



**CITY COUNCIL  
MEETING MINUTES  
January 19, 2021**

**CALL TO ORDER/ROLL CALL**

A regular Zoom meeting of Powell City Council was called to order by Mayor Frank Bertone on Tuesday, January 19, 2021 at 7:31 p.m. City Council members present included Jon C. Bennehoof, Frank Bertone, Tom Counts, Heather Karr, Brian Lorenz, Melissa Riggins and Daniel Swartwout. Also present were Andy White, City Manager; Yazan Ashrawi, Law Director; Megan Canavan, Assistant City Manager; Karen Sybert, Finance Director; Stephen Hrytzik, Chief of Police; Jeffrey Tyler, Community Development Director; Claudia Husak, Planning Director; Elise Schellin, Development Planner; Chris Huber, City Engineer; 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: January 5, 2021**

MOTION: Councilmember Swartwout made a correction to the first paragraph of his remarks on page 12. Councilmember Counts moved to adopt the minutes of January 5, 2021 as amended. Councilmember Bennehoof seconded the motion. By unanimous consent of the remaining members, the minutes were adopted as amended.

**CONSENT AGENDA**

Item  
*Departmental Reports – December 2020*

Action Requested  
*Receipt of Electronic Reports*

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

**RESOLUTION 2021-01:** A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF POWELL, AT THE PRIMARY/SPECIAL ELECTION TO BE HELD ON MAY 4, 2021, OF AN ORDINANCE TO AMEND SECTIONS 181.13 AND 182.081 TO INCREASE THE CREDIT FOR TAXES PAID TO ANOTHER MUNICIPALITY TO 100%, FROM ONE-FOURTH OF ONE PERCENT (0.25%) TO TWO PERCENT (2%), AND ENACTING SECTION 182.012.1 OF THE CODIFIED ORDINANCES OF THE CITY OF POWELL TO INCREASE THE CITY INCOME TAX RATE FROM THE CURRENT RATE OF THREE-QUARTERS OF ONE PERCENT (0.75%) TO A RATE OF TWO PERCENT (2%) FOR THE PURPOSES OF PUBLIC SAFETY, ECONOMIC DEVELOPMENT, OPERATIONS EFFICIENCIES AND CAPITAL IMPROVEMENTS AND RELATED COSTS. (EX A) (MEMO)

Andrew White, City Manager: Resolution 2021-01 and Ordinance 2021-01 go together. We are bound by a very prescriptive process in order to make sure these are lawfully placed before the electorate because of the seriousness of this matter. This item provides Council's authorization to place before the electors the Ordinance as prescribed in Ordinance 2021-01.

This is essentially an equity argument. It is a restructuring of the City's income tax credit to benefit 80% of our current residents positively. It is not necessarily an increase but the economics of it work out. As Tom pointed out, there are literally millions of dollars per year being exported out of the City because of the imbalance created in our low tax rate combined with a very low credit. Taking the tax rate from .75% to 2%, which we find is within the median range of the central Ohio region. By bringing the credit from .25% up to the full 100% credit, we are effectively narrowing the tax band

that we have within the City. Ultimately, this is anticipated to generate nearly \$3.5 million dollars of new money with the most significant component being paid for by individuals working in Powell but living elsewhere. It brings in that economic engine of those new dollars while at the same time seeing an excess of \$2 million dollars in the aggregate in savings to current income tax filers. This Resolution authorizes the placement of the more complex Ordinance.

The other thing I would like to point out, and I have already talked to some of you about this, this being a May election, without the benefit of primary, costs will be incurred by the City and they are proportionally dependent on who else is filing. We will not know that until after the February 3 filing deadline. The Board of Elections is not statutorily required to provide us any estimate until today, but we have been working behind the scenes trying to figure out what that cost will be and we will continue to update you as we receive additional information. The Finance Director and I have isolated a number of different appropriations that are available to provide for that cost should Council choose to move forward with this.

Councilmember Riggins: Do I understand you correctly that there will not be anything else on the ballot in this election?

Mr. White: It is not a primary election so there is no one on the ballot for any primary race. There may be other local issues to be placed on the ballot. The final determination of that question will not firmly be known until after the filing date of February 3. Through discussions, I believe there are additional local issues to be considered, but we will not firmly know that until the filing deadline has passed.

Councilmember Riggins: Do you mean other cities in Delaware County or other county agencies?

Mr. White: County agencies, cities, and school districts. The way the statute reads, essentially by this date in January, for a May election, the county Board of Elections is responsible to establish what a countywide cost is based on population proportion or the total number of precincts within Delaware County. Once established, the local issues that come forward will be given their proportionate costs. Therefore, if there were one issue, that one municipality would bear the cost. If there were several issues, that cost would be distributed according to precinct and/or proportion of population.

