



**CITY COUNCIL  
MEETING MINUTES  
March 16, 2021**

**CALL TO ORDER/ROLL CALL**

A regular Zoom meeting of Powell City Council was called to order by Mayor Frank Bertone on Tuesday, March 16, 2021 at 7:30 p.m. City Council members present included Jon C. Bennehoof; Frank Bertone, Tom Counts, Heather Karr, Brian Lorenz (via Zoom), Melissa Riggins and Daniel Swartwout. Also present were Andy White, City Manager; Thad Boggs, Legal Counsel; Stephen Hrytzik, Chief of Police; Karen Sybert, Finance Director; Jeffrey Tyler, Community Development Director; Claudia Husak, Planning Director; Elise Schellin, Development Planner; Chris Huber, 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: March 2, 2021**

MOTION: Councilmember Counts moved to adopt the minutes of March 2, 2021. Councilmember Lorenz seconded the motion. By unanimous consent of the remaining members, the minutes were adopted.

**CONSENT AGENDA**

**Item**

*Departmental Reports – [February 2021](#)*

**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 2021-05:** A RESOLUTION SPECIFYING THE MUNICIPAL SERVICES TO BE FURNISHED TO 35.336 +/- ACRES, MORE OR LESS, LOCATED ON THE SOUTH SIDE OF HOME ROAD BETWEEN THE CSX RAILROAD TRACKS TO THE WEST AND OLD LIBERTY ROAD TO THE EAST, WHICH IS PENDING ANNEXATION TO THE CITY OF POWELL. ([EX. A](#)) ([MEMO](#))

Andy White, City Manager: This is the Redwood development that Council is aware of. It has gone through the normal process in awaiting final annexation into the City. Unless Jeff or Chris wish to add anything to this, I believe we are ready to go. This sets in motion the continuation of the process to annex in 35+ acres.

The overall project is around 330 units. There is a commercial component proposed along the frontage of Home Road. The site relates a number of challenges with drainage and with previous use; some environmental conditions are to be taken care of as part of this. Staff has met consistently with the applicant in an effort to make improvements to the proposal in preparation for final development.

Councilmember Swartwout: Where are we at in this process in Planning & Zoning?

Jeff Tyler, Community Development Director: I believe they will be presenting at the next P&Z meeting for a final development plan and rezoning.

Claudia Husak, Planning Director: Actually, we are at the preliminary plan development stage. Given the volume of this

application and the detail provided, we have asked the applicant to give us a little bit more time in our reviews. The first P&Z meeting in April is the tentative schedule.

Councilmember Swartwout: So the first P&Z meeting is in April and is the preliminary development plan, the sketch plan, correct?

Ms. Husak: It is the second step in the process, so the sketch plan happened in 2019, so we are now at the preliminary development plan and that is what the Commission will be seeing.

Councilmember Swartwout: They initially withdrew in 2019, so when they withdrew, they were not required to start again, but pick back up?

Ms. Husak: We are having those discussions with them. Staff has strongly urged them to come back to the Planning Commission with a sketch plan, especially because it has been so long. I am not certain that they actually withdrew. I think the sketch plan is one part of the application process and that part ultimately was completed at the Planning Commission level.

Councilmember Swartwout: When we look at the resolution here for street maintenance and repair as one of the municipal services to be furnished, what need for street maintenance and repair are we potentially seeing? Is this just boilerplate language? I assume that they are all private streets, correct? [Ms. Husak: Correct.] So what exactly is the street maintenance and repair that we are resolving to provide?

Ms. Husak: I am assuming that this is boilerplate language as part of the resolution for municipal services.

Councilmember Counts: The provision of services is just one of those steps as part of the annexation process and, unless we said we could not provide services, in which case the whole annexation process would probably stop, it really does not affect the rights and responsibilities of the two parties and what they did with the pre-annexation agreement, is that accurate?

Thad Boggs, Legal Counsel: Yes, that is accurate.

Councilmember Lorenz: I would just add that the annexation request has gone through Development Committee and was approved. I think Dan raises some good points. I think we are definitely interested in the property and the development that ends up there will be vetted through the process that we have established.

Councilmember Swartwout: I am looking at the cover memo and it says, 'as of yet, undefined commercial component.' Is there any movement on what that might be? One of the concerns I have with that is that in the past we had some undefined commercial components as it related to the development process with Powell Grand and five years later, we still have vacant out lots. Therefore, I am very interested in moving that from undefined to slightly more defined. I would hate for this to go through and then in 2026, we still have a vacant lot there.

Mr. Tyler: Claudia, Elise and I did sit down with them and discuss that very issue. They have preliminarily defined assisted living, memory care-types of uses, but it is still in a to-be-determined situation. As part of this staff review, that is what we are trying to nail down with them so that we can give a more definitive answer to that.

As Claudia stated, with the review that they submitted, there remains many outstanding issues that we have to work through.

Councilmember Lorenz: I would submit that a proforma of economic development, economic positive impact, was provided to Development Committee. Dan, I do not remember exactly when – perhaps August – that seemed to be in line with the uses Jeff just cited. Like you, I am concerned for the commercial valuation and that being the best use for our residents as a tax generator. There is some information out there, but to Jeff's point, I think it is still matriculating.

Councilmember Bennehoof: I imagine that a commercial property would be public streets on the front of it, but I do not know that. I know it is not a requirement.

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

MOTION: Councilmember Bennehoof moved to adopt Resolution 2021-05. Councilmember Counts seconded the motion. By unanimous consent of the remaining members, Resolution 2021-05 was adopted.



**FIRST READING: ORDINANCE 2021-04:** AN ORDINANCE APPROVING A MAJOR AMENDMENT TO AN APPROVED DEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 265 N. LIBERTY STREET AS SUBMITTED BY LAFONTAINE ARCHITECTURE & DESIGN, INC. ON BEHALF OF EYECARE PROFESSIONALS. (EX. A) (MEMO)

Mr. White: Elise and I started working on this in the spring of 2020. It is a good story. We have a business located outside the City looking to expand into a vacant building that we have in the midst of our downtown. We are excited about that. They are looking to making some modifications to the building that do require this amendment process to be considered. We have received some input of concern from some of the adjacent property owners and I understand there may be some people present to give public comments on their concerns.

Mr. Tyler: We have had some discussions with both the doctors and the architect concerning this and it is been extremely positive as far as their willingness to work with us on some of the issues that came up with the public works.

Elise Schellin, Development Planner: This project is located at 265 N. Liberty Street at the intersection of Liberty Street and Grace Drive. You probably know the building as the EyeThink building. The original development plan was approved in 1995 for EyeThink, the graphic design [firm]. It has been sitting empty for a while now. Eyecare Professionals bought the building and property to the north. They are hoping to make this building their new office and relocate from Liberty Township.

They are proposing an addition of 1,600 square feet to the north side of the building as well as some site improvements, which would include relocating the site access to line up with the Grace Drive light. That will help with safety issues there with left-hand turns getting in and out of the site. They are also proposing a shared parking agreement with the property to the north, which they also own, to help provide some overflow parking. There are some items to be approved by Staff, including the signage plan, landscaping plan, lighting plan, and the dumpster location.

