



I. CALL TO ORDER/ROLL CALL

Mayor Frank Bertone brought the meeting to order at 7:30 p.m. City Council members present include Frank Bertone, Tom Counts, Heather Karr, Brian Lorenz, Mellissa Riggins and Daniel Swartwout. Jon Bennehoff was absent. Also present were Andrew D. White, City manager; Yazan S. Ashrawi Esq., Law Director; Jeffrey Tyler, Assistant City Manager / Community Development Director; Buddy Caplinger, Public Services Director; Claudia Husak, Planning Director; Jason Nahvi, HR Business Partner, and Elis Schellin, Development Planner.

II. PLEDGE OF ALLEGIANCE

III. CITIZEN PARTICIPATION

Mayor Bertone opened the citizen participation portion of the meeting, and hearing no comment, citizen participation was closed.

IV. APPROVAL OF MINUTES

MOTION: Tom Counts moved to approve the November 16, 2021 Council minutes. Brian Lorenz seconded. Voice vote on approval: all ayes; nays, none; in absentia, none.

MOTION PASSED 6-0

V. RESOLUTION

a. RESOLUTION 2021-25: A RESOLUTION RECOGNIZING MELISSA RIGGINS TENURE AS A COUNCIL MEMBER OF THE CITY OF POWELL.

Andy White began by thanking Melissa for her help with the City. He added that he wished her well.

Heather Karr thanked her for her services to the City of Powell. Additionally, she stated that she appreciated her candor and critical thinking with the committees.

Brian Lorenz stated that he enjoyed working with Melissa for the past four (4) years. She is a great friend and great representative to her community. He said that he valued her legal viewpoints and her showing him how to think through things. He also encouraged her to stay involved as well as thanking her for all that she did.

Daniel Swartwout said that it was a great honor to serve alongside her for the past four (4) years. He stated that he greatly appreciated her expertise that she brought to the meetings and her exceptional attention to detail to find critical bits of information that she brought to everyone's attention. He stated that the City of Powell is a better place now that she has been on this board.

Tom Counts said that she has shown her dedication to the community. He thanked her for her commitment and appreciated her service to the City of Powell.

Mayor Bertone thanked her for her time and service to the City. He greatly appreciates her transparency and focus on transparency, for that has made us all a little sharper. He also stated that he appreciated her pragmatic approach and her insights on some of the legal and developmental issues that the City has come across. He thanked her for all she has done.

Melissa Riggins thanked everyone for the kind words. She stated that she was excited for the turn that the City is taking. She stated that she has learned a lot and that it has been an experience. She stated that she was extraordinarily impressed with Mayor Bertone, with this period that we have been going through, with the transition, and that no one could have done a better job. She stated how impressed she was with Andy White and that job that he has done. She said that he was so talented and so knowledgeable, and so wanting to do the right thing, wanting to be honest and forthright.

Mayor Bertone opened for public comment, and hearing no comment, public comment portion was closed.

Mayor Bertone asked for final comments from Council.

MOTION: Tom Counts moved to adopt and Daniel Swartwout seconded. Voice vote on approval: all ayes; nays, none; in absentia, none.

RESOLUTION PASSED 6-0

- b. **RESOLUTION 2021-26: A RESOLUTION AUTHORIZING THE APPROVAL OF THE TENTATIVE AGREEMENTS ACHIEVED IN COLLECTIVE BARGAINING BETWEEN FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC. AND THE CITY OF POWELL, OHIO, FOR THE OFFICERS' UNIT AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY AND APPROPRIATE ACTIONS TO FINALIZE THE COLLECTIVE BARGAINING AGREEMENTS NEGOTIATED BETWEEN THE PARTIES.**

Andy White began by recognizing Jason Nahvi and Buddy Caplinger for assisting in putting this together and also our staff within the Services Department. He stated that the negotiations were done fairly quickly and locally which he felt brought some cost savings. The largest part of the contract to consider that he wanted to bring to Council's attention, was the increases to catch up to the market. He stated that the City's Services Division was one of the most underpaid Services Department in Central Ohio. If approved by Council, the City is looking at 4% increase in salary computation for 2022, followed by 3.25% in 2023 and 2024, which is a three (3) year contract. He added that there were a couple of more items, such as equipment and some time off reimbursement, but the lion share of that was the salary increase collectively for those three (3) years totaling \$42,000.00 over three (3) years, and the funds we have are sufficient to cover those costs. He feels that this is a good contract and to support our Services Department in that it is that department that touches base with the community on a daily basis, whether directly or indirectly.

Mayor Bertone opened Resolution 2021-26 for questions from Council, and hearing none, questions from Council was closed.

Mayor Bertone opened Resolution 2021-26 for public comment, and hearing no comment, public comments portion was closed.

Mayor Bertone asked for the wishes of Council.

