



**CITY COUNCIL
MEETING MINUTES
SEPTEMBER 20, 2022**

CALL TO ORDER/ROLL CALL

Mayor Daniel Swartwout called the September 20, 2022, City Council Regular Session meeting to order at 7:00 p.m. City Council members present included: Jon Bennehoof, Heather Karr, Brian Lorenz and Daniel Swartwout. Tom Counts and Christina Drummond were absent. City Staff present included: Andrew White, City Manager; Jeffrey Tyler, Assistant City Manager; Yazan Ashrawi, Law Director; Rosa Ocheltree, Finance Director; Jason Nahvi, HR Business Partner; Claudia Husak, Planning Director; Elise Schellin, Development Planner; Steve Hrytzik, Police Chief; and Amy Deere, City Clerk.

PLEDGE OF ALLEGIANCE

Led By Boy Scout Troop #428

PROCLAMATION

Recognizing Sunday, September 25, 2022, as Dustin Sun-Day

[Dustin Sun.pdf](#)

CITIZEN PARTICIPATION

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

Lori Kipfer of 413 Ashmoore Circle East, spoke on the topic of the Powell Pool. She spoke of her childhood and having fun at her public pool and desires the children of Powell have the same opportunity to make memories at Powell Pool. Further, she stated she understands the pool is in need of some expensive repairs, and there is no problem too big to solve. She said she appreciated the City continuing their discussions with the Powell Pool Board.

Mayor Swartwout asked if there were any further citizens wishing to address City Council. Hearing none, Mayor Swartwout closed the Citizen Participation portion of the meeting.

APPROVAL OF MINUTES

[Approval of City Council Minutes of 09.06.2022](#)

1. [Council Minutes 09.06.2022.pdf](#)
2. [Tracey Mayberry's Statement of 09.06.2022.pdf](#)
3. [Council Minutes 09.15.2022.pdf](#)

MOTION: Jon Bennehoof moved to approve the City Council Minutes of September 6, 2022. Brian Lorenz seconded the motion.

VOTE: Y 4 N 0 (None) AB 0 (None)

City Council Minutes of September 6, 2022, approved with a vote of 4-0-0.

MOTION: Jon Bennehoof moved to approve the City Council Minutes of September 15, 2022. Heather Karr seconded the motion.

VOTE: Y 4 N 0 (None) AB 0 (None)

City Council Minutes of September 15, 2022, approved with a vote of 4-0-0.

CONSENT AGENDA

a. Notice to Legislative Authority

1. [Notice to Legislative Authority_Memo.pdf](#)
2. [Notice to Legislative Authority.pdf](#)

b. Monthly Department Reports - August, 2022

1. [Building_Dept_Report_Aug_2022.pdf](#)
2. [Communications_Dept_Report_Aug_2022.pdf](#)
3. [Community_Development_Dept_Report_Aug_2022.pdf](#)
4. [Finance_Dept_Report_Aug_2022.pdf](#)
5. [HR_Dept_Report_Aug_2022.pdf](#)
6. [Police_Dept_Report_Aug_2022.pdf](#)

MOTION: Jon Bennehoof moved to approve the Consent Agenda of September 20, 2022. Heather Karr seconded the motion.

VOTE: Y 4 N 0 (None) AB 0 (None)

Consent Agenda of September 20, 2022, approved with a vote of 4-0-0.

ORDINANCES: FIRST READING(S)

a. ORDINANCE 2022-26

AN ORDINANCE AUTHORIZING AMENDMENT TO THE FEE SCHEDULE FOR THE CITY OF POWELL.

1. [Ord. 2022-26_Memo.pdf](#)
2. [Ord. 2022-26_Ordinance.pdf](#)
3. [Proposed 2023 Fee Schedule with Track Changes.pdf](#)
4. [Proposed 2023 Fee Schedule_Clean.pdf](#)

Mayor Swartwout stated there are only four members of City Council present today and asked Law Director Ashrawi, to explain the requirements for a vote of passage for anything related to our Ordinances on this evening's agenda.