Yazan Ashrawi, Law Director: That is accurate. The statute allocates the order of the costs first depending on whether the local issue is being submitted to the electorate at a general election or a primary election. If it is a primary election, those costs and the proration of those costs differ if it is in an even numbered year or an odd numbered year. Those costs, and the allocation of those costs, are further changed if there is a special election of a local matter where there is no primary or general election, which is what we anticipate the case being here. Although the election on the issue will be advanced at the date for a primary election, there is no primary election and for that reason, the costs are then allocated amongst any of the local, countywide governments, school districts, or other entity that would have an issue on the May ballot.

Councilmember Riggins: To be clear, this would be the only thing that a City resident would be turning out to vote for in this election.

Mr. Ashrawi: The short answer is that we will not definitively know that until Feb 3. For example, if there is a school district issue or countywide issue, the residents of the City would be eligible to vote for those issues as well, but we will not know that until February 3.

Councilmember Bennehoof: So if nothing else comes on the ballot, we bear 100% of the cost, whatever that is, and that is not known yet?

Mr. White: That is correct. We have an estimate of what the costs will be but the actual cost will not be known until the conclusion of the election. The total countywide issue is anticipated to be about \$85,000 that would then be proportionately distributed based on who else is participating.

Councilmember Bennehoof: If we have 15 precincts, someone else comes in, and they have 15 precincts, then it would be a 50/50 split on the costs of the election?

Mr. White: We have 11 precincts and I believe there may be a countywide agency vote that I think would further disproportionately benefit the City because our 11 precincts would be proportionately smaller to the number of total precincts that would be spread throughout the county. In that case, if it is one city with 15 precincts versus another city, I believe you are right. However, if it is a countywide issue, it may be a factor of 1 to 5 to the benefit of the City because we have such a smaller footprint.

Councilmember Bennehoof: But we have no idea if there are other issues targeting the ballot or not?

Mr. White: No, through our internal discussions, we are aware of a potential issue that is countywide, but I will not speak with any degree of confidence until after the February 3 filing deadline.

Councilmember Bennehoof: That is a pretty high ticket if we are the only thing on the ballot.

Mr. White: We thought about that and it may be pertinent to consider the way that we finished 2020 with some nonrecurring revenues. Staff is prepared to appropriate any fund balance cost for the measure. Going into the conclusion of 2020, we have several hundred thousand dollars available and we have discretionary expenditures that, in the worst-case scenario where the City was to move forward that we would have the capacity to make up that difference within our existing budgetary footprint by way of nonrecurring revenues or discretionary expenditures that would be reduced.

Councilmember Bennehoof: If we were to file and no one else did, would we have any recourse to rescind our filing if we saw that we would have to provide the total cost?

Mr. White: I believe we do. The Law Director and I have had several conversations on that.

Mr. Ashrawi: The costs are not due to the Board of Elections until 10 days after the February 3 deadline. My understanding is that window provides an opportunity for a formal withdrawal if that is an option that Council would like to pursue. That, of course, would need to be coordinated and confirmed by the county Board of Elections.

Councilmember Counts: The flip side of this coin is also true. If we choose not to do it in the primary and some other agency does, then they bear the full brunt of that cost. We have to decide if it is an important enough issue that we need to bring it to the voters. I know that in my history of living in the City of Powell, the Olentangy schools have had a ballot issue in a special election as has the Liberty Township EMT. These are not uncommon things to do.

Councilmember Swartwout: Andy, you mentioned that the rough estimate for a countywide special election would be \$85,000, correct? [Mr. White: That is correct.] What we are doing is not countywide. Powell has 11 precincts of about 180 to 190 precincts in Delaware County. [Mr. Ashrawi: 165 precincts.] So then, would it be a proportional cost for those 11 precincts out of 165 precincts? If it is countywide, it is \$85,000. If it is just the 11 precincts, that is not a countywide ballot, correct?

Mr. White: Correct. However, in the issuance of no primary, the cost would be the obligation of the municipality. The largest component of the estimate is the operation of the voting center for a month prior to the election. There are some additional costs to be incurred with the Covid-19 safeguards that are put in place. Those are the two most significant things that I can come up with. Many of the other items are based on absentee ballots, and things that are much more in line with a simple, local jurisdictional race. The most conservative estimate would be that if the City were the only issue within the county with that higher number on the estimate, we would have the funds available to provide for moving forward. That is the cost of doing business.

I think it is important to note the conversation that we have had about this standalone issue, the importance to get it out there. It does come with a cost and Staff has moved forward with the preparation to establish that availability. Going back to Jon's point, you do have the opportunity if we get an estimate that is better known in ten days, you have some flexibility. I think the critical nature of this issue and Council's objectives as expressed going into the end of the year with the budget development, I think that we have been very responsible with the dollars throughout 2020 and it has led us to an opportunity right now to answer this question. If successful, we will have received full repayment almost within the first week of the new collection rate. That benefit can be afforded to our residents immediately upon the entrance into 2022.