This proposal is highly recommended by Staff. Planning & Zoning unanimously voted in favor of this plan.

Councilmember Bennehoof: I am thrilled that a business is moving into Powell. I am also thrilled that a building is going to be reused.

Councilmember Counts: Like Jon, this is a great use for an existing building. They are actually going to be expanding which is good news. Most importantly for me was that several years ago, Frank and I were involved with an attempt to try to align the driveway with EyeThink at that stoplight. We could not come to an agreement on that. This project allows us to do that and I think that is a very important thing to the City.

Mayor Bertone: I do recall those conversations very well, so yes, it is a good reminder of trying to correct the issue that is there with the public safety issue in aligning it to Grace Drive. It is a good step in the right direction, as well as the business impact.

There are some concerns noted that were not captured at the P&Z process, if I understand, but that is what we have this two reading process for.

Councilmember Lorenz: Thank you Tom for bringing that up because I remember how we deliberated on the alignment, so I am pleased that these folks are planning to do that.

Elise, can you talk a little bit about the dumpster concern? I do not see it in the packet.

Ms. Schellin: I think it was something that was just discussed in the P&Z meeting. One of the Commissioners brought up that they did not see where the dumpster was going to be located on this site plan. I believe it is currently located where the northern addition will be going, so they will need to find a new area for that dumpster, and it is yet to be defined.

Councilmember Lorenz: I just want to make sure that the neighbors are not disenfranchised and we are not putting something up that is going to be unsightly to them. I am sure that Planning Commission has vetted that out appropriately.

The Mayor opened this item to public comment.

Bruce Halley, 55 Brookehill Drive: I am here tonight representing the Brookehill Village Condominium Association. I am the president of the board. I am here to speak on behalf of our association regarding this Ordinance that is calling to amend the current plan for the property at 265 N. Liberty. For those of you that may not be familiar, our street is just north of this

property on the same side of the street. We believe we are probably the closest residential community to this building.

We are not opposed to the project. We like the idea that we are bringing business back into the Powell and that this building is not going to be empty. We do have some concerns that are predominately visual and audible noise concerns. In particular, we have four units that are located at 21 & 27 Brookehill Drive and 35 & 41 Brookehill Drive that face north but the south side of their units look south and directly toward this property. We are concerned about what these changes will do to their view as well as what it might do to their property values long-term. There is really nothing screening the view, particularly units 21 & 27, from the property today.

I do not think we were aware of this project when it was discussed at the Planning & Zoning Commission in December. If we were noticed, we did not realize it, and so we missed that. Since then, we have had a chance to go back and review the minutes from that meeting in some detail to understand what the discussion was. I think our primary concern was that there seemed to be a number of things discussed, but I do not know that the developer ultimately agreed to them. I wanted to ask Council to be aware of our concerns as you consider this Ordinance.

The first item was the sign. There was a sign proposed on the rear west side of the building, which would be facing into Adventure Park. The plan shows that the dimensions of this sign will be approximately 50 square feet, which is larger than the current City Code allows. The actual surface area of the sign is less than that, but if you look at the overall outside dimension, it is larger. This sign will be visible from the units that I already mentioned as well as from the park. During the discussion, the developer's architect acknowledged that this sign was extra and indicated a willingness to change from that proposed graphic sign design toward a smaller sign or just lettering over top of the west entrance. We would ask that they go that way. They even had a rendering in their package, on page 17, which showed the entrance with a canopy and just lettering on it. That would be much more attractive and appealing to us. Therefore, while it was discussed, we did not see any evidence that it was agreed to at Planning & Zoning.

Secondly, the existing parking lot holds spaces for 16 cars and their proposed lot will hold 32, so they are doubling the size of that, including changing some routing. Then they are also going to connect it to the smaller lot behind the house located at 267. Our concern is that this will allow people to exit that way and back to Liberty Street and then we are right back into having to make a left-hand turn across traffic maybe just a 100 feet north of the intersection at Grace Drive and Liberty Street. Connecting to that second lot is troubling to us and we would encourage that you do not do that or prevent people from going out that way. Additionally, it will bring those cars right across the backyard of the units I mentioned earlier.

Finally, while there was discussion of a landscaping plan, nothing was documented in the agreement of what that would be. We would ask that there be some considerations given in reviewing that plan to include some additional screening to cut down the visual impact as well as noise impact.

Those are the three main points: the sign, traffic flow and parking, and landscaping.

Sandra LaFontaine, LaFontaine Architecture & Design, 5844 S. High St., Worthington: I am the architect on this project, was at the December Planning meeting, and am familiar with all the items that Bruce has brought up tonight. A couple of the items we are still working on and we have to coordinate with Staff. One of those items is the signage. We are aware that having the sign on the front and back is over what is currently allowed for signage. We were planning on going to a smaller sign in the back and then have the larger, lit sign in the front. Therefore, that should not be an issue because that is the direction we were already going. We just need to coordinate with Staff and get some drawings in, but we have not gotten that far with this issue.

There will be a landscaping plan coming. I do not know to what extent the owners are going to landscape. We were looking for a little bit of direction from Staff on what that might be. We are more than happy to do that.

The business is optometry, so they are not open after about 6:00 or 7:00 p.m. so it will be empty and all the lights will be off after those hours other than security lights. If it had been up to me, I would have been perfectly happy to stay with 16 parking spaces. Unfortunately, based on the use group and the number of people, the requirements are actually for more than what we have provided. We are a couple spaces short. Therefore, that was out of our control.

I believe I have addressed the main concerns, but I am happy to address any other outstanding issues.

Mayor Bertone: Thank you for your feedback. It is much appreciated. As you have noted you have articulated many changes that have been made. As you continue to work with Staff, we will be interested in the feedback of those conversations.

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

**Councilmember Counts:** I recognize that Staff is relatively new so they may not have this information, but has there been any noise complaints when EyeThink was operating there? I was curious if anyone knew whether there is a greater use by virtue of this expansion such that there is a lot more people that are coming into this property than what there was with EyeThink?

**Mr. White:** We have not had any direct input on this that I am aware of. I believe, Sandra, you can help me if I am off, but I thought there was about 12-13 fulltime equivalents that would be operating within the business. I do not have any historical context Tom. From my vantage point in judging the space, I think that would probably be adequate and I would not expect to have the type of complaints in the future based on the use as an optometry office.

**Ms. LaFontaine:** I think it was once a graphic design firm and I believe at their largest, they may have had 12-13 employees and that was a daytime business, as this will be. They are not open on weekends or after hours. It is strictly a 9:00 a.m. to 5:00 p.m. type of business. There probably will be more people coming in and out now because they do see patients; however, it is not a noisy type of space like a restaurant would be, for example, so I do not expect there would be any additional noise.

**Councilmember Lorenz:** I wanted to ask a couple of questions first and then I will add my comments after. Elise, Jeff or Claudia, the site is zoned Planned Commercial, correct? [Ms. Schellin: I believe so, yes.] Is this considered part of our historical downtown or is this outside that? [Ms. Schellin: It is just north of the historic district that stops on the south side of the Adventure Park entrance.] I believe EyeThink was constructed in 1995; do you happen to know when the adjacent condominiums were constructed? [Ms. Schellin: I do not know the year, but I think it was sometime after 1995].

