



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

I) CALL TO ORDER/ROLL CALL

Mayor Daniel Swartwout called the City Council Regular Session meeting to order at 7:30 p.m. City Council members present included: Jon Bennehoof, Frank Bertone, Tom Counts, Christina Drummond, Heather Karr, Brian Lorenz, and Daniel Swartwout. Staff present included: Andrew White, City Manager; Jeffrey Tyler, Assistant City Manager; Yazan Ashrawi, Law Director; Jason Nahvi, HR Business Partner; Rosa Ocheltree, Finance Director; Chris Huber, City Engineer; Steve Hrytzik, Police Chief; and Amy Deere, City Clerk.

II) PLEDGE OF ALLEGIANCE

III) CITIZEN PARTICIPATION

Mayor Swartwout opened the floor for citizens who wished to address City Council with items not on this evening's agenda.

Brian Belinger – 4261 Laurel Valley Drive, Powell, Ohio, introduced the Olentangy Blues Rugby Club to City Council. He spoke of the club's history and advised USA Rugby is offering a \$100,000 grant to local high school programs to help grow the sport within the community it exists. One of the requirements is local support from the community schools, community governments, etc.

All of City Council agreed to provide a letter of support for the Olentangy Blues Rugby Club.

City Manager White stated he would be happy to draft the letter of support as requested.

Seeing no further citizens to address City Council, Mayor Swartwout closed the Citizen Participation portion of the meeting.

IV) APPROVAL OF MINUTES

Approval of City Council Minutes of July 5, 2022.

[Council Minutes of 07052022.pdf](#)

Councilmember Bennehoof requested a change in the minutes to reflect Herschel "Woody" Williams was the last Medal of Honor recipient.

MOTION: Jon Bennehoof moved to approve the amended City Council Minutes of July 5, 2022. Brian Lorenz seconded the motion.

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

Amended Minutes of July 5, 2022, passed 7-0-0.

V) CONSENT AGENDA

Departmental Reports for June, 2022.

1. [Building_Dept_Monthly_Report_June_2022.pdf](#)
2. [Community_Development_Dept_Monthly_Report_June_2022.pdf](#)
3. [Engineering_Dept_Monthly_Report_June_2022.pdf](#)
4. [Finance_Dept_Monthly_Report_June_2022.pdf](#)
5. [HR_Dept_Monthly_Report_June_2022.pdf](#)
6. [Police_Dept_Monthly_Report_June_2022.pdf](#)

MOTION: Jon Bennehoof moved to approve the Consent Agenda of July 19, 2022. Frank Bertone seconded the motion.

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

Consent Agenda of July 19, 2022, passed 7-0-0.

VI) RESOLUTIONS

RESOLUTION 2022-29

A RESOLUTION TO ESTABLISH THE ESTIMATED REVENUES FOR THE CITY OF POWELL FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022.

1. [Res. 2022-29_Memo.pdf](#)
2. [Res. 2022-29_Resolution.pdf](#)
3. [Res. 2022-29_Exh_A.pdf](#)

City Manager White noted although the forecast is fairly conservative, the numbers are positive.

Finance Director Ocheltree spoke of the 2023 estimated revenues project an 18.7% increase in revenue and the total available resources are in the amount of \$47,071,941, mainly due to an increase of projected municipal income tax revenues of \$12,750,000, which is a 2% increase from the estimated 2022 municipal tax receipts. She also spoke of the adjustment to the General Fund Reserve to increase the balance from 15% to 18% of the current year's general fund, personnel and operating expenses. Also, an inclusion of anticipated Capital Projects Fund revenues per the CIP funding policy, as this is the first time this fund appears in the estimated revenues, at least in the past few years.

Councilmember Counts advised the Finance Committee has reviewed the Resolution and recommends approval.

Councilmember Drummond wanted to know the rationale for estimating the move of \$22 million from this year's budget into next year's budget where the estimating of the revenue of generating an additional \$24 million, and why the City is not spending the monies.

City Manager White responded it is financial policies and the requirements of the Ohio Revised Code, as the fiscal policies requires a certain amount of liquidity on the books and the city is in compliance with best practices in that regard.

Mayor Swartwout opened the floor for public comment on Resolution 2022-29. Hearing none, Mayor Swartwout closed public comment for Resolution 2022-29.

MOTION: Tom Counts moved to approve Resolution 2022-29. Jon Bennehoof seconded the motion.

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

Resolution 2022-29 passed 7-0-0.

VII) ORDINANCES: SECOND READING(S)

ORDINANCE 2022-17

AN ORDINANCE AUTHORIZING THE LAWFUL OPERATION OF UNDER-SPEED VEHICLES ON THE PUBLIC ROADWAYS OF THE CITY OF POWELL.

