



**CITY COUNCIL
MEETING MINUTES
AUGUST 15, 2023**

I) CALL TO ORDER/ROLL CALL

Mayor Daniel Swartwout called the Tuesday, August 15, 2023 meeting of City Council to order at 7:32 p.m. The following Councilmembers were present for the meeting: Ferzan Ahmed, Jon Bennehoof, Christina Drummond, Heather Karr, David Lester, Tom Counts and Daniel Swartwout. Staff members in attendance included: Andrew White, City Manager; Rosa Ocheltree, Finance Director; Jason Nahvi, Human Resource Manager; Claudia Husak, Planning Manager/Zoning Administrator; Mallory Sribanditmongkol, Strategic Communication Officer; and Yazan Ashrawi, Law Director.

II) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Swartwout.

III) COUNCIL OATH OF OFFICE

David Lester, sworn in by the Honorable David Gormley, Delaware County Court of Common Pleas

[Oath of office -David Lester City Council 2023.pdf](#)

The Honorable David Gormley issued the oath of office for newly appointed Councilmember David Lester.

IV) CLERK OF COUNCIL OATH OF OFFICE

Elaine McCloskey, sworn in by Mayor Dan Swartwout

[Oath of office -Elaine McCloskey City Clerk 2023.pdf](#)

Mayor Dan Swartwout issued the oath of office for Elaine McCloskey, City Clerk.

V) PROCLAMATION

Recognizing Police Chief Stephen Hrytzik for his years of service

[Steve Hrytzik, Police Chief proclamation.pdf](#)

Mayor Swartwout, members of Council and staff provided comment recognizing and thanking Chief Hrytzik for his many years of service to the City of Powell.

Chief Hrytzik discussed how much the community means to him. He provided his gratitude and support to his officers for their hard work.

VI) CITIZEN PARTICIPATION

Mayor Swartwout opened the floor for citizen participation for comment on matters not on the agenda. Hearing none, Mayor Swartwout closed the citizen participation.

VII) PRESENTATION

State of the Water presented by Del-Co, Glenn Marzluf, CEO

[Delaware County Powell Aug2023.pdf](#)

Mayor Swartwout notified Council the presentation will need to be rescheduled for a future meeting.

VIII) APPROVAL OF MINUTES

Approval of City Council Meeting Minutes of August 1, 2023

[08012023_Council_Min.pdf](#)

MOTION: Jon Bennehoof moved to approve the City Council Minutes of August 1, 2023 as written, seconded by Heather Karr. Motion passed by a vote of 6-0-1 (Abstain: Lester).

VOTE: Y 6 N 0 (None) AB 1 (Lester)

IX) CONSENT AGENDA

a. Notice to Legislative Authority - Stockholder Change

[MEMO Notice to Legislative Authority – Annie's Wine Cottage LLC.pdf](#)
[Notice to Legislative Authority - Annie Wine Cottage.pdf](#)

b. Monthly Department Reports - June 2023

[Building Department Monthly Report - July 2023.pdf](#)
[Communications Monthly Report 2023.pdf](#)
[Community Development Monthly Report - July 2023.pdf](#)
[Finance Monthly Report-July 2023.pdf](#)
[Human Resources Monthly Report - July 2023.pdf](#)
[Police Department Monthly Report - July 2023.pdf](#)
[IT-Monthly Report-July 2023.pdf](#)

MOTION: Jon Bennehoof moved to approve the Consent Agenda, seconded by Christina Drummond. Motion passed by consensus.

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

X) ORDINANCES: SECOND READING(S)

a. ORDINANCE 2023-20

AN ORDINANCE DECLARING THE NECESSITY OF, DETERMINING TO PROCEED WITH, AN LEVYING ASSESSMENTS FOR THE PURPOSE OF IMPROVEMENT, CONSTRUCTION, AND RECONSTRUCTION OF THE PUBLIC SEWER MAIN INFRASTRUCTURE ON THE NORTH SIDE OF POWELL ROAD AND ON PROPERTY OWNED BY VERONA LLC AND KNOWN AS THE VERONA SUBDIVISION, AND DECLARING AN EMERGENCY.

