



**CITY COUNCIL
MEETING MINUTES
APRIL 19, 2022**

I) CALL TO ORDER/ROLL CALL

A regular meeting of the Powell City Council was called to order by Mayor Daniel Swartwout on April 19, 2022, at 7:30 p.m. City Council members present included Jon C Bennehoof, Frank Bertone, Christina Drummond, Heather Karr, Brian Lorenz, and Daniel Swartwout. Also present were Andrew White, City Manager; Jeffrey Tyler, Assistant City Manager; Yazan Ashrawi, Law Director; Rosa Ocheltree, Finance Director; Buddy Caplinger, Public Services Director; Claudia Husak, Planning Director; Jason Nahvi, HR Business Partner; Steve Hrytzik, Police Chief; and Amy Deere, City Clerk.

II) PLEDGE OF ALLEGIANCE

III) CITIZEN PARTICIPATION

Mayor Swartwout opened the floor for citizens comments on matters that are not on the agenda this evening.

Brittany Zoecklein from the Delaware Public Health District gave updates from the district.

Mayor Swartwout asked if there was anyone else wanting to address City Council. Hearing none, Mayor Swartwout closed this portion of Citizen Participation.

IV) APPROVAL OF MINUTES

City Council Meeting Minutes of April 5, 2022

[CC Minutes of 04.05.2022.pdf](#)

MOTION: Frank Bertone moved to approve the City Council Meeting Minutes of April 5, 2022. Jon C Bennehoof seconded the motion.

VOTE: Y 7 N 0 (None) AB 0 (None)

Motion passed 7-0-0.

Minutes approved.

V) CONSENT AGENDA

a. Monthly Departmental Reports - March, 2022

1. [Building_Dept_March_Monthly_Report.pdf](#)
2. [Community_Development_Dept_March_Monthly_Report.pdf](#)
3. [Engineering_Dept_March_Monthly_Report.pdf](#)
4. [Finance_Dept_March_Monthly_Report.pdf](#)
5. [HR_Dept_March_Monthly_Report.pdf](#)
6. [Police_Dept_March_Monthly_Report.pdf](#)

b. Notice To Legislative Authority - B TRFO Liquor Permit Request to KAC Design Co., LLC, DBA Board and Brush Creative Studios, 36 N. Liberty St. from MJG Design Co., LLC, DBA Board and Brush Creative Studios, 36 N. Liberty St.

1. [Notice To Legislative Authority - Memo.pdf](#)
2. [Notice To Legislative Authority.pdf](#)

MOTION: Jon C Bennehoof moved to approve the Consent Agenda. Christina Drummond seconded the motion.

VOTE: Y 7 N 0 (None) AB 0 (None)

Motion passed 7-0-0.

Consent Agenda approved.

VI) RESOLUTIONS

a. RESOLUTION 2022-20

A RESOLUTION TO ADOPT THE STANDARD ALLOWANCE REVENUE LOSS PURSUANT TO THE AMERICAN RESCUE PLAN ACT OF 2021.

1. [Res. 2022-20_Memo.pdf](#)
2. [Res. 2022-20_Resolution.pdf](#)

Finance Director Ocheltree stated with the passage of ARPA in 2021, the City was allocated \$1.4 million dollars, \$701,000.00 was received in 2021, and the other \$701,000.00 will be received by October, 2022. The final guidance document released by the Treasury Department loosened some of the restrictions associated with the funds. The City of Powell is NEU and is eligible to claim an allowance of up to \$10 million dollars. By selecting this option, which the City will be selecting the option for \$1.4 million dollars, the City will be able to use the funds for traditional government services. Some restrictions will still apply with the fund.

Councilmember Drummond asked if these funds would go to the General Fund. Finance Director Ocheltree advised the funds would stay in the Special Revenue Fund under the ARPA Fund, and we will have to appropriate out of that fund.

Mayor Swartwout opened the floor for public comment. Hearing none, this portion of public comment was closed.

MOTION: Tom Counts moved to approve Resolution 2022-20. Jon Bennehoof seconded the motion.

VOTE: Y 7 N 0 (None) AB 0 (None)

Motion passed 7-0-0.

Resolution 2022-20 approved.

b. RESOLUTION 2022-22

A RESOLUTION TO AMEND THE CITY OF POWELL RULES OF CITY COUNCIL.