I tried to convince Yaz of more along your line of thinking Dan, but I got an education on how the process works. It is complicated for a reason, but this is an important function.

Mr. Ashrawi: Interestingly enough, Dan, when I pressed and asked about the obligation to keep the countywide polling center open despite the fact that only 11 precincts and 3 polling locations would be, in theory, voting on the issue. I did not see that in statute and I was comforted to learn that it was not by statute. It was the product of a settlement in federal election litigation that requires each county to maintain those polling centers at certain times and durations, irrespective of the nature or breathe of the election.

Councilmember Counts: As chair of the Finance Committee, I have been dealing with this issue for a long time. I think all of us on Council are sensitive to the fact that this proposal increases the tax liability of certain Powell residents from ¼%

to 2% and I want to speak to that. What we know is that the revenue that is generated by this group of residents does not become a new pot of money for the City to spend. What it does is it replaces revenue, about \$2.17 million dollars, from other residents who under this proposal will get a full credit for income taxes paid to their workplace community. The question is, is that fair? Powell residents that work outside of Powell who pay two or more percent to their workplace community collectively pay \$2.17 million dollars in City income tax to Powell. This is more than the rest of the residents pay, which is about \$1.57 million dollars. It is more than what non-residents workers' pay, which is about \$1.65 million dollars, and it is more than what Powell businesses pay, which is only about \$346,000. It is only with a lack of full credit and the \$2.17 million dollars generated by it, that Powell could provide the police and other City services that Powell residents expect. I can only conclude that the lack of a full credit to certain Powell residents has allowed Powell to subsidize its low income tax rate of .3/4%. It is the lowest in the central Ohio area to many residents and non-resident workers. Without the lack of a full credit to certain Powell residents, .3/4% does not work and Powell cannot provide essential City services, let alone serve as a funding source to maintain its capital infrastructure. We face this hard reality.

On two previous attempts to create a funding source for capital infrastructure, it was defeated soundly. Unlike this proposal, neither of the previous proposals provided for a full credit. I believe that those failures are in large part because it did not provide a full credit like our central Ohio neighbors have. In addition, Powell residents who work outside of Powell and pay 2 or more percent to their workplace community, collectively pay more than \$13.4 million dollars in City income tax to their workplace community and to Powell. If these residents lived in other communities, they would receive a full credit, they would pay less in City income tax at a lower aggregate rate, and those cities would still fund their capital infrastructure. The remaining residents pay only \$2.2 million dollars in aggregate income tax. \$13.4 million dollars versus \$2.2 million dollars.

The 2% income tax rate proposal that we are looking at is needed first to provide that full 100% credit to the residents who work outside of Powell, but it also recoups the \$2.7 million dollars from nonresident workers that Powell loses every year to those workers' home communities. That rate also provides a stable funding source for capital improvements. Perhaps most importantly, it shifts the tax burden from our residents to non-residents. All these things benefit our City as a whole. For those residents who are going to see their income tax increase from .3/4% to 2%, I hope you see that your component of this is a necessary piece in a much larger jigsaw puzzle that has long-term benefits to the City and to the residents as a whole.

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

Mayor Bertone: Tom well said. I do believe this is a puzzle. I hear Andy and Yaz and what we know and what we do not know in terms of information and that is a little unsettling. However, as a community, we have to understand how important this issue is to our long-term viability and us. I cannot articulate it as well as Tom, but as we gather more information over the coming days and weeks, we will have a better perspective as to what it is in terms of cost and understanding and we can make a more informed decision. Nevertheless, this is one of the most critical components we need for our community to continue to grow. It has been touched upon for a number of opportunities over the last 15 years or so. This has been a static rate in this community for over 30 years. The vast community is going to see some net positive impact. Some small portion will see a negative impact, but it is that equity component that we are striving for in this conversation.

MOTION: Councilmember Counts moved to adopt Resolution 2021-01. Councilmember Bennehoof seconded the motion. By unanimous consent of the remaining members, Resolution 2021-01 was adopted.