**Ms. LaFontaine,** you mentioned parking based on the use group, are you referring to mercantile use, business use out of the Ohio Building Code or are you talking about our Zoning Code? [Ms. LaFontaine: That would be Powell's Zoning Code.] Are your clients amenable to modifying that sign that would be on the west elevation? It seems to be a little much and really does not fulfill a purpose other than advertising. I understand that, but is there any willingness for them to limit the square footage of that or perhaps not aluminize it during non-business hours to help with the Dark Skies Ordinances and appease the adjacent property owners? [Ms. LaFontaine: Do you mean the back entry?] Yes, facing the park.

**Ms. LaFontaine:** Yes, that is the one I was talking about that we are willing to take off and we would instead have small letters going across the new canopy that is over the new entry. If we are allowed to and can do it, we would be happy to shut off the parking light at night when they go home. There is no reason for lighting after they leave the facility.

**Councilmember Lorenz:** Under Section 1, Item 1 of the Ordinance, it indicates that the applicant is going to be responsible for acquiring a new traffic arm and a light to align that with Grace Drive. That is a huge win for us. That is a big investment for this applicant to bring forward. That is really going to help the flow of the entire area. I think that by implementing that new arm and the new light, it will help appease and drive the traffic out that way, so while I understand the concerns of the condo owners, I really think people are really going to come out that way and look for that as an access point, especially since they are putting in that light.

As far as landscaping, we have some new Staff. We have Elise who is well versed in the Code. I want to assure the residents that we have some very high standards for landscaping, especially with between uses and so all of the concerns that were cited for noise and headlights and those sorts of things I am comfortable that they will be remedied through a significant landscapes screen that the applicant is required to do through the Zoning Code. Most importantly, this is a fantastic win and an example of a small business wanting to come into the City and help with the financing of our commercial tax base so I am thrilled that this applicant has decided to put those investment dollars into our community. We are grateful that they will be here.

**Ms. LaFontaine:** I would just add that the owners, Dr. Miller and Dr. Cooley are very excited to be here as well.

**Mr. Halley:** The condominiums were built in 2002 and began to be occupied in 2003. It has been an ongoing process, we just recently finished up with the development, and the construction is now complete. I have lived at this location for almost 8 years, so I have had a chance to observe things and in that time I have never seen more than three or four cars there at one time. I think their staff numbers were already down from where they may have been earlier. Therefore, we feel this is a significant increase in the number of staff of people working there and now we will add the flow of customers coming in and out. We love the fact that it is going to come to the light instead of dumping out onto Liberty, but I reiterate my concern that because of the parking and the volume of customers, there will probably be cars parked behind the white house if they connect those lots. Somebody will invariably go out that gravel driveway at the white house and try to turn left across



traffic.

Would it be possible for us to be consulted on the landscaping plan?

Councilmember Lorenz: Bruce, I think your concerns are valid, and I appreciate that. I think if you stay in touch with Staff, you will find we are a transparent organization and they would be more than willing to talk to you guys and allow you to review the plans that are presented. We do have a code that we need to follow. As a councilmember, as well as a former Planning Commissioner, I can state that we have a robust landscape ordinance specifically where it varies between uses. Not only Council, but Staff also cares about keeping the quality of life within the developments that abut each other. I am sure that if you speak with Jeff, Claudia or Elise, they would be more than willing to work with you as we go through the final processes.

Mr. Halley: I will pass along my contact information through Karen [Mitchell, City Clerk]. I also wanted to thank Sandra on her comments on behalf of her clients to change the signage on the back of the property to just the lettering.

Councilmember Riggins: Under Section 1 of the Ordinance, in the first paragraph, I am concerned if the wording should be amended to state, "Applicants shall be responsible to acquire *and install*..." The way it currently reads is that they just need to acquire it. I think there should be specific language that states that they install the light. I do not know if there was any thought put into that or why it is written this way, but that is something I would want to make sure is clear in this document.

Mr. Tyler: We are working with the owners on that very issue to provide clarity on the light itself and how that will be executed. We can change that, but I can let you know that we are in discussions right now, on how that is going to be executed.

Councilmember Riggins: We all know that things can go awry and if this is what we are voting on, I think we need to specifically say they are responsible for the installation.

Councilmember Bennehoof: I would point out that item 2 talks about the installation.

Councilmember Riggins: That is just to coordinate the installation with the City. We need to make it very clear who is paying for this installation. I do not want this coming back somewhere down the road.

Mr. Tyler: Initially the responsibility does fall on the owner to both pay for and to install. What we are working with them on is some cost recovery for that through a possible economic development incentive because they are moving into the City, we felt that was pertinent and prudent to work with them on that issue. We certainly can put that burden on them for the acquisition, installation, and then work with them on the other issues if that is Council's wish.

Councilmember Riggins: I think that is the appropriate way to do it. I think that is probably the intent. It is just not the way it is written and it is not what we are going to be voting on.

Ordinance 2021-04 was taken to a second reading.

**FIRST READING: ORDINANCE 2021-05: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH OHM ADVISORS FOR DEVELOPING THE CAPITAL IMPROVEMENT PLAN, TO APPROPRIATE MONIES, AND DECLARING AN EMERGENCY. (EX. A)**

Mr. White: This Ordinance is something we have talked about for several months now as part of an effort moving forward. We had a recent conversation with the Finance Committee and we now bring it back to Council for consideration of adoption. There was significant conversation about the financial implications. I would point out by way of establishment Ordinance 2021-05 includes an appropriation. The total cost of this project is anticipated to be \$68,000. It is available within the appropriating Ordinance and the 2021 fiscal year budget.

This went through review and included Brian Lorenz as a member of the Development Committee. We solicited our fee, entertained conversation with several specific entities, and ultimately Staff compiled a scoring matrix to arrive at OHM, which is why it is before you. Staff would like to move forward with adoption in order to get busy working on this actual effort. It is a significant cost, but I think that cost is going to increase as we move forward. If this were successfully adopted, our effort would produce a result that would bring specific cost estimates designed in prioritization of capital infrastructure that needed to be funded within the City. I think that lays out well with some of the things we are thinking about with regard to the budget, with the issuance of debt and additional dollars available to us through the CARES Act Fund but anticipated resources that could come by way of the new restructure, the City's income tax. I will turn it over first

to Chris [Huber, City Engineer] or Jeff and from there to Russ Critelli from OHM who is with us to discuss the specifics for Council.

Mr. Huber: I just want to reiterate the important aspects of the CIP plan. As you know this will be a tool for our budget for large capital projects, equipment, traffic, parks, building facilities; not just roadway projects, but the City as a whole. I think it is important that the CIP plan is based on our community goals and our resources, and this plan will put those two together. That is what we lacked over the years is that second component of a financial part of the plan. I am excited about this. It does not mean changing the Keep Powell Moving Plan, but rather it will compliment that as well as our Comprehensive Plan and pull in other projects that we are thinking about. We are not a community that simply wants to keep traffic moving, we want to invest in other parts of our City as well and we believe that this will accomplish that.