Law Director Ashrawi said due to the Ordinances being first readings, there would be a need for a Suspension of Rules, which would require a majority of Council, which is four votes. To adopt an Ordinance there would be a need of all four votes of Council to adopt.

City Manager White advised at the last Finance Committee meeting, as is done on an annual basis, Staff has reviewed the Fee Schedule in its entirety. The Finance Committee endorsed the Fee Schedule and asked to put it through to Council for consideration.

One of the three changes that were itemized in the Executive Summary were the length of the athletic fields use, reservation and fees. They were formally on a 90-minute schedule and now are on a 120-minute schedule. The second item was the addition of the small cell and right-of-way fee structure to support the recently adopted legislation by Council. The third change was the modification to the refund deposits to simplify the reservation process.

He spoke of a fixed dollar amount to support a differentiation between a resident and non-resident fee of \$9 in the current Fee Schedule. This fixed dollar amount has been stricken from the proposed Fee Schedule in favor of the differentiation percentage. If this legislation were to be adopted, a resident would enjoy a 30% reduction in cost to a non-resident, so there would be more of an equitable distribution of the benefit to the resident.

Finance Director Ocheltree stated the 30% differential is applied to the programming and not reservations.

Councilmember Karr stated this was reviewed at the Finance Committee and it was agreed to forward the same to Council.

Mayor Swartwout opened the floor for public comment on Ordinance 2022-26. Hearing no comments, Mayor Swartwout closed the public comment portion for Ordinance 2022-26.

Mayor Swartwout declared Ordinance 2022-26 to have its first reading, and to return for a second reading at the next City Council meeting on October 4, 2022.

b. ORDINANCE 2022-27

AN ORDINANCE ADOPTING THE 2023-2027 FIVE-YEAR CAPITAL IMPROVEMENTS PROGRAM.

1. [Ord. 2022-27_Memo.pdf](#)
2. [Ord. 2022-27_Ordinance.pdf](#)
3. [Ord. 2022-27_CIP_Exhibit_A.pdf](#)

City Manager White stated this Ordinance is a compilation of potential allocations of the resources that have been established with the income tax restructuring. The legislation that established the new income tax structure required 25% of dollars collected for income tax would be dedicated for infrastructure and economic development. The dollars being expressed in this plan cover almost \$20 million dollars' worth of new infrastructure, which is planned for the five-

year period in addition to annual maintenance programs in excess of \$1 million dollars to support road and pedestrian thoroughfares in the City.

Finance Director Ocheltree spoke of the CIP events throughout the year. She advised Council if this legislation were passed on October 4, 2022, it would be forwarded onto the Operating Budget, which also starts in October.

She further stated the CIP program is driven by the City's goals, which provides guidelines for growth and development of the City, is constantly changing, and it sets priorities for the City's Administration to move specific projects forward while continuing conversation with Council regarding the projects and discussing the best use of the funds.

Finance Director Ocheltree identified future fiscal year requirements, which becomes the basis for determining the annual Capital Budget. She advised the approval of the plan does not appropriate the funds.

She spoke of the first step in building the CIP, in addition to having conversation with Council about project priorities, is identifying the estimated resources, which will be allocated to the plan. On average, the new CIP Fund Policy generates \$3.4 million dollars per year for capital projects, combined with all resources totaling \$25.5 million dollars available for the five-year program.

Mayor Swartwout opened the floor for public comment on Ordinance 2022-27. Hearing no comments, Mayor Swartwout closed the public comment portion for Ordinance 2022-27.

Mayor Swartwout declared Ordinance 2022-27 to have its first reading, and to return for a second reading at the next City Council meeting on October 4, 2022.

c. ORDINANCE 2022-28

AN ORDINANCE ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION, AUTHORIZING THE NECESSARY TAX LEVIES, AND CERTIFYING THEM TO THE COUNTY AUDITOR.