**FIRST READING: RESOLUTION 2021-03: AN ORDINANCE APPROVING AN EXTENSION OF THE APPROVED FINAL DEVELOPMENT PLAN, FOR THE PROPERTY LOCATED AT 3315 ROYAL BELFAST BOULEVARD, BY THE OHIO STATE UNIVERSITY. (EX. A) (MEMO)**

Mr. White: Before we get started, I would like to introduce Claudia Husak, our new Planning Director. She has been working with Jeff on this particular item. Welcome Claudia and thank you for being with us. I would also like to recognize Mr. Aaron Underhill who has joined us for the call. Lastly, I would like to acknowledge Elise's role in this. There was a deadline coming due that Staff caught, brought up, and worked on with Mr. Underhill. He has submitted a request to increase this timeline for probably the most vitally important economic development project we have had at any time in the City's history. We are super excited that they heard our call and submitted a formal request to the appropriate channels for an approval. The Planning Commission heard this request and has forwarded it on to Council for their approval. However, I just wanted to acknowledge the good work Staff did and Mr. Underhill for bringing it forward.

Jeffrey Tyler, Community Development Director: Thank you to Elise for catching this. The expiration deadline was quickly approaching and Elise caught that in time and was able to notify both Staff, the developer, and the developer's

representative. I would also remind everybody that the conditions of the previous Final Development Plan remain the same, so there were no changes in the conditions. I will say there was some community concerns regarding the notification process. We are providing that information to them, but we do not feel that it materially changes the decision that was made on this particular Resolution. Staff would request approval of this Resolution.

Aaron Underhill, Attorney for OSU, 7000 Walton, New Albany: I appreciate being back in front of you although it is a little bit bittersweet because I am sure by now we all had hoped this project was getting started. Both my client and I understand the importance of it to Powell. This is one of those circumstances – an act of God – a pandemic, etc. that causes you to have a delay in performance. Unfortunately, with everything we have been dealing with in this world with the pandemic over the last year, the result has been that the University has had to reshuffle the deck chairs, reprioritize some things, and the result has been a delay in designing and ultimately getting started on construction of this project. The great news is that the university and medical center own the property, remain invested in this community, and plan to build this project. Unfortunately, it is just going to take a little bit longer.

I will echo the sentiments expressed earlier that it was great that Elise caught this. I frankly may not have myself. It was not even on my radar, so I appreciate that. I appreciate your consideration of this. I will also put a plug in for all of your new administration and Staff. I worked with Jeff and Claudia in Dublin over the years and they are both fine people as well as professionals and are great additions here. I have really enjoyed getting to know Andy and Elise as well. I think you are assembling a great team. That is just an aside.

I appreciate your consideration of this. I understand there may be some disappointment here, but I hope you look at the bright side in that Ohio State is invested in the community and it will move forward eventually.

Councilmember Counts: Aaron, what is your new time frame and what other similar projects do you have that is already being built, etc.; where are they and where does the Powell site fit in?

Mr. Underhill: We are asking for an extension until May 2023 to get started. Assuming the pandemic starts leveling out and we are able to get back into some sense of normalcy; our hope is that later in the year we can start consideration of the final design. I think that is dependent on many things. We understand we have another fast approaching deadline and there is a lot of work to be done. We do have to come back to Planning & Zoning with final details on our plans, such as architecture and landscaping. Well in advance of getting started with construction, we will have to get in front of you. My hope is that sometime in this calendar year, we will be back before you.

As to the other projects, when we were going through the rezoning and final development plan here, we were forthright that we had a Hamilton Road project in Columbus, just outside of New Albany. If you have been over there, that is coming out of the ground now. There is also a project in Dublin that was in the works but was not public knowledge yet at the same time as this one. In our minds, the Powell project represented a moment in time where we had a piece of land that became available and we were not sure that it would continue to be. If you recall, it was zoned for a shopping center. Therefore, we jumped on the opportunity at the university, decided to purchase it, and did close on it. However, in our minds, this was always the third of the three projects.

Councilmember Counts: Are there any other sites that you have publically identified at this point to do this exact same thing?

Mr. Underhill: No.

Councilmember Bennehoof: I just wanted to express my thanks to OSU and Aaron for this project. I know that we all worked on it very hard and we are looking forward to it. We appreciate the tenacity and perseverance.

Councilmember Riggins: We are so excited to have OSU coming. For my clarification, construction was supposed to have begun by February 5 of this year, is that correct?

Mr. Underhill: Elise may know the exact date, but believe that is approximately correct.

Elise Schellin, Development Planner: Per code, construction is supposed to start within two years of final approval and, if not, then they have to come back and ask for an extension from P&Z and Council.

Councilmember Riggins: Because we are so excited to have this project started, do you really need a full two years? Could this be done within a year? I know you talked about wanting to get this started maybe within the next six months, but with a two-year extension, will it put us on a back burner?