We anticipate this process will take approximately seven months to do. It will involve a committee advisory of three or four meetings. It will involve community input, putting the plan together with community buy-in. It has been about 5 years since we did Keep Powell Moving and there are many different views/tweaks that I think we can make to that which will give us that platform. There are five phases to this plan. We have Russ here tonight for the benefit of those Councilmembers that were not at the Finance Committee to detail the proposal.

Russ Critelli, Principal, OHM Advisors: To follow up and give some background on this, we did do some presentations on this and to recapture some of that discussion, I am Russ Critelli with OHM Advisors, as mentioned, but in this capacity, I am project manager for the project with resources coming from our Columbus office on the project. OHM is a full service architects, engineers and planners with a resource team of approximately 500 in 17 offices. Therefore, we are well versed. However, the key message I want to pass along to you is since the 1960s, OHM really developed its core business services and model of performing in the capacity as an extension of the city office as municipal engineers. What that tells you is we have a long history and not us re-experimenting or reinventing the wheel. There is no learning curve on our part. We have honed our skills in doing this and right now, we represent twelve other communities in Ohio. It is building a CIP that is comprehensive, and provides the community and the decision makers with a very objective tool to use in something that can be repeatable from year-to-year for the purposes of identifying funding, budgets, etc.

We initially intend to listen and learn, but we understand that there are some great tools already developed and Keep Powell Moving is one of them. We will utilize those types of efforts to capture, extract, and move along further into the process. As mentioned, this is a very comprehensive process in the sense that we will investigate, listen, develop tests, refine and implement. The key being there will be some iteration of process, which involves advisory people that are determined by the City itself, and there will be some public outreach too. In addition to the funding component, another key piece is something that is not typically done on CIP and we know is missing, is developing a criteria based program so that you can prioritize. Therefore, we take a developing, weighted scale, refine the process so that now the City's constituents and the leadership have predetermined what the key priorities are for the community going forward and, of course, that is dynamic, fluid, and can change, but it is a criteria-based CIP that can be prioritized and aligned with funding.

Councilmember Riggins: My question is what makes this an emergency and why we would be voting on a rules suspension?

Mr. White: We have been talking about the establishment of the CIP since last fall. We came out of the administrative goals that were brought to Council and the process that we have gone through to this point has been lengthy. In order to begin a seven-month process that was just outlined, it would be beneficial for the consideration of suspension of the rules. If Council is uncomfortable with that, or if there are additional questions, I am happy to continue the deliberative process, but would appreciate some haste in order to move forward and line up some of our financing.

Councilmember Riggins: What I do not understand is that if you take it out for a second reading in two weeks, is that going to seriously impede anything?

Mr. White: I do not think it will impede anything, though I would ask that you consider if it would benefit anything either? We had a lot of conversation at the Finance Committee meeting. If there are additional specifics that you would like us to go into, I think that would be well served, but I think we could handle it either way.

Councilmember Riggins: My concern is that it is \$68,900 and I believe the public is entitled to a second hearing. I am not specifically saying there is anything more that needs to be done or anything like that. I am just having some trouble understanding where the emergency is that this cannot wait until after our next meeting.

Mr. White: And I think that is Council's prerogative, just as it is Staff's prerogative to put it before you on the request. I am happy to entertain whatever Council wishes moving forward. I would add that the longer this type of an exercise is delayed,

it could incur more costs, but there is a lot at play and there is a lot of substance to this discussion.

Councilmember Counts: At our Finance Committee meeting, I think we had a robust discussion about the nature of what they were intending to do and got many questions answered. One of the things we did talk about at length was when the appropriate time to start this process was. This is a long process. I think one of the things that I thought a lot about in the weeks since our last Council meeting is that the City will be receiving funds because of the relief package. If you remember back in 2010, or so, we had to have these shovel-ready projects. There is a deadline in order to identify projects and actually spend the money for this latest package. What doing this plan now gives us is the ability to say we have now identified projects that meet the criteria and are ready to start. Most importantly, because of the preliminary engineering that they are doing, we have some good numbers. I suggest that you almost have to start now in order to get to that point where you have projects that are ready to use the dollars that we have been allocated. That changed my mind in terms of why it is important to do this now.

The other thing I would say is we have done this before, we have done this in-house, and we have done it with existing Staff. It was somewhat of a crude process and did not involve the public as much as I think this process will do by experts who do this regularly. If we rely on Staff to do this in order to save money, then that means something else is not being done or it means that this is not being done quite as well. That is the reason why I believe it is appropriate and it is appropriate to do it now and let Staff figure out exactly when it starts.

Councilmember Riggins: My question is not the validity of the actual contract and what we would be entering into. My issue is with asking us to suspend the rules and forgo a second reading for the public and declaring this an emergency measure necessary for the preservation of the public peace, health and safety of the City and its inhabitants. I do not see how this fits this or why we cannot wait two weeks for a second reading.

Councilmember Bennehoof: It is less than half a percent of our total budget, I think. I am inclined to suspend the rules.

Councilmember Swartwout: Tom is that a hypothetical based on what happened in 2010, or are there actual provisions that state that we need to identify shovel ready projects by a date certain in 2021?

Councilmember Counts: What I understand in this latest package is that you do have to identify projects and actually spend dollars by a certain time.

Mr. White: Essentially, I understand that a second round of payments will be made to the City, half in 2021. The second half in 2022, and all funds to be expended by 2024.

Councilmember Swartwout: I am not saying I am for or against suspending the rules, but would the additional 3 weeks when we have our next meeting effect these deadlines? Tom made it sound like these deadlines would be effected if we did not do it tonight.

Councilmember Counts: That is not what I said.

Mr. White: In my mind, I thought the bigger issue was just moving on, activating the project and that activation I cannot say is going to be impacted if the emergency is not enacted to Melissa's point. However, I will fall back again on Staff's recommendation which would be to go ahead and proceed with the understanding of where Council has the right to exercise the suspension or to preserve a second reading. I will not state that the project timeline would be upset if we did not do that. I think there is an expedience relative to the rules that would be beneficial to us, to the community, and to the consultant. However, I am comfortable having the conversation again on April 6.

Councilmember Karr: One of the things discussed in Finance Committee was the timing of this, which Andy has addressed somewhat, but the timing of it in light of the ballot measure and Staff. Staff will be required to work on this. Andy, you were going to look into this and get us some answers as to Staff commitment.

Mr. White: I do not think that the Staff commitment would be impacted by anything coming up later this spring. I think Staff will be supplemented by this addition and it would be beneficial as opposed to a negative.

Councilmember Lorenz: My peers had appointed me to serve on the committee to make a recommendation for the consultant, I might be a little bit closer to this in a different regard. I am all for as much transparency as we can give to our residents and I appreciate Melissa's comments. My feeling is that I am okay with approving this by an emergency measure. Heather hit on it earlier. I think all of us collectively and individually know what projects need to be financed, what our priorities are – which we have laid out – and we have an excellent Staff that has worked on this, as Tom indicated. However, we are going before our constituents in about 50 plus days to ask for a credit modification to our income tax



which many of those monies that would be re-funneled back into the City would help pay for these projects. To go back on transparency, I think it is important that we have that message available for our residents so they know exactly what they are going to get. That is why I would advocate for passing this tonight. I know it has been spinning around for a few months, but things in government take time and the quicker we can get this kicked off and rolling, I think the better off we will be for it.

