



**CITY COUNCIL
MEETING MINUTES
OCTOBER 4, 2022**

I) CALL TO ORDER/ROLL CALL

Mayor Daniel Swartwout called the October 4, 2022 City Council Regular Session meeting to order at 7:30 p.m. City Council members present included: Jon Bennehoof, Tom Counts, Heather Karr, Brian Lorenz and Daniel Swartwout. Christina Drummond was absent. City Staff present included: Jeffrey Tyler, Assistant City Manager; Yazan Ashrawi, Law Director; Rosa Ocheltree, Finance Director; Jason Nahvi, HR Business Partner; Claudia Husak, Planning Director; Steve Hrytzik, Police Chief; and Amy Deere, City Clerk.

II) PLEDGE OF ALLEGIANCE

III) PROCLAMATION

Recognizing October as Hindu Heritage Month

[Proclamation Hindu Heritage Month.pdf](#)

IV) CITIZEN PARTICIPATION

V) APPROVAL OF MINUTES

Approval of City Council Minutes of September 20, 2022

[Council Minutes 09.20.2022.pdf](#)

MOTION: Brian Lorenz moved to approve the City Council Meeting Minutes of September 20, 2022. Heather Karr seconded the motion.

VOTE: Y 6 N 0 (None) AB 0 (None)

The City Council Minutes of September 20, 2022 were approved with a vote of 6-0-0.

VI) CONSENT AGENDA

RESOLUTION 2022-31

A RESOLUTION TO CONDITIONALLY ACCEPT AND BEGIN THE REQUIRED MINIMUM TWO YEAR MAINTENANCE PERIOD FOR PUBLIC IMPROVEMENTS WITH REGARD TO SMITHFARM AT CARPENTERS MILL SUBDIVISION, SECTION 4, PHASE A, AS THE SAME IS DELINEATED UPON THE PLATS THEREOF RECORDED IN O.R. 1939, PAGES 2275-2276, DELAWARE COUNTY, OHIO RECORDS.

1. [Res. 2022-31_2022-32_Resolution_Memo.pdf](#)
2. [Res. 2022-31_Resolution.pdf](#)
3. [20200710-VS-PLAT-SEC4-PHSA-2.pdf](#)

RESOLUTION 2022-32

A RESOLUTION TO CONDITIONALLY ACCEPT AND BEGIN THE REQUIRED MINIMUM TWO YEAR MAINTENANCE PERIOD FOR PUBLIC IMPROVEMENTS WITH REGARD TO SMITH FARM AT CARPENTERS MILL SUBDIVISION, SECTION 4, PHASE B, AS THE SAME IS DELINEATED UPON THE PLATS THEREOF RECORDED IN O.R. 1939, PAGES 2277-2278, DELAWARE COUNTY, OHIO RECORDS.

1. [Res. 2022-31_2022-32_Resolution_Memo.pdf](#)
2. [Res. 2022-32_Resolution.pdf](#)
3. [20200710-VS-PLAT-SEC4-PHSB-2.pdf](#)

MOTION: Jon Bennehoof moved to approve the Consent Agenda of October 4, 2022. Tom Counts seconded the motion.

VOTE: Y 6 N 0 (None) AB 0 (None)

The Consent Agenda of October 4, 2022 was approved with a vote of 6-0-0.

VII) RESOLUTIONS

RESOLUTION 2022-30

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS TO AUTHORIZE THE EXPENDITURE OF FUNDS FOR THE SPLASHPAD FLOORING REPLACEMENT.

1. [Res. 2022-30_Resolution_Memo.pdf](#)
2. [Res. 2022-30_Resolution.pdf](#)

Mayor Swartwout opened the floor for Public Comment on Resolution 2022-30. Seeing none, he closed this portion of Public Comment for this Resolution.

MOTION: Jon Bennehoof moved to approve Resolution 2022-30. Heather Karr seconded the motion.

VOTE: Y 6 N 0 (None) AB 0 (None)

Resolution 2022-30 was approved with a vote of 6-0-0.