1. [Ord. 2022-17_Memo.pdf](#)
2. [Ord. 2022-17_Ordinance.pdf](#)

Law Director Ashrawi advised the Ordinance currently before City Council is the same Ordinance as presented at the last City Council meeting, which was purposely done for further discussion at the Operations Committee meeting and for further information. He continued by stating that seat belts on golf carts are not required as a matter of state law.

Law Director Ashrawi stated this Ordinance is to be considered as a mechanism simply to permit the operation of under-speed vehicles in the City of Powell's jurisdiction. Also, he stated there are certain components are required to be included as a matter of state law, but the City can include other components and can deviate from the state laws so long as the minimal requirements are met. His understanding of this Ordinance was to codify current practices of the City, which include inspections and use of golf carts and under-speed vehicles in the City. Ultimately, from a policy perspective, those decisions fall upon the legislative body.

Mayor Swartwout stated essentially, the City has followed the perimeters of the Ohio Revised Code since the Ordinance became law without passing the "triggering" Resolution or Ordinance on a local level.

Law Director Ashrawi confirmed when the state law was originally passed, it allowed local governments to allow golf carts and under-speed vehicles, but it was not automatically "triggered" until a local Ordinance was passed.

Councilmember Bertone spoke about the Operations Committee discussion. Ultimately, the committee had discussion as to when and where these vehicles should be permitted as well as the codification to include seat belt or no seat belt, inspection process, which are all elements that can be modified going forward as procedural in his opinion. It should not necessarily be something that should limit or prohibit operating these kind of vehicles in the City. He advised it was a large and broad conversation at the committee meeting.

Mayor Swartwout spoke about seat belts and the current practice regarding seat belts in the inspections, as they were not required. He mentioned a previous conversation regarding this topic by Vice Mayor Counts and Councilmember Lorenz, of grandfathering in the requirement of seat belts.

Councilmember Drummond spoke about public safety and traffic congestion issues. She mentioned the idea of a riding lawn mower and wondered if this would be permitted.

Councilmember Drummond gave a presentation about speed limits, crosswalks, traffic signals, etc. She spoke specifically on the limited acceleration of these vehicles on roads that are 45 – 50 mph, as there is no signage to make drivers aware of the crossing of an under-speed vehicle.

Vice Mayor Counts spoke about bicycles and asked Councilmember Drummond for a suggestion on how to deal with bicycles. Councilmember Drummond stated this is why she fully supports an Active Transportation Plan being enacted. Vice Mayor Counts added a bicycle is permitted on a street or road that has a speed limit of 45 mph and Councilmember Drummond wanted to know who provided that authority. Vice Mayor Counts stated he is looking for consistency and logic, as bicycles are basically permitted to go anywhere.

Vice Mayor Counts asked Law Director Ashrawi, if in the past four years, driving a golf cart on any road in the City of Powell due to an Ordinance not being approved has been illegal? Law Director Ashrawi confirmed. He added a golf cart is required to have a license to be on the road. He also stated the state law regarding golf carts has put the city in a difficult position.

Councilmember Karr stated as a practical matter, the City is not only tied to the state law, but the City is also tied by the fact golf carts have been permitted for the past four years and our residents have relied on that. She doesn't know how the City could dial that back.

Councilmember Lorenz asked how would the Police Department know when a golf cart was inspected, with regard to the grandfathering the seat belt issue. Chief Hrytzik replied only if the golf cart driver was carrying the inspection form, as the burden of proof would be on the owner.

Councilmember Bennehoof mentioned his concern about the safety on this topic but he found it doubtful the Police Department would pass an inspection on a riding lawnmower. Chief Hrytzik agreed and stated it would not have all of the requirements, such as headlights, tail lights, windshield, etc. Councilmember Bennehoof also mentioned all of

the under-speed vehicles must be driven by a licensed driver and that licensed driver has passed a test regarding driving laws and driving safety.

City Manager White stated in his belief, four years ago, the City had intentions to establish a pathway for citizens of Powell to utilize the state allowance for operating a golf cart in the City legally. In general review with City Council and the Operations Committee, there was a flaw detected in the application process, which is the first thing Staff would recommend to remedy. As to the particular variables of safety, he feels all of them are relevant. Had this program gone forth in accordance with what he feels was the legislative intent of the City Council at the time, there would be a piece of legislation before the City, which could go through committee review and could be modified and amended.

City Manager White further stated, the first initiative of Staff with this effort was to appropriately establish the program as it was originally intended, and certainly have conversation on how the policy could be amended. He also worries about the intentions of the City providing false hope for someone to act on an investment they can no longer use if the initial effort is not corrected.

Mayor Swartwout opened the floor for public comment on Ordinance 2022-17. Hearing none, Mayor Swartwout closed public comment for Ordinance 2022-17.

MOTION: Jon Bennehoof moved to amend Ordinance 2022-17, to grandfather in seatbelts. Jon Bennehoof withdrew his motion.

MOTION: Jon Bennehoof moved to approve the amended language of Ordinance 2022-17. Brian Lorenz seconded the motion.