MOTION: Brian Lorenz moved to adopt and Daniel Swartwout seconded. Voice vote on approval: all ayes; nays, none; in absentia, none.

RESOLUTION PASSED 6-0

- c. **RESOLUTION 2021-27: A RESOLUTION AUTHORIZING THE APPROVAL OF THE TENTATIVE AGREEMENTS ACHIEVED IN COLLECTIVE BARGAINING BETWEEN FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC. AND THE CITY OF POWELL, OHIO, FOR THE OFFICERS' UNIT AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY AND APPROPRIATE ACTIONS TO FINALIZE THE COLLECTIVE BARGAINING AGREEMENTS NEGOTIATED BETWEEN THE PARTIES.**

Andy White stated this Resolution was similar but slightly different than the preceding Resolution. This Resolution is in response to a Wage Opener. The City Council and the FOP had agreed to a three (3) year contract at the end of last year for 2021, 2022, and 2023, and there was a general sense of confusion as related to the pandemic as well as our financial position would be due to the non-completion of the income tax reconstruction. The parties agreed to a 2.25% wage increase, there is an Opener that was elected to pursue for 2022. The parties agreed to go from the 2.25% increase to a 3% increase with the Sergeants contract combined will be a total of \$54,000.00 increase in salaries. He advised that the funds are sufficiently available in the City's budget for next year and that staff is recommending approval. He then gave thanks to Chief Hrytzik and our local representation in the Powell Police Department.

Mayor Bertone opened Resolution 2021-27 for questions from Council. He then asked for clarification that this was a three (3) year arrangement and that the only piece that the only piece that was open was the salaries and that all other terms and conditions were static. Andy White affirmed and stated that there also was a similar provision available for 2022, as an Opener, for 2023, and it will go through the same consideration but it is only for wages. Mayor Bertone closed the portion of Council comments.

Mayor Bertone asked for the wishes of Council.

MOTION: Brian Lorenz moved to adopt and Heather Karr seconded. Voice vote on approval: all ayes; nays, none; in absentia, none.

RESOLUTION PASSED 6-0

- d. **RESOLUTION 2021-28: A RESOLUTION AUTHORIZING THE APPROVAL OF THE TENTATIVE AGREEMENTS ACHIEVED IN COLLECTIVE BARGAINING BETWEEN THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC. AND THE CITY OF POWELL, OHIO FOR THE SERGEANTS' UNIT AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY AND APPROPRIATE ACTIONS TO FINALIZE THE COLLECTIVE BARGAINING AGREEMENTS NEGOTIATED BETWEEN THE PARTIES.**

Andy White stated that the only distinction is that the FOP is organized into two (2) bargaining units here locally because of the supervisory capacity that's present within the Sergeants' Division as opposed to the Officers. It is the exact same terms but there two (2) classes of employment that are represented by the FOP.

Mayor Bertone opened Resolution 2021-28 for questions from Council, and hearing none, questions from Council was closed.

Mayor Bertone opened Resolution 2021-28 for public comment, and hearing none, public comments portion was closed.

Mayor Bertone asked for the wishes of Council.

MOTION: Tom Counts moved to adopt and Brian Lorenz seconded. Voice vote on approval: all ayes; nays, none; in absentia, none.

RESOLUTION PASSED 6-0

- e. **RESOLUTION 2021-29: A RESOLUTION APPOINTING MEMBERS TO THE POWELL COMMUNITY IMPROVEMENT CORPORATION TERMINATING ON DECEMBER 31, 2023.**

Andy White stated that Jim Hrivnak, Don Emerick and Nicole Scott all have terms that are expiring at the end of this year and that this appointment would be for a term

of two (2) years. He added that all three have committed to that two year term and we are happy to recommend confirmation by Council.

Mayor Bertone opened Resolution 2021-29 for questions from Council, and hearing none, questions from Council was closed.

Mayor Bertone opened Resolution 2021-29 for public comment, and hearing none, public comments portion was closed.

Mayor Bertone asked for the wishes of Council.

MOTION: Brian Lorenz moved to adopt and Tom Counts seconded. Voice vote on approval: all ayes; nays, none; in absentia, none.

RESOLUTION PASSED 6-0

VI. ORDINANCES: SECOND READING(S)

a. ORDINANCE 2021-30: AN ORDINANCE AUTHORIZING AMENDMENT TO THE FEE SCHEDULE OF THE CITY OF POWELL.

Andy White stated that this Ordinance was on for its second reading and that there have been no changes since its first reading. He added that the majority of any changes that were made reflective to market rates, in particular, the REC fee was adjusted to account for a market fluctuation to the price of real estate, so that should generate a little more money as we move forward and that is a revenue stream within the City that has been growing, and that this is recommended for adoption for next year.

Mayor Bertone opened Ordinance 2021-30 for questions from Council, and hearing none, questions from Council was closed.