VIII) ORDINANCES: SECOND READING(S)

a. ORDINANCE 2022-26

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

1. [Ord. 2022-26_Ordinance_Memo.pdf](#)
2. [Ord. 2022-26_Ordinance.pdf](#)

Mayor Swartwout opened the floor for Public Comment on Ordinance 2022-26. Seeing none, he closed this portion of Public Comment for this Ordinance.

MOTION: Tom Counts moved to approve Ordinance 2022-26. Jon Bennehoof seconded the motion.

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

VOTE: Y 6 N 0 (None) AB 0 (None)

Ordinance 2022-26 was approved with a vote of 6-0-0.

b. ORDINANCE 2022-27

AN ORDINANCE ADOPTING THE 2023-27 FIVE-YEAR CAPITAL IMPROVEMENTS PROGRAM.

1. [Ord. 2022-27_Ordinance_Memo.pdf](#)
2. [Ord. 2022-27_Ordinance.pdf](#)
3. [Ord. 2022-27_Exhibit-A-Rev.pdf](#)

Mayor Swartwout opened the floor for Public Comment on Ordinance 2022-27. Seeing none, he closed this portion of Public Comment for this Ordinance.

MOTION: Tom Counts moved to approve Ordinance 2022-27. Jon Bennehoof seconded the motion.

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

VOTE: Y 6 N 0 (None) AB 0 (None)

Ordinance 2022-27 was approved with a vote of 6-0-0.

c. ORDINANCE 2022-28

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

1. [Ord. 2022-28_Ordinance_Memo.pdf](#)
2. [Ord. 2022-28_Ordinance.pdf](#)
3. [Ord. 2022-28_Exhibit-A.pdf](#)

Mayor Swartwout opened the floor for Public Comment on Ordinance 2022-28. Seeing none, he closed this portion of Public Comment for this Ordinance.

MOTION: Tom Counts moved to approve Ordinance 2022-28. Jon Bennehoof seconded the motion.

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

VOTE: Y 6 N 0 (None) AB 0 (None)

Ordinance 2022-28 was approved with a vote of 6-0-0.

d. ORDINANCE 2022-29

AN ORDINANCE AMENDING THE CITY OF POWELL FIRE PREVENTION CODE.

1. [Ord. 2022-29_Ordinance_Memo\(2\).pdf](#)
2. [Ord. 2022-29_Ordinance\(2\).pdf](#)
3. [Part_Fifteen_Fire_Prevention_Code_Revised_Exhibit A_Red_Line.pdf](#)
4. [Part_Fifteen_Fire_Prevention_Code_Revised_Exhibit A.pdf](#)

Mayor Swartwout opened the floor for Public Comment on Ordinance 2022-29. Seeing none, he closed this portion of Public Comment for this Ordinance.

MOTION: Brian Lorenz moved to amend the Powell Fire Prevention Code, Section 1519.04 (b), and add the language no person shall discharge, ignite or explode any fireworks in this Municipality except as may be otherwise authorized by the City or State on specific holidays. Jon Bennehoof seconded the motion.

Mayor Swartwout requested a roll call for passage of the amendment to the language in the Powell Fire Prevention Code: Jon Bennehoof, yes; Tom Counts, no; Heather Karr, yes; Brian Lorenz, yes; and Daniel Swartwout, yes.

VOTE: Y 5 N 1 (Tom Counts) AB 0 (None)

The amendment of the Powell Fire Prevention Code, Section 1519.04 (b) was approved with a vote of 5-1-0.

MOTION: Jon Bennehoof moved to approve Ordinance 2022-29. Brian Lorenz seconded the motion.

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

VOTE: Y 6 N 0 (None) AB 0 (None)

Ordinance 2022-29 was approved as an emergency with a vote of 6-0-0.

e. ORDINANCE 2022-30

AN ORDINANCE AMENDING THE CITY OF POWELL PROPERTY MAINTENANCE CODDE.