Councilmember Counts: I would like to clarify one issue. My understanding is the suspension of rules is one issue. Declaring an emergency is another issue. Suspending the rules would just take us to the next meeting. However, the emergency is the difference between being effective immediately or effective in 30 days. [Mr. Boggs: That is correct.] As you think about this, you need to build that in if we are lumping these both together.

Mayor Bertone: I think we had a great conversation on this at Finance. Mr. Critelli thank you for all the detail. I am excited about this opportunity whether it is tonight or at a future date. The point is there has been a lot of work over the years with our capital improvement plans and things of that nature. However, to get to this level of regularity, I am excited to see that give us somewhat of a running map as to how we will execute on a go-forward basis.

I agree with Brian. I think it is great to share with the community sooner rather than later as to what they are going to see for their money that is being invested. I challenged Andy after the Finance Committee meeting to understand where your Staff is. If you feel that you are in the best position to execute and execute now, then I am okay.

Brian called out another big initiative for me and that is May 4. It is only 47 days away now and it is quickly approaching. To that extent, I think time is of the essence on these opportunities for us to properly address them. Andy, we had this in the budget last year, correct?

Mr. White: Yes. It is within the Engineering Department.

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

MOTION: Councilmember Counts moved to suspend the rules on Ordinance 2021-05. Councilmember Bennehoof seconded the motion:

VOTE: Y 6 N 1 (Riggins)

MOTION: Councilmember Bennehoof moved to adopt Ordinance 2021-05. Councilmember Counts seconded the motion.

VOTE: Y 7 N 0

**FIRST READING: ORDINANCE 2021-06: AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$6,400,000 VARIOUS PURPOSE LIMITED TAX GENERAL OBLIGATION REFUNDING BONDS, SERIES 2021A (FEDERALLY TAXABLE), AND DECLARING AN EMERGENCY.**

Mr. White: Perhaps this warrants a different conversation down the road as it relates to the parliamentary procedures and Thad or Yaz could probably help us. I think different communities utilize the emergency provision within this process differently. Perhaps that will help my understanding of how Council wants to go forward with that in the future.

This is the first reading of Ordinance 2021-06, Ordinance 2021-07, and Ordinance 2021-08 and all interrelated. I think it is important to consider them together, albeit this is the first item. The discussion for you tonight is mainly relative to timing. Right now, we are seeing the first significant volatilities within this bond and market that we have seen in some time. Since we have discussed this, it has moved a little bit. There are some additional opportunities for it to move in the future, which is why the timeline before us tonight and providing for the issuance of these items is imperative to the timing of the schedule. We had started this conversation in the fall and picked it up again along the time we started talking about the income tax initiative to try to provide some additional relief for our constituents before this window closes.

The first item is on a 2011 series of bonds equal to \$6,400,000. The second item is for the 2012 series and is in the amount of \$8,135,000 and the third item would be a consolidation of those two items. Essentially, if this is acted upon tonight, Council starts the process to consider what of those three items the best option is and to attack the availability of very competitive interest rate. The provision of the issuance at this point does not lock Council into anything other than a timeline that would conclude itself on April 22.

What we are doing tonight preserves our ability to acquire these lower interest rates and to go through a due diligence process of review to find out should the first issue and second issue be held separately, should the first issue be acted upon and second issue not be acted upon, or should both items be consolidated together with the bottom line question being

what returns the greatest degree of savings to the City's constituents. We will not know that until we get down the road.

Tom raised an issue at Finance Committee about the term or the actual development assessment fee to the constituents. Karen [Sybert, Finance Director] has reached out to the person overseeing the CIFA and has not gotten that information, so we do not have the term or the impact yet. That can still be considered as part of this. I just wanted to give you an overview and its relevance to some of the items that we talked about structurally with the suspension of rules with a request for an emergency. Rates are what they are today. They could change tomorrow. By starting the process and suspending the rules and passing it as an emergency, moving forward, we can continue to have that conversation.

Eric Prall, Hilltop Securities: [03.16.2021 cc.mn Ex 1] I appreciate your time tonight. I will try to keep this brief. I will address three topics: what is this tool known as an advance refunding that we are looking at; touch on the market and why this is an option right now; and the savings and how it effects our community.

Advance refunding is a tool that the City has to refinance, or save money on the debt service, on their bonds. It is conceptually similar to a mortgage with some moving parts. An advance refunding differs from a current refunding because an advance refunding is more than 90 days from the date of optional redemption that is on the outstanding bonds. The reason this is federally taxable has to do with the Tax Cuts & Jobs Act in 2017, which took away the ability for a municipality to use a tax exempt refunding leaving the City with the option of doing it taxably. This simply effects the buyers of the bonds in that the interest earnings to them is federally taxable instead of tax exempt.

We did a review of the City's outstanding debt. The 2012 infrastructure acquisition bonds and the 2011 various purpose refunding bonds have been identified as having savings in the current market by using this tool, via the advance refunding. The optional redemption date – this is where City's debt differs from say a simple mortgage – unlike a mortgage, there is a day in the future when these bonds are sold that permits the City to refinance or pay off or have the latitude to change that debt service on the outstanding debt. In this case, the 2012 bond issue, the optional redemption date is June 1, 2022 and for the 2011 bonds, it is December 1, 2021. Since we are in advance of 90 days before those two dates, we fall into this taxable advance refunding option.

The 2011 bonds are the interest rates paid on the different bonds outstanding with an average coupon of a 4.2%. And on the 2012 with an average coupon of slightly over 3.1%

This slide shows both tax exempt and taxable interest rates. Notice they are trending downward, but more importantly, it shows how we got here and how low rates are. If you look at the bottom right, where it says 10Y for 10 year US Treasury and then 30Y for the 30 year US Treasury, currently the 10 years is at about a 1.56%, the 30 year is about a 2.28%. The percentage of the time lower over the last decade, only 11.5% of the time has the Treasury been lower, and only 13.4% of the time has the 30 year been lower. This shows an overview of just how low the market is and what is facilitating the ability of the City to take action to save money on their outstanding debt.

I have this broke out. This is a brief overview of the potential savings in the current market 2011 Series. If you look at the slide from left to right, there is the prior debt service that is existing by the City, the refunding debt service is the potential based on the market new debt service. The next column is the gross annual debt service saving and the far right column is what we use in this industry, the present value of those savings. It simply discounts all those future cash flows back to today's dollars. Therefore, the total gross savings estimate is over \$890,000 and the total present value savings estimate is over \$800,000. In this industry, 3% present value savings is sort of a minimum benchmark when you move forward or entertain moving forward on a refunding. This has over 12% or four times that minimum threshold. Therefore, by our industry standards, this is a very positive savings for the community.

Next on the 2012 Series, I have this broken out into its two purposes. This has both the Liberty CIFA and Powell CIFA purposes within this issuance. This matches exactly the last slide as far as the format. This purpose provides over \$300,000 in gross savings; \$280,000 in a present value basis, and a 6.4% as a percentage savings. A gross savings of over \$100,000 and a present value savings of over \$95,000, this is the smallest purpose and the most likely to be adversely affected by interest rate shifts in the market.

