIZING THE APPROVAL OF THE TENTATIVE AGREEMENTS ACHIEVED IN COLLECTIVE BARGAINING BETWEEN FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC. AND THE CITY OF POWELL, OHIO, FOR THE OFFICERS' UNIT AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY AND APPROPRIATE ACTIONS TO FINALIZE THE COLLECTIVE BARGAINING AGREEMENTS NEGOTIATED BETWEEN THE PARTIES.

Mr. White: This is an agreement between the City and the Fraternal Order of Police, as is the next Resolution. I will take these two Resolutions concurrently because they have the same changes. This is an agreement between the City and the officers and the next Resolution is an agreement between the City and sergeants. Both are required separately by law. Within the contract, we sat down and negotiated a 3-year contract to commence January 1, 2021. The substantive issues that I want to draw your attention to would be the compensation adjustment for wages in 2021 of 2.25%. This number has been included in the established budget that will be up for adoption before the end of the year. The net cost for 2021 is anticipated to be \$73,000, about 4.24% inclusive of fringes and benefits. That is the largest component of the FOP as we have many more officers than we do sergeants. The second and third year also include wage increases set at 2.25% in 2022 and 2.5% in 2023. An important distinction on both of these items is that they are eligible for a contract opener to the raising of wages only by either party in October of that year, meaning the City or union can petition to have another round of negotiations specific to that one issue. We made slight modifications to field training officer pay, longevity pay, and the parties to keep current language throughout the main portion so that would be about \$73,000 in the officers' contract.

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

MOTION: Councilmember Counts moved to adopt Resolution 2020-25. Councilmember Lorenz seconded the motion. By unanimous consent of the remaining members, Resolution 2020-25 was adopted.

RESOLUTION 2020-26: A RESOLUTION AUTHORIZING THE APPROVAL OF THE TENTATIVE AGREEMENTS ACHIEVED IN COLLECTIVE BARGAINING BETWEEN THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC. AND THE CITY OF POWELL, OHIO, FOR THE SERGEANTS' UNIT AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY AND APPROPRIATE ACTIONS TO FINALIZE THE COLLECTIVE BARGAINING AGREEMENTS NEGOTIATED BETWEEN THE PARTIES.

Mr. White: Similar to Resolution 2020-25. This agreement is between the City and the sergeants. The bargaining unit is much smaller. Three officers are covered by it. The total cost for the same wage increase of 2.25% is \$18,871 increase including benefits and salaries for a total cost increase of 4.4%. The same provisions included in the officers' agreement for an opener on wages only in 2022, 2023 exist from both the City and the bargaining unit.

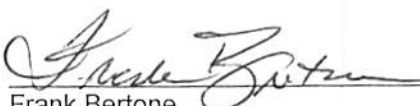

Mayor Bertone opened this item to public comment. Hearing none, he closed the public comment session.

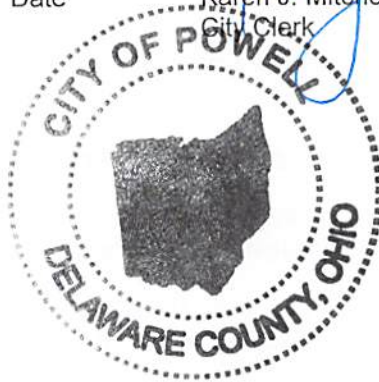
MOTION: Councilmember Counts moved to adopt Resolution 2020-26. Councilmember Lorenz seconded the motion. By unanimous consent of the remaining members, Resolution 2020-26 was adopted.

ADJOURNMENT

MOTION: Councilmember Counts moved to adjourn the meeting at 9:49 p.m. Councilmember Lorenz seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

MINUTES APPROVED: November 17, 2020

	<u>12/1/2020</u>		<u>12/2/2020</u>
Frank Bertone	Date	Karen J. Mitchell	Date
Mayor		City Clerk	



City Council

Frank Bertone, Mayor

Jon C. Bennehoof

Tom Counts

Heather Karr

Brian Lorenz

Melissa Riggins

Daniel Swartwout