Mayor Bertone opened Ordinance 2021-30 for public comment, and hearing none, public comments portion was closed.

Mayor Bertone asked for the wishes of Council. Mayor Bertone asked if this Ordinance should be adopted would it be effective on today's date or thirty (3) days out? Yazan Ashrawi stated that it would be effective January 1, 2022.

MOTION: Brian Lorenz moved to adopt and Heather Karr seconded. Mayor Bertone called for a roll call for passage: Frank Bertone, yes; Tom Counts, yes; Heather Karr, yes; Brian Lorenz, yes; Melissa Riggins, yes; and Daniel Swartwout, yes.

ORDINANCE PASSED 6-0

b. ORDINANCE 2021-33: AN ORDINANCE TO ACCEPT THE PROPOSED BUDGET, AND TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND

OTHER EXPENDITURES OF THE CITY OF POWELL, DELAWARE COUNTY, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022.

Andy White recognized one of the newest appointments, the Finance Director, Rosa Ocheltree, and welcomed her. He further stated in the aggregate, the City's lifeblood for resources is the collection of income tax and based upon the restructuring of the conservative estimates, we anticipate roughly \$4,000,000.00 of flexibility between our expenditures and receipts for next year. Our entire transition with the organizational chart, a commitment to capital initiatives and some of the things that are outstanding, such as a commitment to invest in bike paths, public safety, economic development and infrastructure that are included in the budget. He stated that there was still a lot of work to do. He advised that they have been tracking their income tax collections all year and that the City is close to 120% and that there was one more collection and he believes that the City is right at that mark. He added that the budget could be drafted and adopted with modification at every meeting. He said that we have not typically done that, but, suggested to Council to do with the significant changes in structure that have been made to our revenue allocation for next year and beyond, that if adopted, staff would begin as early as tomorrow, looking for additional modifications to be made. Further, he stated that it will not be known until around February, what the actual impact may be as we book receipts for January, but in all, it's a very exciting effort by Council, staff and the community which is reflective in the \$4,000,000.00 of discretionary resources we will have to invest into the community next year.

Mayor Bertone opened Ordinance 2021-33 for questions from Council, and hearing none, questions from Council was closed.

Mayor Bertone opened Ordinance 2021-33 for public comment, and hearing none, public comments portion was closed.

Mayor Bertone asked for the wishes of Council.

MOTION: Tom Counts moved to adopt and Brian Lorenz seconded. Mayor Bertone called for a roll call for passage: Tom Counts, yes; Heather Karr, yes; Brian Lorenz, yes; Melissa Riggins, yes; Daniel Swartwout, yes; and Frank Bertone, yes.

ORDINANCE PASSED 6-0

VII. ORDINANCES: FIRST READING(S)

- a. **ORDINANCE 2021-34: AN ORDINANCE RESCINDING ORDINANCE 2021-31 AND THE APPROPRIATION THEREIN AND MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2021, AND DECLARING AN EMERGENCY.**

Andy White stated that this item has been discussed and worked on throughout the end of 2020 and throughout 2021. It's relative to the private development component of the Seldom Seen Park TIF Project on Seldom Seen Road. As part of

that project, the City and the Developer agreed to certain public improvements within that project totaling several hundred thousand dollars. He stated that he would forego a change in the process with which is encountered right now and that this was the first step in that pursuit. Further, he stated prior to Powell 2.0, the .75 income tax rate, the City would rely upon developers in certain situations to move projects forward, and this was one of them. The developer contributed significant dollars to public infrastructure and under the terms and conditions of the TIF agreement, the proceeds that are collected over the next thirty (30) years are to be used to retire this debt. One of the most significant components, there is an interest rate calculation associated with the cost of that improvement of 4.54%. That is significantly higher than anything we can get in our own investment portfolio right now. Based on the fact that we had some additional revenues left over and several hundred thousand dollars' worth of interest expenditures to relieve the community of having to bear, we have discussed this proposal before you. There is \$142,000.00 within the TIF fund which are available currently, in addition to a payment of \$205,000.00 which is a fund balance available in a bond fund, combined with a third appropriations modification of \$582,000.00, completely concludes the relationship with the developer, eliminates the payment moving forward, and will free up dollars collected within the TIF fund to be paid back to the General Fund or to be used in the manner seen fit by Council. He stated that he feels that the most significant piece is the elimination of that interest cost which is significantly higher and over the course of repayment would generate \$700,000.00 to \$800,000.00 worth of expenses. This would be relieving that and putting those dollars back to work for the community as defined by Council. He stated that he appreciated all the support from Council and staff in getting this done and that it has been a long time coming. He added that staff recommends approval by Council and that the City would make payment to the developer in December, for calendar year 2021, and the proceeds that will be collected next year, this year was around \$440,000.00, and as that property develops, that amount will increase and of course, we will owe a liability to Liberty Township Fire/EMS first, and then our own principal interest which is approximately \$170,000.00 per year, but then we will start to generate some monies in the TIF for use for public projects in the City of Powell. He also stated that the City is in a unique position to do this due to our cash position.