1. [Ord. 2022-28_Memo.pdf](#)
2. [Ord. 2022-28_Ordinance.pdf](#)
3. [Ord. 2022-28_Exhibit_A.pdf](#)

Finance Director Ocheltree advised the City has received the Certificate of Resources for 2023 from the County Budget Commission, along with the Schedule A. The main change was a removal of a bond as the bond will be fully satisfied in December 2022.

Councilmember Karr asked about a deadline to get it to the County, and Finance Director Ocheltree advised she believed it was in late October.

Mayor Swartwout opened the floor for public comment on Ordinance 2022-28. Hearing no comments, Mayor Swartwout closed the public comment portion for Ordinance 2022-28.

Mayor Swartwout declared Ordinance 2022-28 to have its first reading to return for a second reading at the next City Council meeting on October 4, 2022.

d. ORDINANCE 2022-29

AN ORDINANCE AMENDING THE CITY OF POWELL FIRE PREVENTION CODE.

1. [Ordinance 2022-29_Memo.pdf](#)
2. [Ord. 2022-29_Ordinance.pdf](#)
3. [Part_Fifteen_Fire_Prevention_Code_Revised_Exhibit A_Red_Line.pdf](#)
4. [Part_Fifteen_Fire_Prevention_Code_Revised_Clean_Copy.pdf](#)

Assistant City Manager Tyler stated there were two issues to be addressed. One being an out of date Fire Code as the 1995 VOCA National Fire Code was referenced, which is no longer in existence. Secondly, he spoke of the Moratorium that Council approved in March. With the passage of this Fire Code, the issues would be taken care of in that Moratorium as well.

Assistant City Manager Tyler advised Fire Chief O'Brien and Inspector Gilbert were present should Council have any questions for them. Both have reviewed and made changes that were incorporated therein.

Councilmember Lorenz stated personally, he does have a problem with complete prohibition of lighting off fireworks and would like further discussion on this topic because we should not be limiting that from state statute, which is a fundamental freedom violation.

Law Director Ashrawi stated it was attempted to draft the Fire Code such that the City would be authorized to permit the discharge of fireworks, at Council's discretion, on specific holidays, and are happy to amend further. He envisions that happening by separate legislation that Council could authorize.

Mayor Swartwout opened the floor for public comment on Ordinance 2022-29. Hearing no comments, Mayor Swartwout closed the public comment portion for Ordinance 2022-29.

Mayor Swartwout declared Ordinance 2022-29 to have its first reading, and to return for a second reading at the next City Council meeting on October 4, 2022.

e. ORDINANCE 2022-30

AN ORDINANCE AMENDING THE CITY OF POWELL PROPERTY MAINTENANCE CODE.

1. [Ordinance 2022-30_Memo.pdf](#)
2. [Ord. 2022-30_Ordinance.pdf](#)
3. [Chapter_1323_Property_Maintenance_Code_Red_Line.pdf](#)
4. [Chapter_557_Weeds_Redline.pdf](#)
5. [Dumpster_Regulations_Section_521.14.pdf](#)

Assistant City Manager Tyler this Ordinance would be adopting, by reference, a national standard, known as the International Property Maintenance Code. Additionally, other communities were referenced and determined the 2021 International Property Maintenance Code would be the most effective.

He spoke of some modifications as well as explaining on developed lots, the height of grass shall not exceed seven inches and on undeveloped lots, the height of grass shall not exceed ten inches.

He also advised of the development of new language regarding residential dumpsters, as it was felt this was important due to a gap in our enforcement mechanism.

Mayor Swartwout asked why the change from one additional written notice to two additional notices, as with one notice in the newspaper and two written notices would be three notices to the individual.

Assistant City Manager Tyler advised it would be one for general circulation and one written notice. There are not two additional notices on top of the general notice. He added under the current code, a violator has to be notified each time there is a violation.

Councilmember Bennehoof spoke of the Creation of Agency and asked if this was anticipated to be absorbed with Staff. Assistant City Manager Tyler affirmed. Further, Councilmember Bennehoof spoke of blank section codes.