1. [Res. 2022-22 - Memo.pdf](#)
2. [Res. 2022-22_Amend Council Rules.pdf](#)
3. [Redline - Rules of Council_2018 and Proposed Rules of Council_2022.pdf](#)

Law Director Ashrawi said he recalled this exercise began with a smaller committee of City Council, and worked to identify best practices, identify other examples of Council Rules, reviewed current Council Rules to ensure compliance with State, Local and Federal laws. The purpose of Council Rules is a guiding document for the actions of City Council and its members. It serves as a general outline of guidance on conducting public meetings and conducting oneself on behalf of the City. A lot of the changes you see reflect some discussion and various guiding policies and principles the committee found appropriate and acceptable to include.

Councilmember Bennehoof asked if Law Director Ashrawi could advise on the necessity for the second half of A, 2, C, the highlighted portion. The discussion in the Operations Committee Meeting was that it does no harm but it does not do much more than amplify the previous statement.

Law Director Ashrawi stated ultimately, his assessment of those statements is accurate, and it is the prerogative of City Council whether to include it or not. He believes it does reinforce policy and guidelines when it comes to City Council action and interaction. Certainly from a legal perspective, not a legal reason to include it or exclude it as it is not inconsistent.

Councilmember Drummond asked about the framing in Section C, 8, Confidentiality, with respect to this being a public body and to the Sunshine Law, could he comment on why the framing of Confidentiality as opposed to privileged information or Executive Session, and what confidentiality means.

Law Director Ashrawi said confidentiality and privilege are two different items. In Executive Session there are multiple reasons why those discussions should remain confidential. The confidentiality terminology was used there to encompass any item that may be required to remain confidential. Of course, there are other terms that could be used, as confidentiality was chosen for no legal reason. Even though City Council is a public body, there are still some matters to remain confidential under Ohio law.

Mayor Swartwout spoke again about the bolded language in A, 2, C, it would be his preference that language not be included and recraft the language in a manner that is

more acceptable to everyone. This was the general consensus at the Operation Committee Meeting. He added he knew the Resolution was crafted in such a manner substantially similar so it does not have to be exact, the document we have before us.

Law Director Ashrawi said in his recollection this language in particular was going to be a discussion point and so it would be appropriate still if City Council wanted to move forward and still adopt the Resolution as is.

Vice Mayor Counts said he viewed this document as an educational piece for mostly new Council members. This describes the kind of behavior we expect of Council members. Also, these rules, if they are going to work, have to be enforced by City Council. He added that City Council must abide by the rules.

Mayor Swartwout thanked Councilmember Counts and Councilmember Karr for all of their work on this document.

Mayor Swartwout opened the floor for public comment. Hearing none, this portion of public comment was closed.

MOTION: Jon C Bennehoof moved to strike section A, 2, C, second phrase in bold, in the Council Rules. Heather Karr seconded.

VOTE: Y 7 N 0 (None) AB 0 (None)

Motion passed 7-0-0.

MOTION: Jon C Bennehoof moved to approve Resolution 2022-22 as amended. Heather Karr seconded the motion.

VOTE: Y 7 N 0 (None) AB 0 (None)

Motion passed 7-0-0.

Resolution 2022-22 approved.

VII) ORDINANCES: SECOND READING(S)

ORDINANCE 2022-07

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN AND ALL ASSOCIATED SITE IMPROVEMENTS AND DEVELOPMENT TEXT DEVIATIONS FOR 1.5+/- ACRES AT 285 W. OLENTANGY ST. KNOWN AS LILY RESERVE RETAIL CENTER, ZONED PC – PLANNED COMMERCIAL DISTRICT.

1. Ord. 2022-07_Memo.pdf
2. Ord. 2022-07_Ordinance.pdf
3. Ord. 2022-07_Exhibit A.pdf
4. Ord. 2022-07_Exhibit B.pdf
5. Ord. 2022-07_History_LilyReserve.pdf

Planning Director Husak gave a presentation and advised this was the Public Hearing for this development. Additionally she advised City Council the Planning Commission and Staff are recommending approval for this development and this Ordinance.