1. [Ord. 2022-30_Ordinance_Memo.pdf](#)
2. [Ord. 2022-30_Ordinance.pdf](#)
3. [Chapter_1323_Property_Maintenance_Code_Redline.pdf](#)
4. [Chapter_1323_Property_Maintenance_Code_Clean_Copy.pdf](#)
5. [Chapter_557_Weeds_Redline.pdf](#)
6. [Chapter_557_Weeds_Clean_Copy.pdf](#)
7. [Dumpster_Regulations_Section_521.14.pdf](#)

Mayor Swartwout opened the floor for Public Comment on Ordinance 2022-30. Seeing none, he closed this portion of Public Comment for this Ordinance.

MOTION: Jon Bennehoof moved to approve Ordinance 2022-30. Brian Lorenz seconded the motion.

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

VOTE: Y 6 N 0 (None) AB 0 (None)

Ordinance 2022-30 was approved with a vote of 6-0-0.

f. ORDINANCE 2022-32

AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2022, AND DECLARING AN EMERGENCY.

1. [Ord. 2022-32_Ordinance_Memo.pdf](#)
2. [Ord. 2022-32_Ordinance_Rev.pdf](#)
3. [Ord. 2022-32 Appropriations_Exhibit A.pdf](#)

Mayor Swartwout opened the floor for Public Comment on Ordinance 2022-32. Seeing none, he closed this portion of Public Comment for this Ordinance.

MOTION: Tom Counts moved to approve Ordinance 2022-32. Jon Bennehoof seconded the motion.

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

VOTE: Y 6 N 0 (None) AB 0 (None)

Ordinance 2022-32 was approved with a vote of 6-0-0.

IX) COMMITTEE REPORTS

X) CITY MANAGER'S REPORT/CITY CALENDAR

XI) OTHER COUNCIL MATTERS

XII) EXECUTIVE SESSION

Ohio Revised Code Sec. 121.22 (G)(1) Personnel – To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official.

MOTION: Jon Bennehoof moved to enter into Executive Session. Tom Counts seconded the motion.

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

VOTE: Y 6 N 0 (None) AB 0 (None)

Motion to enter into Executive Session passed with a vote of 6-0-0.

Entered into Executive Session at 8:17 p.m.

MOTION: Jon Bennehoof moved to adjourn Executive Session and enter back into Regular Session. Brian Lorenz seconded the motion.

VOTE: Y 6 N 0 (None) AB 0 (None)

Motion to adjourn Executive Session and enter back into Regular Session passed with a vote of 6-0-0.

MOTION: Brian Lorenz moved to appoint Ferzan Ahmed to fill the open City Council seat left by Frank Bertone, through December 31, 2023. Jon Bennehoof seconded the motion.

VOTE: Y 6 N 0 (None) AB 0 (None)

Motion to appoint Ferzan Ahmed to fill the open City Council seat through December 31, 2023 was passed with a vote of 6-0-0.

XIII) ADJOURNMENT

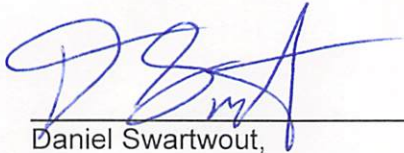
MOTION: Jon Bennehoof moved to adjourn. Heather Karr seconded the motion.

VOTE: Y 6 N 0 (None) AB 0 (None)

Motion to adjourn passed with a vote of 6-0-0.

Meeting adjourned at 9:14 p.m.

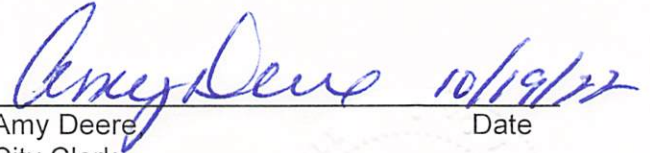
MINUTES APPROVED: OCTOBER 18, 2022



Daniel Swartwout,
Mayor

10-20-22

Date



Amy Deere
City Clerk

Date