Mr. Underhill: I knew there would be some disappointment. One of the reasons for asking for a two-year extension is that it was logical to ask for because it was allowed in the first place. However, when you look at a project of this magnitude, we made a commitment to come back with a final development plan, through your process, which could take several months. We have to devote the resources to putting those plans together and finalizing them and maybe learn some lessons from the other projects that are ongoing. Then once we get through that process, then if you can imagine the construction drawings, the permit reviews, those sorts of things that are involved, it is very complex on a project like this. We looked at this, worked backwards, and said what is reasonable to request but also gives us a little breathing room in terms of timing to accomplish all of those elements. Even in the best of time, I would think that all of this would take a year. To get to that point, and I think with the pandemic still ongoing, we are just now getting back to a sense of normalcy where we can start to think about these things. We felt as if this was the best way for us to come forth today and not have to come back in a year and disappoint you again.

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

**MOTION:** Councilmember Bennehoof moved to adopt Resolution 2021-03. Councilmember Counts seconded the motion. By unanimous consent of the remaining members, Resolution 2021-03 was adopted.

Mr. Underhill: Thank you for your support. We have already had a meeting between your new team and our team to talk about some more global things that we want to accomplish through this partnership. We look forward to continuing that dialogue.

**SECOND READING: ORDINANCE 2021-01: AN ORDINANCE TO AMEND SECTIONS 181.13 AND 182.081 TO INCREASE THE CREDIT FOR TAXES PAID TO ANOTHER MUNICIPALITY TO 100%, FROM ONE-FOURTH OF ONE PERCENT (0.25%) TO TWO PERCENT (2%), AND ENACTING SECTION 182.012.1 OF THE CODIFIED ORDINANCES OF THE CITY OF POWELL TO INCREASE THE CITY INCOME TAX RATE FROM THE CURRENT RATE OF THREE-QUARTERS OF ONE PERCENT (0.75%) TO A RATE OF TWO PERCENT (2%) FOR THE PURPOSES OF PUBLIC SAFETY, ECONOMIC DEVELOPMENT, OPERATIONS EFFICIENCIES, CAPITAL IMPROVEMENTS, AND RELATED COSTS. (EX A & B)**

Mr. White: I will not provide the same information again, but if there are other questions that may have come up through our initial conversation, I am happy to answer anything about the financials again. The impetus of this legislation with the policy objective is to restructure the income tax credit to be competitive within central Ohio to be more consistent in the medium range of the 28 local communities. Powell is dead last with its current income tax rate as well as it is very low on credit with .25%. This Ordinance, if approved, is providing for an authorization to place this language, which is very prescriptive, on the ballot. There is a way we would like to write stylistically that really is not an option without providing for some serious liability in terms of whether this would be able to go forward. Therefore, the language we are working with here is prescribed for and very restrictive. I like that we are including the credit to 100% from the .25%. The Ordinance, if adopted, will start the process for placement on the May ballot to restructure the City's income tax rate.

Councilmember Bennehoof: If we find that we are the only thing on the ballot in May and we do not have the appetite for that, what effect does having it on the fall ballot do with respect to our ability to collect revenue in 2022?

Mr. Ashrawi: If I understand your question correctly, there would be no legal effect. We would go through this process again and the date that the income tax would be enacted would still be January 1, 2022. We would have a smaller window on budgeting and planning processes, but nothing beyond that.

Mr. White: It is a distinctive question to ask and ponder. However, as I previously stated at the onset, the conversation we held was the importance and the critical mass of this one substantive issue being a standalone. There could be a cost variable there, but moving forward with the question answered and addressed by the populace in May also provides us with a significant advantage in terms of establishing a new budget document for 2022. The strategy was the importance of the issue being on its own as opposed of one issue tied together with a myriad of other issues and other election considerations. I appreciate the question, but I want to reinforce that the strategy all along had been to address the importance of this question by itself and that there is a cost associated with that.

Councilmember Lorenz: I made this comment a few weeks ago. I am confident that the Delaware County Board of Developmental Disabilities is going to put a renewal on. Tom spoke on this earlier. We have been here for parts of this for maybe the third time now. I have always been one to advocate for a full credit. With the unprecedented growth we are about to potentially, see through annexation opportunities, as well as redevelopment in our community, putting this into place now instead of kicking the can down the road gives us the best opportunity to succeed and put something in place

that is fair and equitable to the voters. As a fiscal conservative, I do not look at this as a tax increase, but a reallocation of funds. These are monies that need to stop leaving our community and come back into our community. I am tired of those monies leaving and supporting other communities. I think it is time that we take care of own. I think that this is the opportunity to do this through this mechanism and the time we need to do it is now. There will be a cost, but as Andy said, there is the cost of doing business. I do not believe it will be overwhelming because I think there will be some other county items on the ballot in May.