Mayor Swartwout requested a roll call for passage: Heather Karr, yes; Brian Lorenz, yes; Daniel Swartwout, yes; Jon Bennehoof, yes; Frank Bertone, yes; Tom Counts, yes; and Christina Drummond, no.

VOTE: Y 6 N 1 (Christina Drummond) AB 0 (None)

Motion to amend language of Ordinance 2022-17 passed 6-1-0.

MOTION: Jon Bennehoof moved to approve amended Ordinance 2022-17. Heather Karr seconded the motion.

Mayor Swartwout requested a roll call for passage: Brian Lorenz, no; Daniel Swartwout, yes; Jon Bennehoof, yes; Frank Bertone, yes; Tom Counts, yes; Christina Drummond, no; and Heather Karr, yes.

VOTE: Y 5 N 2 (Brian Lorenz, Christina Drummond)
AB 0 (None)

Amended Ordinance 2022-17 passed, 5-2-0.

VIII) COMMITTEE REPORTS

Development Committee – Brian Lorenz advised the next scheduled meeting is August 2, 2022, at 6:30 p.m.

Finance Committee – Tom Counts advised they met last week and discussed estimated revenues and budget items. The next scheduled meeting is August 9, 2022, at 7:00 p.m.

Operations Committee – Frank Bertone stated they met this evening and discussed a variety of topics including the seat belt issue and under-speed vehicles. They also discussed the status of the IT security needs and other IT items. The next scheduled meeting is August 16, 2022, at 6:00 p.m., which is thirty minutes earlier to consider the interview of an additional citizen representative.

Community Diversity Advisory Committee – Heather Karr stated the next scheduled meeting is July 20, 2022, at 6:00 p.m. in the Police Conference Room.

Planning & Zoning Commission – Assistant City Manager Tyler advised at the July meeting there were a couple of items that were reviewed. The first item was an amendment to an approved development plan for the property at 233 S. Liberty St., Carmendy Station, for the addition of five residential units and the case was recommended for approval to City Council by the Commission. The second case involved a Certificate of Appropriateness for the Lily Reserve Retail Center, which included a revised roof plan with redesigned elevations and materials. The Commission approved that proposal. The next scheduled meeting is August 10, 2022, at 6:30 p.m.

Powell CIC – Brian Lorenz said the next scheduled meeting is July 26, 2022, at 7:00 p.m. and they would be discussing the replacement for Mr. Emerick that will come from the Planning and Zoning Commission. Also, they will be having conversation with potential consultant of economic development studies.

IX) CITY MANAGER'S REPORT/CITY CALENDAR

City Manager White advised the next Business Round Table Meeting is scheduled for Thursday, July 21, 2022, at 8:30 a.m.

Additionally, as patrons of the Chamber of Commerce, the City will be hosting a Chamber after Hours event from 5:30 p.m. to 7:00 p.m. on Wednesday, July 20, 2022.

He also spoke of the successful event with the North of Nashville group.

There are two vacancies in the Public Services Department, one of which an offer has been made for a Service Worker. Also, they have interviewed candidates for the management position.

He advised this far into the year, we would expect to be close to 58% of our revenues for the year, and we are actually closer to 71% as we continue to see that consistency of the income tax. This should provide City Council some confidence in terms of short, long, and mid-term planning and the resources are going to be available for the discretion of City Council moving forward into next years' budget.

Further, he stated the City Engineer has advised the paving program is going better than anticipated.

City Engineer Huber continued with this topic by stating the majority of the path work is complete. Today, they started on the roadways in terms of the milling operation. They are moving south to north and should be complete with paving within the first couple of weeks in August. There are approximately three crews working simultaneously which shows an increase in production.

City Manager White advised the City has received several inquiries from residents concerned about potential disruption with some of the demolition work and Staff has done a nice job of following up and resolving these concerns.

Further, he spoke about the Olentangy Swim Association, the Powell Pool, and the existing relationship through a lease agreement established in the early 1990's. He added this agreement does not necessarily fit moving forward. There are some operational questions and there is some work needing conducted at the pool. The tentative plan would be to operate another season with the current conditions and then make an effort for the 2024 season to remedy some of the capital issues they are dealing with. The Board for the Olentangy Swim Association are looking at replacement of the wading pools, and a lap pool, which would be a concrete replacement. This is a general outline of the issue as it is situated currently. He added more information will be provided to City Council as it surfaces.

City Calendar

[City Calendar.pdf](#)

X) OTHER COUNCIL MATTERS

Councilmember Lorenz stated the City has great service workers. On Sunday morning, they were clearing the path of tree debris. He also wanted to publicly recognize Rudy Berger, a Powell resident. Mr. Berger has qualified for the CrossFit Open next month, which is remarkable.

XI) EXECUTIVE SESSION

MOTION: Jon Bennehoof moved to enter executive session. Brian Lorenz seconded the motion.

Mayor Swartwout requested a roll 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 Executive Session at 8:40 p.m.