[Ord. 2023_20 - 21_Memo Updated.pdf](#)

[Ord. 2023-20_Ordinance.pdf](#)

[Ord. 2023-20 Exhibit A.pdf](#)

Mayor Swartwout read Ordinance 2023-20 for a second reading. City Manager White voiced this is a long-standing item staff has been working on for several years to edit out previous errors. He reviewed the updates to the legislation provided to Council in the memo and advised the information was also provided to Mr. Wilkens at his request. He acknowledged that the citizens that previously provided input on the topic were not in attendance at the meeting. He highlighted the four changes including:

1. Ordinance No. 2023-20 and 2023-21 have modified to include a declaration as an emergency measure. Both ordinances require a certified copy to be delivered to the County Auditor by a specific date which is prior to the 30-day effective date from passage.
2. Exhibit A has been updated and included. The exhibit lists 34 properties that are affected in general and it also provides a specific scope of each property affected.
3. He also noted a discrepancy relating to the addressing of the lots. Staff did confirm an error in the total number of assessed properties when they were provided addresses. There are 166 total homes assessed which has been increased from the 165 homes.
4. The cost of the project has been corrected and is corrected in both ordinances. The total amount is updated to reflect \$1,280,102.63. There was an agreement with the City and Spectrum on a sewer project for Verona. Had that project come in less than \$1.2 million dollars there was language in place in which Spectrum would contribute funds to the Verona project. The Spectrum sewer cost was over the agreed amount and no contribution was made.

City Manager White discussed the expected reduction of approximately \$1,000 for patio homes and \$1,600 for the single-family homes. He acknowledged the frustration for the community and challenges for staff. Some lots still need to be occupied, but upon completion of the program and any payments to the City, if there are any over collections those funds will be reallocated to the parcels at that time.

Councilmember Drummond questioned the need for future Council action. Staff clarified that there will be legislation for the final year for the properties.

Councilmember Ahmed talked about the extensive discussion at the previous meeting with the public. City Manager clarified that those differences have been exhausted and while he can not speak for those not present, but they have been advised of the position of the City. Law Director Ashrawi confirmed that communication was provided to the residents relating to the reconciliation of the number of homes. Councilmember Ahmed questioned if the builder was overpaid. City Manager White clarified that the estimate that was provided was created by the County Engineers Office and that it appears a refund of unused funds were returned to the developer. Councilmember Ahmed acknowledged the work of staff and the residents.

Councilmember Karr provided praise to staff for combing through the records to figure this case out and the time staff took with the residents regarding the situation.

Councilmember Counts discussed that Verona was able to happen because the City was willing to finance the project and found an attractive finance rate. The property had no capacity to get sewer without the City being a part of the solution and it created a nice development, lots of new residents, and increased the City's tax base. He discussed complications happen when there are 166 borrowers building at different times.

Mayor Swartwout opened Ordinance No. 2023-20 for public comment. Hearing none, Mayor Swartwout closed public comment.

Councilmember Bennehoof acknowledged the work of staff and residents.

MOTION: Tom Counts moved to adopt Ordinance No. 2023-20, seconded by Jon Bennehoof. This motion was passed by consensus.

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

b. ORDINANCE 2023-21

AN ORDINANCE DECLARING THE NECESSITY OF, DETERMINING TO PROCEED WITH, AND LEVYING ASSESSMENTS FOR THE PURPOSE OF IMPROVEMENT, CONSTRUCTION, AND RECONSTRUCTION OF THE PUBLIC SEWER MAIN INFRASTRUCTURE ON THE NORTH SIDE OF POWELL ROAD AND PROPERTY OWNED BY VERONA LLC AND KNOWN AS THE VERONA SUBDIVISION, AND PROVIDING A REVISED ASSESSMENT SCHEDULE, AND DECLARING AN EMERGENCY.

[Ord. 2023_20 - 21_Memo Updated.pdf](#)
[Ord. 2023-21_Ordinance.pdf](#)
[Ord. 2023-21 Exhibit A.pdf](#)

Mayor Swartwout read Ordinance 2023-21 for a second reading. He discussed that this is related to Ordinance No. 2023-20. Staff clarified that this ordinance relates to the properties coming off the assessment and that this is their last assessment.

Mayor Swartwout opened Ordinance No. 2023-21 for public comment. Hearing none, Mayor Swartwout closed public comment.

MOTION: Tom Counts motioned to adopt Ordinance No. 2023-21, seconded by Jon Bennehoof. This motion was passed by consensus.

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

XI) ORDINANCES: FIRST READING(S)

a. ORDINANCE NO. 2023-22

AN ORDINANCE AMENDING CODE SECTIONS 1143.16.2; AND 1123.01 OF THE CODIFIED ORDINANCES REGARDING THE SPECIAL EVENTS AND OBJECTIONABLE, NOXIOUS, OR DANGEROUS USES, PRACTICES.