This is it in aggregate. This is the total and what we are looking at as a package and why there is the third ordinance consolidating the other two. If we sell one bond issue to refinance those three issues or two issues, three purposes, there is over a \$1,300,000 in the current market in debt service savings passed back to the community. This is refunding, it is the Liberty CIFA and the Powell CIFA. The reason this is being proposed for passage, as an emergency is simply the interest rate. That is the one variable we have no control over and it simply means the sooner we are able to get to market the less risk we have as far as interest rates fluctuating. Since we started discussing this, we have lost a bit of the savings, but we hope that as long as the market holds, this would be a good estimate of our savings and the timeline for this should mean

closing by the end of April in order to realize these savings.

Mr. White: For comparison, the rate fluctuation that we are talking about in the emergency status here, I think that the \$1.3 million was closer to \$1.7 million just a few weeks ago. Rates ticked up a little bit and impacted that savings by a factor of around \$400,000. Is that accurate Eric?

Mr. Prall: Yes, that was accurate.

Councilmember Bennehoof: Eric, you said these are taxable instruments. Are they more difficult to sell or is there a [inaudible] to full market for taxable bonds?

Mr. Prall: This market is very large and has actually gotten much larger since the Tax Act took away the tax-exempted advance refunding from cities like Powell. So there is actually quite a large market, roughly 20 to 25% right now – the municipal market is taxable securities.

Councilmember Riggins: I want to thank you for giving us a solid reason as to why we would want to possibly suspend the rules on this and why it is an emergency. Could you explain how you are compensated throughout this process?

Mr. Prall: It is called a cost of issuance. It is all the costs to sell and issue such as this. That would be myself, as municipal advisor, your bond counsel, the rating agency, a printer who prints the disclosure documents or official statements, and I suspect I am forgetting a few others. Those are included in this analysis, so when I say \$1.3 million estimated savings, that already includes an estimate of all of the expenses paid from the proceeds of this financing. The savings would be higher if there were zero costs. Those costs are built into this transaction already.

Councilmember Riggins: Is that based on a percentage?

Mr. Prall: It is a set fee. Would you like to know an estimate of the fees and what was submitted for the costs?

Councilmember Riggins: Sure.

Mr. Prall: On my end, as municipal advisor, it is \$37,500. I believe bond counsel was \$30,000, approximately. Your rating is similar, around \$20,000 to \$30,000, and I suspect there is another \$20,000 of printing, accounting, and other various issuance costs.

Councilmember Counts: I have a question, but I need to provide some background first. We need to break these apart. I want my residents to understand what we are talking about in terms of refinance. It is two different things going on here. One is the two CIFAs which is community infrastructure authority. Some of our residents pay an assessment for the cost of infrastructure in those authorities. The infrastructure authorities pay for the bonds that relate to those. All we are doing as a City is providing our fantastic credit rating to provide a reduced rate. So when we talk about savings with respect to the CIFAs, those savings inure to the benefit of those residents who pay that assessment. That can happen in two different ways. It can be as a reduction in maturity or it can be a reduction in the cost of interest during the refinance. What the infrastructure authorities have been doing up until this point is they have been saying we want to reduce the maturities. So the very long-term view of this thing, they want to pay them off, and that is what they have been doing and doing a great job of that. The benefit of this refinance will benefit those residents in a long-term manner.

The other bonds, which I think relates to City improvements, benefit the City as a whole, either in a reduction of the maturity or in the cost of the monthly bond payments. My question is: if we were to consolidate those, are we going to try to reduce the maturity date or are we trying to reduce the payment amount? Eric, can you answer that question?

Mr. Prall: We are in a due diligence period working through that. This, or these, Ordinances provide the latitude to the City to move forward in either direction, albeit an annual reduction in debt service savings, and/or a reduction in maturity. Therefore, whichever route is decided to be best for the City is permitted through authorizing the three of these emergency Ordinances. I think that we would probably be circling back with Council to let you know what the economics look like and what works on behalf of both of the CIFAs.

Councilmember Counts: That really was not my question. My question is if there is a decision to consolidate the two, then do the terms set for both groups in the sense that our CIFA residents want a shorter maturity, we may want the monthly cost savings, does that then mean we probably would not want to consolidate?

Mr. Prall: My apologies, I did misunderstand. From a consolidating perspective, each of these can be treated as separate



purposes so you are able to reduce, for example, the Liberty CIFA but not the Powell CIFA. Those would be kept distinct and separate through the process. They are simply consolidated or combined for issuance purposes. We want to sell the bonds in aggregate, but for accounting and for City purposes, those will be separate, so we can have a different maturity for each of these. They do not all have to be the same maturity in any way.

Councilmember Counts: So not all the same economic terms?

Mr. Prall: So we could reduce one and not reduce another one that is correct.

Councilmember Counts: We just heard about this last week. The numbers on the screen are small enough, but last week they were even a little smaller. I have not had a chance to really look, so I would ask that Staff provide the information after this meeting to the Finance Committee so we have a chance to really look through this.

I wanted everyone to understand who benefits from the refinance. We have always done this before to benefit our residents whether they were in the CIFA or not, but that we can provide our credit rating is a good thing.

Councilmember Lorenz: Mr. Prall, the Liberty CIFA covers the majority of Golf Village as far as I know. Could residents see their time that they are paying their assessment and/or the amount that they are paying on their mortgage go down? I know there was some commentary about us refinancing these in the past from a time perspective. I can recall two times at least where we have done that. Is that a savings from a monthly mortgage bill or is that a savings from time or is it negligible?

Mr. Prall: We are working through that now. The Declaration of Covenants does provide and permit the board to reduce or change millage on an annual basis. We are doing our due diligence to work through that with the CIFAs so if we reduce the millage with the new net debt service, yes, it would be a pass through savings on an annual basis. Or as you said, if you escrow your taxes, it would be reduction on that payment. If we did not do that and reduced the maturity, then there would not be an annual savings, but the debt would be paid off earlier. The third option is that there may end up being a hybrid where your annual community development charges would be reduced but also they would end sooner if a year or two was reduced from the final maturity.

Councilmember Lorenz: Focusing on the Liberty CIFA, do you know when that CIFA is to be paid off? Is it around 2037?

Mr. Prall: I think one of the CIFAs is 2032 and the other is 2036, but I would need to double-check that.

Councilmember Lorenz: The sense of urgency on these Eric are really driven by the marketplace, rates changing daily, etc. I know that Finance Committee and our Staff look at this regularly in an effort to save our residents money. How much do you think the savings will change in three weeks? Is it something we can sit on it for a week and we can take it to a second reading? I think I saw a slide earlier where we lost a significant amount of dollars from one week to the next.

Mr. Prall: You are touching on the one variable out of our control. Since we began discussing this, and I think Mr. White mentioned a few hundred thousand dollars in saving loss. If you look at where the 10-year treasury has trended over the past few weeks alone, it has gone from well under 1% to 1.5% to 1.6%. That change or shift directly affected your issue and you would have had \$1.6 million or \$1.7 million when I initially discussed this with the City. That was a lot of volatility in my opinion over those few weeks.