Eric Newland – 3795 Hampshire Ave., Powell, represents Equity as SVP of Development. He went over the project. Further, he advised they were creating something with a little more meaning. He spoke of the reasoning the project was named Lily Reserve. He mentioned Anne Hall, who several years ago was diagnosed with kidney cancer. In her honor there was a Peloton team created and that team has raised well in excess of six figures towards the James Cancer Research Center. Unfortunately, she succumbed to cancer approximately two years ago and this was a way of honoring her life and he wanted to make sure when her family drove past this site they would remember Anne Hall. He approached her husband and asked what some of her favorite things were and was advised she loved stargazer lilies. This is where the name came from. He spoke of the landscape plan and advised there were 200 bulbs going in and at any given time, there will be over 1,000 blooming stargazer lilies on this site. He ended his statement by advising Council Anne Hall was his cousin.

Mayor Swartwout thanked him for sharing, not only about the proposal, but also the story behind the proposal.

Councilmember Bennehoof asked about the parking and asked if there would be open parking after hours. Mr. Newland advised it would be open parking and was not looking into any restrictions.

Mayor Swartwout opened the floor for public comment on Ordinance 2022-07.

Jason Hall – 2340 Windbend Blvd., Powell. He stated he was present with his son and he spoke of the history of the Hall family. He further said while being employed at Liberty Middle School, Anne went to urgent care and ended up at Dublin Methodist Hospital where she was diagnosed. She did a lot of research on the cancer she had and partnered with some incredible doctors at the James. She was an advocate for kidney cancer research funding. She did everything she could to maintain “normal” for the family. Anne was called home on February 8, 2020. Lily Reserve represents Anne’s favorite flower, the stargazer lily. The stargazer lily is different from other lilies due to the face of the flower does not face down, it faces up toward the sky. He believes Lily Reserve not only honors Anne, but in his opinion, represents the Powell community, looking up and looking forward. He thanked City Council for their consideration and thanked Equity for honoring Anne in this project.

Mayor Swartwout thanked Mr. Hall for sharing his very powerful story. To have that kind of monument is very special.

Councilmember Lorenz stated in planning, we are always trying to create a sense of place, a relationship or do something special for the community and make it long standing. He said this will be a very special retail center and feels the applicant has done a fantastic job in putting it together.

Mayor Swartwout asked if there were any further public comments. Hearing none, he closed the public comment for this Ordinance.

MOTION: Jon C Bennehoof moved to approve Ordinance 2022-07. Brian Lorenz seconded the motion. Mayor Swartwout requested a roll call for passage: Brian Lorenz, yes; Daniel Swartwout, yes; Jon C Bennehoof, yes; Frank Bertone, yes; Tom Counts, yes; Christina Drummond, yes; and Heather Karr, yes.

VOTE: Y 7 N 0 (None) AB 0 (None)

Motion passed 7-0-0.

Ordinance 2022-07 approved.

VIII) ORDINANCES: FIRST READING(S)

IX) COMMITTEE REPORTS

Development Committee – Councilmember Lorenz stated they will meet again on May 3, 2022. The Development Committee will also be adopting rules for the committee. There will be discussion of a parking survey activity. Also, the need to ramp up code enforcement and they will be looking at some methods and opportunities for Staff to keep the high quality of the community. He added he was proud of the Staff because in a short time, we are starting to pick off some of the goals as Staff are getting things done.

Finance Committee – Vice Mayor Counts said they met last week and talked about the City's financial condition as we are running way ahead of our revenues than a year ago. He feels this is a result of our tax restructuring and it puts us in good stead to consider our Capital Improvement Projects. There will be a special Work Session Tuesday, April 26, 2022, at 7:00 p.m. to discuss these projects. The next meeting is scheduled for May 10, 2022, at 7:00 p.m., and will be continuing the conversation on Capital Improvements.

Operations Committee – Councilmember Bertone advised they met this evening and had a lengthy conversation regarding the Resolution that was before Council this evening. We also had a nice opportunity to hear from Doug McCollough and what is happening with our IT analysis and some of the issues we have presently. Doug and his group are continuing their work efforts and expect some deliverables for the second quarter and he is already working on the third quarter. The next meeting is scheduled for May 17, 2022, at 6:30 p.m.

Community Diversity Advisory Committee – Councilmember Karr stated they are meeting tomorrow evening at 6:00 p.m. and will be discussing Passport to Powell which will be in August, as well as updates on Memorial Day Parade rules and diversity training for Staff.