Councilmember Riggins: I would like to address the actual proposed language to go on the ballot. I have been communicating with Yaz with questions and I would be grateful if he can address them. My focus is that I would like to have seen the actual language on ballot lead with the 100% credit and go into the tax information. If the person is for the income tax or against the income tax, that the wording be that they would be for the income tax and credit or against the income tax and credit to draw more attention to the fact that there is going to be this credit. I noticed that in the actual Resolution, it puts the credit first.

Mr. Ashrawi: You are correct. As Andy called it in the past, this is a tax restructuring. The important part of that restructuring is that 100% credit. As Tom mentioned, that was not part of prior attempts to restructure the income tax here in the City. We did highlight that in the Resolution title. What we are limited to, in terms of the ballot language though, is dictated by statute. I would direct you to Ohio Rev. Code §718.04(c). That specific code section deals with the authority for municipal income taxes. As we all know, any income tax above 1% must go to the electors. Beyond that, the statute uses the word 'shall' and the ballot 'shall be in the following form' and it then lays out that form. That form speaks only to and primarily to the tax increase. I think it is appropriate to include the reference to the credit in the legislation and even in the ballot language itself because there is nothing that absolutely prohibits it. It also prescribes precisely what the voter is voting for - for the income tax or against the income tax. As Andy mentioned, the further we stray from that statutorily required language, the bigger the opportunity there is for the Board of Elections to throw it out because it is not consistent or compliant with state law. I think there is certainly an opportunity for discussion with Board of Elections to fine-tune the language if that is Council's desire, but I think this is the language that is prescribed and required by statute for the actual ballot language. That is why we focused on the credit in the majority of the documentation and the reporting and Council memo, but for the ballot language, it is a little bit stricter.

Councilmember Riggins: I am not really questioning the language, I am just questioning the order it is in.

Mr. Ashrawi: What the statute says specifically is that the 'ballot shall be in the following form.' Not only does the substance and the language of the ballot matter, but the form and the order of the ballot is prescribed.

Councilmember Karr: I believe this measure is critical to the future of the City of Powell. I just want to stress what I think all of us have stressed, in that 80% of our residents will receive a reduction of their income tax obligation. That is important to every one of us here tonight.

Councilmember Swartwout: I want to echo everything that my colleagues have said. I think it is important to know that for many years a majority of the residents of Powell have had one of the heaviest tax burdens as far as local municipal income taxes. They have had one of the heaviest tax burdens in central Ohio and one of the heaviest burdens in the state of Ohio for people who live in municipalities. To provide tax relief for those individuals who have had such a high burden for such a long time is a key component of what we are doing here as far as classifying this and thinking of this as a restructuring. As Tom said earlier about the percentage of individuals who will see their taxes go up under this proposal, the City of Powell has had one of the lowest income taxes for such a long time and we have grown to have such an incredible quality of life in this City even through that very low tax rate. However, that cannot last forever as the City grows. In addition, you can see it in our streets and, as Tom mentioned, I never want to see it in our outstanding police force and protection that the citizens of Powell expect and deserve. No one on this Council is looking forward to anyone paying any more taxes than is absolutely necessary. That is one of the reasons why this City has been so fiscally prudent for so many years. As we look at our police protection, the parks, the roads, those are all things that add to the values of homes and our community. As you are looking at your home value, your home value is greater when you have an outstanding police force or when the roads are drivable.

Everyone will have a chance to vote on this. We are not passing anything. Rather, we are putting this on the ballot for the people to decide. I think it is important to know that we have a wonderful community and it is important to keep it that way. It is important to know that a majority of the people in the City of Powell will receive tax relief. That is relief for the majority of residents that have paid one of the highest municipal overall tax rates in all of central Ohio.

For those of you who have to pay your 2% to another municipality, say Dublin or Columbus, and then you have to fill out RITA because you have to figure out what you still owe to the City of Powell. Well, guess what? You will no longer have

to figure that out because you will have a 100% tax credit. There are many wins through this proposal yet, at the same time, we are especially cognizant of those who will pay more. However, the simple reality is that because of the tax structure that we have had in place for so many decades where one group is paying a very high percentage and one is paying a significantly lower percentage, there is never going to be a way to get it to balance unless somebody has to pay a little more. However, it eventually has to be rebalanced or the City of Powell will otherwise be in worse shape.

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

Mr. Ashrawi: Just to clarify, this Ordinance will be held over and will be passed, or not passed, after the electors vote on this issue. The appropriate measure would be to either table it or hold it over until it is appropriate to act on it.

Mayor Bertone: I am slightly confused. If this Council desires to move forward tonight, we can move forward with this, or are you giving us information that we should not?

Mr. Ashrawi: We are now only talking about Ordinance 2021-01. We have already passed the Resolution to put this on the ballot. The Ordinance would actually enact the tax and that will not be acted upon until the voters approve or disapprove the tax increase. However, the Ordinance goes hand-in-hand with the Resolution so there will be no action on the Ordinance other than to table it pending the resolution of any vote.