If this is adopted tonight, going forward we could look at pricing and setting the rates, the goals at the beginning of April, closing the end of April. To get there though, we would need legislation and we need an official statement – the equivalent of a stock prospectus for the City. That takes time so that is why getting to the beginning of April everything has to be in order by that time. I hope for less volatility, but based on the last few weeks, there was significant volatility.

Councilmember Lorenz: I think this is another mechanism or tool that we can do for our residents to show them that we are really trying to save funds and direct those funds elsewhere, into public improvements and things like that. I would be in favor of acting on all three of these tonight. I want to acknowledge Melissa's comments because I think they are important. There is a cost to doing business with your trusted advisor, but if we are going to have an overwhelming tax savings for everyone that we can pass through, whether from time or a monthly reduction, I think it is good to do it right now. The auditor just went through and reassessed everyone's properties so everyone's taxes went up. The school board just passed a levy last year, so anything that we can do to try to mitigate and then deflect those funds back into our budget to help pay for infrastructure improvements, I am all for it.

Councilmember Swartwout: It sounds like there are still many decisions to make after this happens. If we were to act on

all three of these tonight and move forward based on the discussion, there are still decisions that need to be made, correct? [Mr. Prall: Correct.] When would those decisions be made, how would they be made?

Mr. White: The current schedule would provide for April 22 for the final date of close. Up to that point, we would have opportunities to report back to Council, talk to Finance Committee, and go through debate. What I believe is important to emphasize is that there is a cost of doing business as well as not doing business. If at any time between now and April 22 things turn sour on the entire marketplace and we do not want to do this, there are no incurred costs for pulling out. Right now, we are setting things in motion. I will yield to Eric on terms of specifics on how and when decisions would be made. There is no additional legislative decision to be made, but there would be more administrative decisions to be made.

Councilmember Swartwout: Do we treat this as time or lower payments or less time? Do we treat this bond this way or that way because we can treat them differently for accounting purposes after we have bundled them. That is what I am referring to as far as the decisions to be made with these. When do those happen, how do those happen?

Mr. White: I would follow Tom's suggestion in bringing some of this back to the Finance Committee when we have some more due diligence completed. I would still express an intent from the City Administration that we move forward with approval of the documentation before I sign it so we keep our page, if you will. Eric and I have to do some additional work with regard to the document that established the CIFA because whether we do A or B, or A plus B, or some combination of all, is governed within the establishment document of the CIFA and we have made requests to review that with bond counsel.

Today I cannot answer your question. We need to receive that information and to your point, I think that would be a very fine opportunity for us to mesh both of these into one where we bring the conversation back to the Finance Committee and allow Eric and Staff to report back to you what the financial implication is of each one of the available options we have. Right now we have laid it out where we can do A, B; A and B; or only A; or none. I think that is the conceptual layout that you want to understand. The documentation establishing the CIFA is going to direct whether or not we can do all of those things or just some of them. I believe that the term or the payment needs to be endorsed by the body that created the CIFA. WE need to understand what actions the CIFA has taken up to this point or what they could take before April 22 to allow us to do the variety of options that we just talked about. There are many moving parts, but I hope this helps clarify things.

Councilmember Swartwout: Just as an overview, could you explain the CIFAs that are in play that we are discussing, who is covered, what where they were initially used for as far as financing of capital improvements? We are talking about so many things happening at once; I want to make sure that everyone watching, as well as myself, am clear as to what it is we are talking about.

Mr. White: I will take a general view, having not been present when these particular CIFAs were established, but essentially, as Tom alluded to earlier, a CIFA is an arrangement whereby the City lends its excellent bond rating to provide for a lower cost installation of necessary infrastructure. Within this particular development, it had a lot to do with the cost of installation of sewers. The City works with the CIFA to lend its credit rating to the developer and development to drive those costs down, which is beneficial. In doing so, the City has exposed itself to have that debt reflective on its balance sheet, but the responsibility to pay the principal and interest payments is born by the actual association. So it is an ebb and flow and dance, but the City has an express liability but also was wanting to have the development because it enriches the community overall and creates population.

We also would like to reflect an opportunity to save to the individual homeowner if that is an opportunity, which will be directed back into the CIFA documentation. If I am paying \$700 per year and the process we are going through right now opens itself up to an opportunity, my \$700 per year could be reduced to \$400 per year. Alternatively, the 2036 that Brian referenced or the 2032 on the short end, because of some liquidity available within the CIFA right now, would attack the principal and drive it down, and refinance the interest rate on a lower overall principal which benefits everyone. Then it becomes whether we can reduce the term and impact annual costs that are assessed. That is what we still need to investigate with the documentation.

Councilmember Swartwout: So that is not necessarily a decision that the City can make unilaterally without the input of the administrators of the CIFA? [Mr. White: That is correct.] So I am a taxpayer and a parcel that is covered by a CIFA, I get my annual assessment that I then pay, that the CIFA pays to service this debt that had paid for capital improvements that I was under. So as we do this refinancing, as we figure out all these moving parts, that savings could potentially be a pass through to the me, as a taxpayer, as your assessment either goes down on an annual basis or we are reducing the time that you are paying this assessment. Would this be a fair an accurate description?

Mr. White: Yes and possibly a third option would be some combination of both.

Councilmember Swartwout: And those are the things we still need to figure out as we do the due diligence like you and Eric were talking about?

Mr. White: Correct. In addition, I think the forth prong to consider is that it is not a direct impact to the City but indirectly, we are reducing our debt capacity and our availability to issue in the future.

Councilmember Swartwout: We have the Liberty CIFA, which is pretty much, Golf Village, and the Powell CIFA, which is....[Councilmember Counts: It is Murphy Parkway. I believe the assisted living was added to the CIFA and I think Verona was added to the CIFA because of the extension of sewer.] Therefore, the parcels that are covered by the taxpayers who are affected by the Powell CIFA are in specific subdivisions.

Councilmember Counts: Right.

Councilmember Lorenz: But it is important to also note that all residents are effected in some way because they are utilizing these roads. Sawmill Parkway from Seldom Seen to Home Road is part of the Liberty CIFA, which you, Jon, and myself also contribute to. In addition, Murphy Parkway was built through those bonds which all of us, as residents are most likely using.

Councilmember Bennehoof: Section 5 seems to be a very long run on sentence. In the second line of that sentence, I cannot make sense of "the full faith, credit, and revenue of the are hereby irrevocably." It appears to be missing a word. If that is the case, I would like to make a friendly amendment to add the word(s).

Mayor Bertone: It appears in the same section of 2021-07 as well. Should the word "city" be inserted there?

Multiple speakers: I believe it is. Yes.

Mr. Boggs: Yes, it should be City. Bond counsel did prepare these Ordinances and I will confirm with him that this is definitely the word to be inserted.

Councilmember Counts: Getting back to Dan's question, these Ordinances give the administration the authority and the discretion to move forward. The bond market changes daily. This process may be a tad bit different from what we have done before because in the past, the bond market has not had the kinds of fluctuations that we have seen recently. Therefore, you are going to see more decisions, quicker decisions, a lot more feedback than you have in the past because it just did not change as much.