- 1. [Ord. 2023-22_Memo.pdf](#)
- 2. [Ord. 2023-22_Ordinance.pdf](#)
- 3. [Ord. 2023-22_Exhibit A.pdf](#)
- 5. [Ord. 2023-22_History.pdf](#)

Mayor Swartwout read Ordinance No. 2023-22 for the first time. Claudia Husak, Planning Manager/Zoning Administrator introduced this at the Development Committee and it was also recommended by the Planning and Zoning Commission. She discussed that the legislation pertains to the Downtown Business District in regards to entertainment uses and would allow permitted uses including axe throwing/golf simulator or arcade type establishments. There were also request for special events in the district, in which staff would like included into the amendment.

Staff has noted the lack of ability to residential enforcement for the maintenance of residential properties regarding landscaping requirements or upkeep. This amendment would be citywide for residential districts.

Councilmember Karr spoke that this item was discussed at the Development Committee and it was recommended to move forward. Both of the amendments are coming forth as a response to issues that were already occurring.

Councilmember Drummond voiced support for the amendments and that it is exciting to have changes for commercial recreation and entertainment. This is often a request she receives from citizens.

Mayor Swartwout opened Ordinance No. 2023-22 for public comment. Hearing none, Mayor Swartwout closed public comment. Ordinance No. 2023-22 will be brought before Council for a second reading at the September 5, 2023 meeting of Council.

XII) COMMITTEE REPORTS

Development Committee: Councilmember Karr reported that the next meeting will be held September 5, 2023 at 6:30 p.m. in Council Chambers.

Finance Committee: Vice-Mayor Counts reported that the next meeting will be on August 29, 2023.

Operations Committee: Councilmember Jon Bennehoof provided an update from the Operations Committee meeting that was held earlier in the day. Topics of discussion at this meeting included an IT Security Vulnerability Assessment Report, construction traffic relating to Encore Park, a recap on the recently held Powell Festival and 750 crosswalk improvements. The next meeting will be September 13, 2023.

Community Diversity Advisory Committee: Councilmember Karr invited everyone to the upcoming meeting, which will be held on August 16, 2023. Information provided relating to the upcoming Passport to Powell event.

Planning and Zoning Commission: Councilmember Ahmed provided a recap from the recently held meeting in which they heard a case relating a proposed building that will have pizza on Case Street. The next meeting will be held on September 13, 2023.

Powell Development Corporation: Mayor Swartwout informed Council that the next Powell Development Corporation meeting will be held on August 22, 2023 at 7:00 p.m.

XIII) CITY MANAGER'S REPORT/CITY CALENDAR

City Calendar

[City Calendar.pdf](#)

City Manager White provided the following updates to Council:

- a. There is continued conversation with the Columbus Zoo and Finance Director Ocheltree will be meeting with their finance director and executive teams. He discussed recently acquired property and the close proximity of the zoo could start conversations for partnerships and potential grants.
- b. The City was notified earlier today by the County that Presidential Parkway will be closed tomorrow. Powell Police will increase patrols to the area. He discussed community concerns relating to the school transportation.
- c. He discussed the damaged irrigation system at the Don Kenney property on Home Road and Sawmill Parkway which occurred during the County widening project on Home Road. Staff is reviewing the proposal to remedy the situation. There will be a need for an appropriateness of funds in a September meeting.
- d. An update was provided on the Home Road Pathway that will be a connection from Liberty High School to the Library.
- e. He provided information relating to the North Depot extension and that staff is focusing on the southern portion of the site where the road ends.
- f. He discussed available funding with the Delaware County Land Bank for their demolition program.
- g. The IT RFP was closed out recently, additional information will be provided to Council in an upcoming report.

City Manager White welcomed Councilmember Lester.

XIV) OTHER COUNCIL MATTERS

Mayor Swartwout welcomed Councilmember Lester. He discussed current vacancies on citizen committees and the need to fill these positions.


Councilmember Bennehoof voiced a concern relating to the drainage issues that were observed at Seldom Seen Park and requested this be a future discussion at the next Operations Committee. In addition, he thanked staff for efforts working in the cemetery.

XV) ADJOURNMENT

MOTION: Jon Bennehoof moved to adjourn the meeting, seconded by Ton Counts. The meeting adjourned by consensus at 8:38 p.m.

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

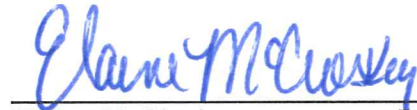
MINUTES APPROVED: [September 5, 2023]



Daniel Swartwout,
Mayor

9/5/23

Date



Elaine McCloskey
City Clerk

9/5/23

Date