



**CITY COUNCIL
MEETING MINUTES
SEPTEMBER 19, 2023**

I. CALL TO ORDER/ROLL CALL

Mayor Swartwout called the September 19, 2023 City Council meeting to order at 7:30 p.m. The following members of Council were in attendance: Councilmember Ferzan Ahmed, Councilmember Jon Bennehoof, Councilmember Heather Karr, Councilmember David Lester, Vice-Mayor Tom Counts, and Mayor Daniel Swartwout. Absent from the meeting was Councilmember Christina Drummond. Also in attendance was: Andrew White, City Manager; Rosa Ocheltree, Finance Director; Jason Nahvi, Human Resource Manager; Claudia Husak, Planning Manager/Zoning Administrator; Mallory Sribanditmongkol, Strategic Communication Officer; Grant Crawford, Public Service Director; Aaron Stanford, City Engineer; Jeffrey Tyler, Assistant City Manager/Community Development Director; and Yazan Ashrawi, Law Director.

II. PLEDGE OF ALLEGIANCE

Councilmember Bennehoof led the Pledge of Allegiance.

III. PROCLAMATION

- a. Recognizing Detective Darren Smith's retirement from the City of Powell Police Department

Mayor Swartwout presented Detective Smith the proclamation. Council and staff provided their individual thanks and recognition to Detective Smith on his service to the community.

IV. CITIZEN PARTICIPATION

Submitted Public Comment
[2023-09-19 Letter to Council.pdf](#)

Mayor Swartwout opened the floor for citizen participation for comment on matters not on the agenda. The following individual submitted a letter for public comment:

Donald DePalma
365 Shelby Avenue
Powell, Ohio 43065

Mayor Swartwout submitted the letter into the record and a copy of the letter is attached as Exhibit A. Hearing no further comment, Mayor Swartwout closed citizen participation.

V. APPROVAL OF MINUTES

- a. Approval of City Council Meeting Minutes of September 5, 2023

[09.05.2023 Council Minutes.pdf](#)

MOTION: Jon Bennehoof moved to approve the City Council Meeting Minutes of September 5, 2023. Ferzan Ahmed seconded. Motion Passed.

VOTE: Y-6 N-0 AB-0

VI. CONSENT AGENDA

a. Monthly Department Reports - August 2023

[Building Department Monthly Report - August 2023.pdf](#)

[Finance Monthly Report-Aug 2023.pdf](#)

[Human Resources Monthly Report - August 2023.pdf](#)

[Police Department Monthly Report - August.pdf](#)

[Communications Monthly Report 2023.pdf](#)

[Community Development Monthly Report - August.pdf](#)

MOTION: Jon Bennehoof moved to approve the Consent Agenda. Heather Karr seconded. Motion Passed.

VOTE: Y-6 N-0 AB-0

VII. ORDINANCES: FIRST READING(S)

a. **ORDINANCE NO. 2023-24**

AN ORDINANCE REPEALING THE EXISTING CHAPTER 1305 OF THE CODIFIED ORDINANCES REGARDING GENERAL PROVISIONS FOR SPECIAL FLOOD HAZARD AREAS, ADOPTING THE NEW CHAPTER 1305 OF THE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

[1\) MEMO Ord 23-24, Section 1305 Flood Damage Reduction.pdf](#)

[2\) Ord 23-24, Flood Hazard Reduction Code.pdf](#)

[3\) Section 1305 Flood Damage Reduction - UPDATE.pdf](#)

Mr. Stanford discussed the request to repeal the existing Chapter 1305 and replace with a new titled Chapter 1305 to capture what the code is really about. He provided that FEMA recently updated their flood plain maps and boundaries. The amended code will be in conformance with FEMA guidelines and the maps will be effective on December 21, 2023. The last time the code was updated was in 2009.

Mayor Swartwout opened Ordinance No. 2023-24 for public comment. Hearing none, he closed public comment. Councilmember Bennehoof discussed that this amendment was discussed at the Operations Committee.

MOTION: Jon Bennehoof moved to suspend the rules for Ordinance No. 2023-24. Tom Counts seconded. Motion Passed.

VOTE: Y-6 N-0 AB-0

MOTION: Jon Bennehoof moved to approve Ordinance No. 2023-24. David Lester seconded. Motion Passed.