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

MOTION: Councilmember Bennehoof moved amend the second line of Section 5 to insert the word "City" between the words "the" and "are" in Ordinance 2021-06 or such other word as confirmed by bond counsel. Councilmember Lorenz seconded the motion:

VOTE: Y 7 N 0

MOTION: Councilmember Bennehoof moved to suspend the rules on Ordinance 2021-06. Councilmember Counts seconded the motion:

VOTE: Y 7 N 0

MOTION: Councilmember Bennehoof moved to adopt Ordinance 2021-06. Councilmember Counts seconded the motion.

VOTE: Y 7 N 0

**FIRST READING: ORDINANCE 2021-07: AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$8,135,000 INFRASTRUCTURE ACQUISITION LIMITED TAX GENERAL OBLIGATION REFUNDING BONDS, SERIES 2021B (FEDERALLY TAXABLE), AND DECLARING AN EMERGENCY.**

Mr. White: I have no additional information to add specific to this Ordinance but am happy to answer any additional questions you may have. It is very similar to the process we just went through. This is the second in the series and the total principal outstanding amount is \$8,135,000.

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



MOTION: Councilmember Bennehoof moved amend the second line of Section 5 to insert the word "City" between the words "the" and "are" in Ordinance 2021-07 or such other word as confirmed by bond counsel. Councilmember Counts seconded the motion:

VOTE: Y 7 N 0

MOTION: Councilmember Bennehoof moved to suspend the rules on Ordinance 2021-07. Councilmember Counts seconded the motion:

VOTE: Y 7 N 0

MOTION: Councilmember Bennehoof moved to adopt Ordinance 2021-07. Councilmember Counts seconded the motion.

VOTE: Y 7 N 0

**FIRST READING: ORDINANCE 2021-08:** AN ORDINANCE CONSOLIDATING TWO BOND ISSUES OF THE CITY OF POWELL, OHIO AND DECLARING AN EMERGENCY.

Mr. White: This Ordinance would be a consolidation of Ordinance 2021-06 and 2021-07 dealing with the 2011 and 2012 series as a consolidated measure.

Mr. Boggs: This does not have the same provision as the previous two Ordinances where the word was missing in Section 5.

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 2021-08. Councilmember Counts seconded the motion:

VOTE: Y 7 N 0

MOTION: Councilmember Bennehoof moved to adopt Ordinance 2021-08. Councilmember Counts seconded the motion.

VOTE: Y 7 N 0

## COMMITTEE REPORTS

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

**Finance Committee:** Next Meeting: April 13, 2021, 7:00 p.m. We heard virtually everything that we talked about at our meeting last week.

**Operations Committee:** Next Meeting: March 16, 2021, 6:30 p.m. We met earlier this evening. We had a nice conversation with some representatives from the Olentangy Swim Association about the Powell pool and Powell pool moving forward. We had a nice discussion and presentation on special events for 2021, including fireworks, summer concert series and various other items like that. Much of that is day-by-day as the regulations and mandates change, so this is fluid as well. It is very exciting to have some activities to look forward to. We discussed our DORA and perhaps expanding the DORA to include Thursday and perhaps making the hours uniform Thursday through Sunday. Staff will meet with our downtown stakeholders, get some feedback on that, and bring it back before Council at our next meeting. Jeff gave us an overview of a municipal facilities conceptual study to get a real handle on our infrastructure and our buildings needs within the City.

**Community Diversity Advisory Committee:** Next Meeting, March 17, 2021, 6:00 p.m.

**Planning & Zoning Commission:** Next Meeting: March 24, 2021, 7:00 p.m. We have three cases for review.

**Powell CIC:** Next Meeting: March 23, 2021, 7:00 p.m. I believe we have a couple of developer incentives to discuss.

## CITY MANAGER'S REPORT/CITY CALENDAR

Mr. White: I want to point out that the protest request to the income tax ballot issue has been removed. An article I submitted to you was picked up on quickly by This Week News. There is still a meeting set for tomorrow at 9:00 a.m. Thad and I plan to attend just to see that formally closed out.

We talked a little bit tonight about Finance Committee meeting, the next one being on April 13<sup>th</sup>. We may want to think about doing something intermittently if we can get some more information on the due diligence process that we are talking about to report back to you about the questions that came up tonight regarding the bonds. In addition, I put in your packet two polar opposite ends of a policy statement relative to business assistance. I thought we might be able to work on that a little bit further too.

I think the biggest story from Staff's standpoint with regard to the restructuring effort that is afoot is the increase of .25%

credit to a 100% credit for our internal residents. That is not going to effectively be positive for everyone and I know there have been conversations relative to the impact of the local businesses, so I would like to use that as an opportunity to further discuss a very general statement of assistance that follows what the actual ballot language says. On the other end of it is a very specific effort to try to affect the transitional over a five-year period for businesses that avail themselves of an appropriate nature of whatever program we come up with.

I had the opportunity and we are stepping up our outreach regarding the community on the income tax itself. Jim Hrivnak from the CIC had given me the opportunity to specifically ask that I be available to talk with the CIC about what is going on at their next meeting so I plan to do that. I met with the homeowners association board this morning and got at least one convert. It was a five-member board. One board member said as the only member of the board that is actually still employed, I am 100% in favor in this. Therefore, I think that bodes well for us. I know our consultants and Megan are working hard to try to make some of these connections and we are really going to start rolling things out over the next 56 days and it will take much of our effort going forward.

We do have an item on the agenda for Executive Session for pending litigation. I think a large part of that has been met, but I would still like to preserve the opportunity to discuss with Council in Executive some of the options we were considering.

#### OTHER COUNCIL MATTERS

Councilmember Bennehoof: We should recognize the arrival of Samir Yazan Ashrawi.

Mayor Bertone: Yaz and his wife expanded their family this week with a son, Samir. We appreciate everything that Yaz has done for us. We also appreciate Thad stepping in tonight. We have come to enjoy our time with Yaz already and we wish him and his family well.

**EXECUTIVE SESSION:** Ohio Rev. Code §121.22(G)(3) Pending or Imminent Litigation and Ohio Rev. Code §121.22(G)(8) Economic Development.

MOTION: Councilmember Bennehoof moved at 9:36 p.m. to adjourn into Executive Session pursuant to Ohio Rev. Code §121.22(G)(3) Pending or Imminent Litigation and Ohio Rev. Code §121.22(G)(8) Economic Development. Councilmember Counts seconded the motion. Councilmember Lorenz abstained and recused himself from the meeting since he was unavailable to attend in person.

VOTE: Y 6 N 0 AB 1 (Lorenz)


MOTION: Councilmember Bennehoof moved at 9:54 p.m. to adjourn from Executive Session into Open Session. Councilmember Counts seconded the motion.

VOTE: Y 6 N 0

#### ADJOURNMENT

MOTION: Councilmember Counts moved to adjourn the meeting at 9:55 p.m. Councilmember Swartwout seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

**MINUTES APPROVED: April 6, 2021**

 4/19/2021  
\_\_\_\_\_  
Frank Bertone  
Mayor

Date

 4/21/2021  
\_\_\_\_\_  
Karen Mitchell  
City Clerk

Date



City Council  
Frank Bertone, Mayor

Jon C. Bennehoof

Tom Counts

Heather Karr

Brian Lorenz

Melissa Riggins

Daniel Swartwout