Karen J. Mitchell, City Clerk: The next Council meeting following the May election is May 18, 2021.

Councilmember Lorenz: Why are we going through the exercise Yaz? It is confusing us a little bit. I am sure it is confusing to those that are listening. Is it procedural that we have to have two readings of this Ordinance prior to it being placed on the ballot? I understand the Resolution is the mechanism to put it on the ballot. Can you give me a yes that per Charter we have to have two readings before we can have it voted on?

Mr. Ashrawi: That is correct.

Mr. White: The Resolution authorizing the submission accommodates our requirement to meet the Board of Elections' timeframe of February 3 and that was adopted tonight. The next thing would be the question being put to the voters in May without other action from the City. If the question is answered in the affirmative whereby the credit is increased to 100% and the rate is adjusted from .75% to 2%, then Ordinance 2021-01 will come back to Council at the May 18, 2021 Council meeting for implementation. I apologize because I realize that is confusing, but hopefully this provides some clarification.

Councilmember Swartwout: When we had a similar income tax issue in 2018, we did something very similar in the lead up to the election with both the resolution and the ordinance. When the ballot measure failed, we came back at the next meeting following the election and voted down the ordinance. That is what we will do here with the authorization from the voters at the meeting after the election, and either give it an up or down vote depending on what the voters decide. As previously stated, we cannot do anything. We can only put it on the ballot. It is up to the voters to decide if this is the appropriate measure to take.

Mr. Ashrawi: Thank you Dan. In closing, I will also direct Council, Staff and anyone who may be listening to the specific ballot language, and that says, "Shall Ordinance 2021-01 be passed?" That is what the electors will be voting on.

MOTION: Councilmember Counts moved table Ordinance 2021-01 to a date certain of May 18, 2021. Councilmember Bennehoof seconded the motion.

VOTE: Y 7 N 0

**FIRST READING: ORDINANCE 2021-02: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A COOPERATIVE AGREEMENT WITH DELAWARE COUNTY FOR THE PURPOSE OF ESTABLISHING A MAINTENANCE AGREEMENT FOR TRAFFIC SIGNALS ON THE REGIONALIZED TRAFFIC SIGNAL SOFTWARE SYSTEM (CTSSS). (EX A) (MEMO)**

Mr. White: I want to recognize the engineers who initiated this conversation last year when we were noticed that the traffic signalization system that was maintained by the Department of Transportation was being transitioned. The County has stepped up into the void and offered us the opportunity to join in their partnership for the maintenance of the traffic signalizations. We brought this back and had several conversations last year. Jeff has overseen some of that conversation, but I thank Staff for putting this together.

Chris Huber, City Engineer: As a brief history of our coordination on Sawmill Parkway, we have had our signals



coordinated with Delaware County on the ODOT system since around the early 2000s. ODOT was kind enough to allow us to be on their licenses. Last year, ODOT has asked all of the municipalities to get off their system, I assume because they may be running out of licenses. We have collaborated with Delaware County to collectively put our signals onto the same coordination system that we have now, but it will now be on our servers to handle these systems.

Some of the benefits you have is the synchronizing of the signals from intersection to intersection. We do get alerts to our desktops with things like a dead battery backup, if the lights are in flash, that sort of thing. We can adjust the signal timings locally if needed. The initial startup cost for the first year is \$14,000 and that will handle most of the software integration and the license. Every year after that, it is estimated at about \$2,900 for the annual software and maintenance fees. We have included it in this year's budget, so it is available with our budget.

Councilmember Bennehoof: Is that annual maintenance based on signalized intersections or is it a flat fee?

Mr. Huber: It is a flat rate based prorated on the number of intersections the City has. As such, we would have a lower rate than the county would have because we have fewer intersections. If we add intersections, our costs would go up and the cost would be adjusted accordingly.

Councilmember Lorenz: Development Committee did look at this and unanimously recommended approval. One of the questions I always get asked is why are the signals so out of whack on Sawmill Parkway north of Powell Road. Specifically at Village Club Drive and Moreland Street. Chris walked us through that process at the Development Committee meeting, which was very good to understand. I hope that this agreement will help with some of those timing issues. One of the things I am asked all the time is if I am driving to the airport at 5:00 a.m., down Sawmill, how come the minute somebody pulls up on Rutherford Road or Seldom Seen Road, my light changes. Chris explained how the lights go through a cycle and waiting for some action to be taken by east-west bound traffic and that is why we are seeing those signals act this way.

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

MOTION: Councilmember Bennehoof moved to suspend the rules on Ordinance 2021-02. Councilmember Counts seconded the motion:

VOTE: Y 7 N 0

MOTION: Councilmember Bennehoof moved to adopt Ordinance 2021-02. Councilmember Counts seconded the motion.