VOTE: Y-6 N-0 AB-0

b. **ORDINANCE NO. 2023-25**

AN ORDINANCE ADOPTING THE 2024-2028 FIVE-YEAR CAPITAL IMPROVEMENTS PROGRAM

1. [MEMO Ord. 2023-25 CIP.pdf](#)
2. [Ord. 2023-25_Ordinance.pdf](#)
3. [24-28 CIP Presentation_Exhibit A.pdf](#)
4. [City of Powell 24-28 CIP Budget Book - Council.pdf](#)

Amended at the
October 3,
2023 meeting
to reflect the
change from
September to
August.

E. McCloskey
10/4/2023

Mayor Swartwout read into the record Ordinance No. 2023-25 for the first time and informed Council that this was presented to the Finance Committee at their September meeting. City Manager White discussed this is the second installment of the five year CIP since this was created from the 2021 income tax restructuring. This CIP is for the years of 2024-2028 and he recognized the increase in investment in a variety of capital needs. Last year was the establishment of the infrastructure investment of the Powell 2.0, and the 2024-2028 CIP will represent the implementation of Powell 2.0. Finance Director Ocheltree discussed that the Capital Improvement Plan is a long-term financial plan that helps staff to plan the capital project needs. The five year CIP does not appropriate funds, and appropriation of funds in support of the CIP is presented to Council as part of the annual operating budget. The CIP is reviewed and updated annually to support planning activities and preparation for the Operating Budget cycle. She reviewed the 2023-2027 CIP and compared it to the presented CIP in which the 2024-2028 CIP includes new capital projects and all major capital investments. Staff identified grant opportunities in support of various projects. Various studies have been completed and are in-progress to help refine the CIP including: Fleet Assessment, Park and Facilities Master Plan, and Village Green Development proposals. This plan allocated \$8.4M in 2024 to Capital investments and \$48.9M across all years. Allocation of capital resources had increased since 2020 by 190%. It is expected to increase by 248% by 2028. These investments support public safety, economic development, quality of life, and fiscal responsibility. She also reviewed how the funds are being allocated between the five investment types and six funding sources. The five investment types include: New, \$21.7M; Improvement/Enhancement, \$6.9M; Maintenance, \$16.4M; Economic Development, \$2.9M, and Contingency, \$1.8M. The six funding sources include: Capital Projects Fund, \$22.8M; Downtown TIF, \$3.9M; Street Maintenance Fund, \$16.1M; Parks Improvement Fund, \$1.5M; General Fund, \$3.5M; and Grants, \$1.8M. The Capital Project Funds is still the top funding source. She reviewed the status of projects from the 2023-2027 CIP.

Councilmember Ferzan Ahmed questioned if the Street Maintenance Program is mostly for paving. Finance Director Ocheltree discussed that the bulk is for paving, but also includes the Adventure Park Tunnel. Councilmember Ahmed questioned if the \$16.4M investment will have a plan to show the condition of the streets. Mr. Crawford discussed working towards an Asset Management Plan. They currently have a bi-yearly street rating, which helps give asset data on street conditions and projects future life and

maintenance needs. Mr. Stanford discussed working to get better data/information on existing infrastructure conditions.

Vice-Mayor Tom Counts discussed that most of the projects were planned by Council in 2022 and that the goals could change with the new Council composition and when Council sets their new goals. These projects are placeholders and that the established priority projects may change over time. Since the restructuring of the income tax there has been an increase in roads being resurfaced. The CIP will show new projects being added, but the benefits to the community may take time to show. There will be a lot of new projects happening that could not happen earlier when there was not the funding available. He discussed the need to take advantage of grants to help spread the funds. He also mentioned that as part of the tax restructuring there was a floor of 25% to capital improvements, and this percentage may need to be reassessed. Mayor Swartwout clarified that the City has taken advantage of the grants through the years. City Manager White discussed that he has always been impressed that the City was able to accomplish what they did through the years with limited resources, and that it was difficult to compete with other municipalities that had a higher income tax rate. He discussed the increase of the tax credit for taxes paid to other municipalities and that he believes this is a reason for the passage of the income tax restructuring.

Mayor Swartwout opened Ordinance No. 2023-25 for public comment. The following individual provided public comment:

Les Wibberly
5005 Bayhill Drive
Powell, Ohio

Les Wibberly voiced his support on the CIP. He discussed being a trail advocate and was glad to see trail and road projects. He reminded Council of grant funding available by the federal government for bicycle and pedestrian safety. He discussed the nature of the Complete Streets Policy and the need to allocate for safe passage of pedestrian and bicycle use.