Planning & Zoning Commission – Planning Director Husak advised they met last Wednesday and recommended approval to City Council regarding the Redwood project in addition to a new build residential house and lot split. She advised Council these projects would be in front of them shortly. She advised the next meeting is scheduled for May 11, 2022, at 6:30 p.m., and there is a light agenda, including a lot split and a discussion of the subject of rules for the commission.

CIC – Councilmember Lorenz advised they will be meeting on April 26, 2022, at 7:00 p.m. There will be discussion of re-branding of the CIC.

X) CITY MANAGER'S REPORT/CITY CALENDAR

City Manager White began with the HR Department and mentioned Chief Hrytzik is celebrating his thirty-first year with the City of Powell. Also, we are closing out a couple of open positions as well, having final interviews for the Community and Marketing Manager set later this week, we have moved to replace the retiring Police Clerk in the Police Department and have filled four of the five open seasonal parks/recreation positions.

Looking ahead, there was discussion at length at the Finance Committee Meeting about the CIP and Staff will be preparing some additional documentation for that discussion in hopes to have it out to Council for review this Friday.

He spoke of world affairs, as inflation has climbed faster over the last several months than it has in quite some time. We have received our first direct notice of this impact to the City by way of ODOT reaching out. As our appropriation for the budget for the ODOT Resurfacing Program is fair, it's enough, but we had quoted a cost of \$294,000.00 for our portion and \$400,000.00 is what is in the budget. We will have to include an additional \$55,000.00. There was one bid received and prices reflect some inflationary growth and he points that out for consideration as we move forward with our own program and he would expect to see some additional growth in those price estimates as well.

Street trees were discussed at the Operations Committee Meeting as well as a robust conversation about Council Rules. It was decided to hold off for approximately one week and the Public Services Department will present specific elevations and pictures of what exactly would be planted. The street trees that were ordered are not a good fit for they are very small, and the Public Services Director will be swapping those out and they would be planted in our park system.

There will be some construction on Sawmill Parkway to the north. The County has provided correspondence and he will present it to Council and make it available on social media so the community is aware.

There is a Business Roundtable set for this coming Thursday at the Locust Table and the focus will be Council objectives some of our goals. If you are interested and available, please let us know.

He stated all of us commit to a life in public service at some level for a variety of reasons but he cannot think of a better example of a community coming together than the story we heard tonight.

CITY CALENDAR

[City_Calendar.pdf](#)

XI) OTHER COUNCIL MATTERS

XII) EXECUTIVE SESSION

- a. Pursuant to Ohio Revised Code section 121.22(G)(2): To consider the purchase of property for public purposes.
- b. Pursuant to Ohio Revised Code section 121.22(G)(8): To consider confidential information related to the specific business strategy, production techniques, trade secrets, and personal financial statements of an application for economic development assistance.

MOTION: Jon C Bennehoof moved to enter into Executive Session. Frank Bertone seconded. Mayor Swartwout requested a role call for passage: Daniel Swartwout, yes; Jon Bennehoof, yes; Frank Bertone, yes; Tom Counts, yes; Christina Drummond, yes; Heather Karr, yes; and Brian Lorenz, yes.

VOTE: Y 7 N 0 (None) AB 0 (None)

Motion passed 7-0-0.

Entered into Executive Session at 8:21 p.m.

XIII) ADJOURNMENT

MOTION: Frank Bertone moved to enter back into Regular Session. Jon C Bennehoof seconded the motion.

VOTE: Y 7 N 0 (None) AB 0 (None)

Motion passed 7-0-0.

Entered back into Regular Session at 9:19 p.m.

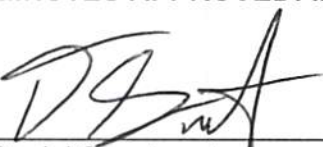
MOTION: Jon C Bennehoof moved to adjourn. Frank Bertone seconded the motion.


VOTE: Y 7 N 0 (None) AB 0 (None)

Motion passed 7-0-0.

Meeting adjourned at 9:20 p.m.

MINUTES APPROVED: May 3, 2022

 5-10-22
Daniel Swartwout, Date
Mayor

 5-4-22
Amy Deere, Date
City Clerk