Councilmember Lorenz said the process of appealing the complaint has been modified and what would generally happen, a violator would receive a citation and have to appear in Court, taking approximately 90 days. This helps speed up the process. This allows everyone to work together to keep the community looking beautiful.

Mayor Swartwout opened the floor for public comment on Ordinance 2022-30. Hearing no comments, Mayor Swartwout closed the public comment portion for Ordinance 2022-30.

Mayor Swartwout declared Ordinance 2022-30 to have its first reading, and to return for a second reading at the next City Council meeting on October 4, 2022.

f. ORDINANCE 2022-31

AN ORDINANCE APPROVING AN AMENDMENT TO AN APPROVED DEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 7468 STEITZ ROAD AS SUBMITTED BY DELAWARE COUNTY DISTRICT LIBRARY AS PART OF THE PREVIOUSLY SUBMITTED MIDDLEBURY CROSSING DEVELOPMENT FOR THE SITE UPDATES INCLUDING AN ADDITIONAL DUMPSTER ENCLOSURE, BIKE PATH REVISIONS AND NEW SIGN, ON A ±11.5 ACRES.

1. [Ord. 2022-31_Memo.pdf](#)
2. [Ord. 2022-31_Ordinance.pdf](#)
3. [Middlebury-DCDL Amendment Application.pdf](#)
4. [History.pdf](#)

Development Planner Schellin advised Council originally approved this Approved Development Plan with Ordinance 2019-25, which approved a mixed-use development including retail, residential and the library.

Further, she showed a site plan providing all of the proposed updates, which includes a monument sign and a dumpster enclosure. Originally, the library was intending to share a

dumpster enclosure with the retail space and this is no longer the case. The library had to incorporate a dumpster onto their site, which relocates some parking but does not reduce the parking spaces. Additionally, there are some revisions to the bike path.

Development Planner Schellin advised Staff and the Planning & Zoning Commission recommend approval of Ordinance 2022-31 at the second reading at the meeting scheduled for October 4, 2022.

George Needham and Molly Myers LoBebo – 84 Winter Street, Delaware, representing the library, gave thanks to Staff for their hard work. It was also mentioned if this could be passed this evening it would help get the project started sooner to beat the cold weather.

Mayor Swartwout opened the floor for public comment on Ordinance 2022-31. Hearing no comments, Mayor Swartwout closed the public comment portion for Ordinance 2022-31.

MOTION: Brian Lorenz moved to suspend the rules. Heather Karr seconded the motion.

Mayor Swartwout requested a roll call for passage: Heather Karr, yes; Brian Lorenz, yes; Daniel Swartwout, yes; and Jon Bennehoof, yes.

VOTE: Y 4 N 0 (None) AB 0 (None)

Suspension of the Rules approved with a vote of 4-0-0.

MOTION: Brian Lorenz moved to approve Ordinance 2022-31. Jon Bennehoof seconded the motion.

Mayor Swartwout requested a roll call for passage: Heather Karr, yes; Brian Lorenz, yes; Daniel Swartwout, yes; and Jon Bennehoof, yes.

VOTE: Y 4 N 0 (None) AB 0 (None)

g. ORDINANCE 2022-32

AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2022.

1. [Ord. 2022-32_Memo.pdf](#)
2. [Ord. 2022-32_Ordinance.pdf](#)
3. [Ord. 2022-32_Appropriations_Exhibit_A.pdf](#)

Finance Director Ocheltree advised there were three appropriations presented in the Council Packet. The first item was for the comprehensive analysis of the police services in the amount \$63,890. The CIC has requested a transfer of the 5% through the CIP Funding Policy in the amount of \$312,000. In addition, there is a debt service payment for Harper's Point, which is coming out of the Downtown TIF. There is an additional request for \$30,000 for the Engineering Department under the General Fund for Engineering Services Consulting Fees. The revised total would be in the amount of \$435,890 as the request.