Hearing no further public comment, Mayor Swartwout closed the public participation for Ordinance No. 2023-25 and this ordinance will be presented for a second reading at the next regular City Council meeting.

c. **ORDINANCE NO. 2023-26**

AN ORDINANCE TO AUTHORIZE THE EXECUTION OF AN ECONOMIC DEVELOPMENT AGREEMENT WITH REDWOOD POWELL HOME ROAD OH P1 LLC, RELATIVE TO THE REDWOOD MIXED-USE DEVELOPMENT

- 1) [Ord. 2023_26_Memo _ Redwood Agreement.pdf](#)
- 2) [Ord 23-26, Redwood Development Agreement 4864-8008-5888.1.pdf](#)
- 3) [Powell - Redwood Development Agreement - ysa 9.15.2023 - 4868-7520-3968.1.pdf](#)

Mayor Swartwout read Ordinance No. 2023-26 into the record for the first time. City Manager White discussed that this is a first reading and draft. He is requesting further discussion at executive session to have this ready for a second reading. He discussed concerns by the City relating to the commercial piece of the property that failed to move forward due to constraints from the market economy. There were previous discussions with Redwood on commercial alternatives and now The City can utilize income tax differently on economic development. He discussed using Encore Park as a model. This agreement is a tool to work forward with the development plan. This is also a concurrent agreement that will convey the question of the commercial development directly to the City in exchange for the purchase of the land and reinvestment or payment reimbursement to the developer for certain public infrastructure components of the project. Vice-Mayor Counts discussed that Powell 2.0 allows for the purchase of land, and discussed his opinion on why this parcel should be purchased by the City. He discussed the challenges to find appropriate use for the property, which should be commercial, and that the City is in the position to hold on to the property to allow time to find a good and appropriate use.

Mayor Swartwout opened Ordinance No. 2023-26 to public comment. Hearing none, he closed public participation. Ordinance No. 2023-26 will be presented for a second reading.

VIII. COMMITTEE REPORTS

Development Committee: Next Meeting: October 3, 2023 @ 6:30 pm

Councilmember Heather Karr informed that the next Development Committee will be October 3. City Manager White discussed that there was conversation regarding the redevelopment of Village Green and that this will be a council-driven project and the Council will direct the policy initiatives on what will staff will proceed on. He recommends having a meeting with the consultant and all councilmembers to discuss the process.

Finance Committee: Next Meeting: October 10, 2023 at 7:30 pm

Vice-Mayor Tom Counts met last week for the Financial committee and discussed the Investment Policy

Operations Committee: Next Meeting: October 17, 2023 at 6:30 pm

Councilmember Jon Bennehoof informed Council that Operations met earlier today and discussed the drainage issues at Seldom Seen Park that have been corrected by staff. Code updates were discussed relating to the FEMA Flood Hazard Plan. The Master Service Agreement Framework was presented. Also discussed were crosswalk improvements to SR750. The next Operations Committee Meeting will be October 17.

Community Diversity Advisory Committee: Next Meeting: October 18, 2023 at 6:00 pm

Councilmember Heather Karr informed Council that the next CDAC meeting will be October 18.

Planning & Zoning Commission: Next Meeting: October 11, 2023 at 6:30 pm

Councilmember Ferzan Ahmed reviewed the Planning and Zoning meeting in which Horsepower Farms was discussed and public comment was received. He also provided an update on the second workshop series on Design Guidelines.

Powell Development Corporation: Next Meeting: September 26, 2023 at 7:00 pm

Mayor Swartwout informed Council that PDC will meet on September 26.

IX. CITY MANAGER'S REPORT/CITY CALENDAR

a. City Calendar

[City Calendar September 2023.pdf](#)
[City Calendar October 2023.pdf](#)

City Manager White reviewed the comments brought up by Mr. Wibberly regarding the Complete Streets Policy and clarified that staff is actively working to include all provisions of the policy into future projects and that staff is actively engaged with MORPC to learn about the Capital Infrastructure Bill. He provided an update on the Presidential Pkwy/Sawmill Road intersection project and that paving will begin this week and hope to be completed by October 6. This date is subject to change and he will update as needed. He spoke at the Powell Area Realtors Association and was able to present Powell 2.0. This past Friday was Third Friday for Police and Fire Night. October 28 is the Powell Fall Fest. The Olentangy Marching Band, cheerleaders and football team will be having a fundraiser in the community on September 24. Marty Saperstein is scheduled to present to Council on October 17, 2023, for the Community Attitude Survey. He provided an update on the interview process for the Economic Development position. There were three responses received relating to the construction of the North Depot Connection Project. He also provided an update relating to the Verona Sewer Assessment and received notice from residents that Romanelli and Hughes will be making a payment on outstanding inspection review balance dollars.