VOTE: Y 7 N 0

## COMMITTEE REPORTS

**Development Committee:** *Next Meeting: February 2, 2021, 6:30 p.m.*

**Finance Committee:** *Next Meeting: February 9, 2021, 7:00 p.m.*

**Operations Committee:** *Next Meeting: January 19, 2021, 6:30 p.m. We met tonight. Many of you joined us so I will keep this short. We initially discussed our 2021 Community Attitude Survey. Marty Saperstein provided us a draft for this year's survey so we reviewed that. We essentially gave that draft a thumbs up with two exceptions that we will clarify later. We will bring this to Council soon. We did a quick touch on our IT Services Agreement and how we are going to proceed going forward. We discussed Seldom Seen Park and some of the rebranding opportunities and opportunities for engaging some of our local students to help us move that forward. We talked about the fee schedule for the entire park system. It was a good time to go back and revisit that based on the opening of Seldom Seen Park and the new facilities that this brings to the table. We reviewed a draft that Staff work on regarding facilities rentals, fee rentals and field rentals. We will get a fuller draft at our next meeting. We talked about moving forward with the Community Diversity Advisory Committee and appointing members to that. We received seven applications. We will move forward with reviewing the applications and reviewing the next steps as far as appointing members to that committee. There was a quick update on the Powell Citizens Academy and there will be more publicity to that coming soon. Finally, we briefly touched on revising and updating our Council rules.*

**Planning & Zoning Commission:** *Next Meeting: February 10, 2021, 7:00 p.m.*

**Powell CIC:** *Next Meeting: January 26, 2021, 7:00 p.m.*

## CITY MANAGER'S REPORT/CITY CALENDAR

Mr. White: With the movement on Resolution 2021-01 and the tabling of Ordinance 2021-01, Staff will reconvene with anyone who is interested relative to that specific question on the community survey. Now that this action has passed, we will want to get together and get that right back out to you.

I appreciate Council's consideration and extension of the OSU timeline. I did want to note, as Mr. Underhill had pointed out, our teams have met and had conversations. They have some personnel that are working on our process that have

had firsthand primary experience with the City of New Albany and its wellness facility so there was a natural interest in the efforts that City Council has recently endorsed, so I thought that was exciting.

I will be working with Mr. Schulling, the Liberty Township Administrator, to coordinate scheduling a Committee Meeting of the Whole.

#### OTHER COUNCIL MATTERS

There was none.

**EXECUTIVE SESSION** – Ohio Rev. Code §121.22(G)(1) Personnel Matters – Appointment of Board & Commission Members and Ohio Rev. Code §121.22(G)(8) Economic Development.

MOTION: Councilmember Bennehoof moved at 8:51 p.m. to adjourn into Executive Session pursuant to Ohio Rev. Code §121.22(G)(1) Personnel Matters – Appointment of Board & Commission Members and Ohio Rev. Code §121.22(G)(8) Economic Development. Councilmember Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilmember Bennehoof moved at 10:06 p.m. to adjourn from Executive Session into Open Session. Councilmember Counts seconded the motion.

VOTE: Y 7 N 0

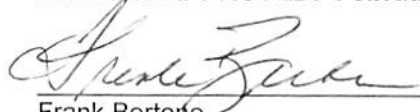
#### OPEN SESSION

MOTION: Councilmember Bennehoof moved to reappoint Gregory Short and Randy Duncan to the Board of Zoning Appeals and to reappoint Erin Wesson to the Historic Downtown Advisory Committee. Councilmember Lorenz seconded the motion. By unanimous consent of the remaining members, the motion was adopted.

#### ADJOURNMENT

MOTION: Councilmember Bennehoof moved to adjourn the meeting at 10:08 p.m. Councilmember Counts seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

**MINUTES APPROVED: February 2, 2021**

  
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Frank Bertone  
Mayor

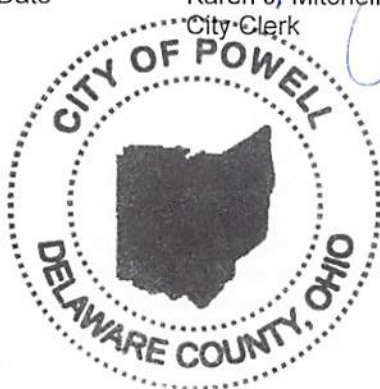
Date

2/16/2021

  
\_\_\_\_\_  
Karen J. Mitchell  
City Clerk

Date

2/17/2021



#### City Council

Frank Bertone, Mayor

Jon C. Bennehoof

Tom Counts

Heather Karr

Brian Lorenz

Melissa Riggins

Daniel Swartwout