City Manager White added the distribution of the personnel costs within the Engineering Department would be available to the City in the fall, with our current contract with EMH&T to

provide engineering oversight as needed during the timeframe, while there is no City Engineer or Service Director.

Councilmember Karr stated this was discussed at the Finance Committee with the exception of \$12,000 increase for the Engineering Consulting Fee, and it was submitted by the Finance Committee.

Mayor Swartwout opened the floor for public comment on Ordinance 2022-32. Hearing no comments, Mayor Swartwout closed the public comment portion for Ordinance 2022-32.

Mayor Swartwout declared Ordinance 2022-32 to have its first reading, and to return for a second reading at the next City Council meeting on October 4, 2022.

COMMITTEE REPORTS

Development Committee: Brian Lorenz advised the next scheduled meeting is October 4, 2022, at 6:30 p.m.

Finance Committee: Heather Karr advised the next scheduled meeting is October 11, 2022, at 7:00 p.m.

Operations Committee: Daniel Swartwout advised the committee had their meeting tonight and the update on the Employee Handbook was discussed, as well as a Police Analysis Study. Additionally, there was an IT update provided. He advised the next scheduled meeting is October 18, 2022, at 6:30 p.m.

Community Diversity Advisory Committee: Heather Karr advised the next scheduled meeting is October 19, 2022, at 6:00 p.m.

Planning & Zoning Commission: Claudia Husak advised the next scheduled meeting is October 12, 2022, at 6:30 p.m.

Powell CIC: Brian Lorenz advised the next scheduled meeting is September 27, 2022, at 7:00 p.m.

CITY MANAGER'S REPORT/CITY CALENDAR

City Calendar

[City Calendar.pdf](#)

City Manager White spoke of the 108th ICMA Conference and said the City of Powell was well represented.

He recognized Staff's efforts, as well as the Liberty Fire Department's representation at tonight's meeting, as it is great to see the two communities working together.

He also advised the Ohio State Wexner Medical Center continues to move forward. He said members of Staff, along with himself, met at the Dublin facility to learn about that project and it is something that is available to members of Council.

He stated what was introduced tonight is the culmination of a lot of work done at the committee level, as well as Staff. Things are moving forward.

OTHER COUNCIL MATTERS

EXECUTIVE SESSION

O.R.C. Section 121.22 (G)(1) to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official.

O.R.C. Section 121.22 (G)(2) to consider the purchase of property for public purposes.

O.R.C. Section 121.22 (G)(8) to consider confidential information relating to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistant, or to negotiate with other political subdivisions respecting requests for economic development assistance.

MOTION: Jon Bennehoof moved to enter into Executive Session. Heather Karr seconded. Mayor Swartwout requested a roll call for passage: Jon Bennehoof, yes; Daniel Swartwout, yes; Brian Lorenz, yes; and Heather Karr, yes.

VOTE: Y 4 N 0 (None) AB 0 (None)

Motion passed, entered into Executive Session at 8:08 p.m., with a vote of 4-0-0.

MOTION: Brian Lorenz moved to adjourn Executive Session and resume regular session. Jon Bennehoof seconded.

VOTE: Y 4 N 0 (None) AB 0 (None)

Motion passed, adjourned Executive Session and resumed regular session at 10:07 p.m., with a vote of 4-0-0.

ADJOURNMENT

MOTION: Jon Bennehoof moved to adjourn. Heather Karr seconded.

VOTE: Y 4 N 0 (None) AB 0 (None)

Meeting adjourned at 10:07 p.m.

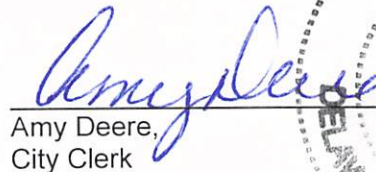
MINUTES APPROVED: OCTOBER 4, 2022



Daniel Swartwout,
Mayor

10-4-22

Date



Amy Deere,
City Clerk