X. OTHER COUNCIL MATTERS

Council provided no additional comments.

XI. EXECUTIVE SESSION

- *Ohio Revised Code Section 121.22 (G) (2) To consider the purchase of property for public purposes*
- *Ohio Revised Code Section 121.22 (G) (4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment*
- *Ohio Revised Code Section 121.22 (G) (8) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance*

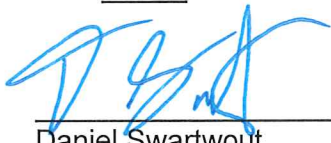
Councilmember Ferzan Ahmed moved to enter into executive session pursuant Ohio Revised Code Section 121.22 (G) (2) To consider the purchase of property for public purposes; Ohio

Revised Code Section 121.22 (G) (4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment; Ohio Revised Code Section 121.22 (G) (8) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance. This motion was seconded by Vice-Mayor Tom Counts and approved by a 6-0 vote. Council entered executive session at 8:33 p.m. The following members of Council were present for the discussion: Councilmember Ferzan Ahmed, Councilmember Jon Bennehoof, Vice-Mayor Tom Counts, Councilmember Heather Karr, Councilmember David Lester, and Mayor Swartwout. The following staff members were also present for executive session: Yazan Ashwari, Law Director; Andy White, City Manager, Jeffrey Tyler, Assistant City Manager; Ron Sallows, Interim Police Chief; Rosa Ocheltree, Finance Director; and Jason Nahvi, Human Resource Director. Following the discussion, Vice-Mayor Tom Counts moved to exit executive session. This motion was seconded by Councilmember Jon Bennehoof and passed by consensus. Council returned to open session at 9:15 p.m.

XII. ADJOURNMENT

MOTION: Jon Bennehoof moved to adjourn the regular meeting of City Council. Ferzan Ahmed seconded. Motion Passed. The September 19, 2023, City Council meeting adjourned at 9:15 p.m.

VOTE: Y - 6 N - 0 AB-0



Daniel Swartwout,
Mayor

10/2/2023
Date



Elaine McCloskey,
Clerk

Date

MINUTES APPROVED: Tuesday, October 3, 2023

Donald DePalma
365 Shelby Ave W

Date: 09/19/23
To: City Council
Subject: Sawmill Roundabout Construction Detour

This is to express the appreciation of myself, and my Grandshire neighbors, to the City for its efforts on our behalf in addressing safety concerns as related to the recent construction detour of traffic through our neighborhood.

I emailed the City Manager, with copies to Council members, concerning the issue of drivers following detour signage directing them to turn East onto Grandshire Drive from Sawmill Road in order to proceed to Presidential Parkway. The County Engineer's office, the manager of the roundabout project, mapped this detour route but failed to erect any signage on Grandshire Drive to direct drivers after they turned East onto Grandshire Drive. This created much confusion as to where drivers were to proceed, causing many to make an immediate U-turn to return to Sawmill Road, or to turn around in someone's driveway to do the same, creating safety issues with U-turns being performed in front of oncoming traffic, and driveway turnarounds where children were playing.

We are fortunate to live in a city with an administration sensitive to the concerns of its citizens; the response to my bringing this situation to Mr. White's attention was immediate, and resulted in he, and his staff, working with the County in having additional signage erected along Grandshire Drive directing traffic East to Presidential Parkway, thus alleviating the issues of U-turns and driveway turnarounds.

Many thanks to Mr. White, his staff, and to council members Swartwout, Kerr and Drummond for adding their efforts to resolving this issue, and to Interim Chief Sallows for monitoring the traffic situation and placing a radar station on Grandshire Drive to slow detoured traffic.

We are immensely grateful to the City for respecting our concerns and addressing them in such a responsive manner.

Sincerely,

Don DePalma