Mayor Bertone opened Ordinance 2021-34 for questions from Council, and Tom Counts stated that Andy has described it very well by freeing up dollars that could be used in that TIF fund. Dan Swartwout stated that interest that is owed is at 4.54% and that is higher than anything we could find on the market, is that correct? Andy White affirmed and stated that he believed that we are under 1% right now, so this is significantly higher. Dan Swartwout continued with stating that if the City was continue with where the payment is now, how long would it be until the debt is paid off. Andy White stated that it was hard to say, but he felt that it would take the entirety of the duration of the term. Tom Counts stated that when this was discussed in the Finance Committee Meetings, it was thought that the payments would terminate around 2035. Dan Swartwout asked how much money would the City save by making the entire payment now, and Andy White stated that he didn't have the numbers in front of him, but he recollects that the City would save approximately

\$700,000.00 to \$800,000.00. Mayor Bertone asked if there were any further questions from Council, and hearing none, questions from Council was closed.

Mayor Bertone opened Ordinance 2021-34 for public comment, and hearing none, public comments portion was closed.

Mayor Bertone asked for the wishes of Council.

MOTION: Tom Counts moved to Suspend the Rules and Brian Lorenz seconded. Mayor Bertone called for a roll call for passage: Heather Karr, yes; Brian Lorenz, yes; Melissa Riggins, yes; Daniel Swartwout, yes; Frank Bertone, yes; and Tom Counts, yes.

RULES SUSPENDED

MOTION: Tom Counts moved to Suspend the Rules and Brian Lorenz seconded. Mayor Bertone called for a roll call for passage: Brian Lorenz, yes; Melissa Riggins, yes; Daniel Swartwout, yes; Frank Bertone, yes; Tom Counts, yes; and Heather Karr, yes.

ORDINANCE PASSED 6-0

VIII. COMMITTEE REPORTS

Development Committee – Brian Lorenz advised that there was no meeting this evening, but he has met with staff on a side meeting to discuss the agenda for next year. Another meeting is scheduled for January 4, 2022, but he believes it will be for another night.

Finance Committee – Tom Counts stated that with the budget being passed this evening, he wasn't certain they would be having another meeting in December, but he would leave it up to Andy White and Rosa Ocheltree. Andy White stated that he felt that he would like to close December and it would be more beneficial when 2021 is over.

Operations Committee – Daniel Swartwout stated that the Operations Committee would not be meeting this month and there was nothing to report.

Community Diversity Advisory Committee – Heather Karr advised that the next meeting is scheduled for Wednesday, January 19, 2022, at 6:00 p.m.

Planning & Zoning Committee – Claudia Husak stated that the next meeting is scheduled for December 15, 2021, at 7:00 p.m.

Powell CIC – Brian Lorenz advised that the next meeting should be December 21, 2021, at 7:00 p.m.

IX. City Manager's Report/City Calendar

Andy White confirmed there would be no Council Meeting on December 21, 2021. January 4, 2022, there is the first Council Meeting of the new year, in which a photographer will be here to get a group and individual photos, and he asked Council to appear a little early for that meeting. He then recognized the two (2) new employees, Amy Deere and Rosa Ocheltree. He stated that everyone has contributed significantly to a very successful year, and to Council, he stated he appreciated their support and leadership as a body, and to Yaz, in keeping the City on the right path. He stated that he was very excited to go into next year and for tomorrow to get things lined up to get started in January. Some high level discussions have already taken place to which he will be bringing to Council for ratification in moving forward to bring some great things to the Chapter 2022, in the City of Powell. He stated there was a great deal of enthusiasm, and he expressed his gratitude to be a part of this team. Wished everyone Happy Holidays, and a Happy New Year. He added that he was only a text, email or phone call away should anyone need anything.

X. OTHER COUNCIL MATTERS

Mayor Bertone asked Council if they had any further matters to discuss. Mayor Bertone stated that on behalf of Council, thanked the staff for a wonderful couple of years run. He added that it was great to see all of the new faces and it was great to have the new energy in the room. Further he stated that he looked forward to having Christina Drummond on board next year on Council, and everyone be ready for photos next year, and added to Melissa Riggins, she would be missed. He also advised Andy White to enjoy December, take some time for himself, for he burns a lot of hours and it is very much appreciated.

Mayor Bertone closed Other Council Matters.

XI. EXECUTIVE SESSION

None

XII. ADJOURNMENT

MOTION: Brian Lorenz moved to adjourn. Tom Counts seconded. Voice vote on approval: all ayes; nays, none; absentia, none.

ADJOURNED – 8:08 p.m.