



**CITY COUNCIL
MEETING MINUTES
NOVEMBER 8, 2023**

I. CALL TO ORDER/ROLL CALL

Mayor Swartwout called the November 8, 2023, regular meeting of City Council to order at 7:00 p.m. Councilmembers present included: Council Representative Heather Karr, Council Representative Ferzan Ahmed, Council Representative David Lester, Vice-Mayor Tom Counts, and Mayor Dan Swartwout. Absent from the meeting was Council Representative Jon Bennehoof and Council Representative Christina Drummond. Staff present included: Mallory Sribanditmongkol, Strategic Communications Officer, Yazan Ashrawi, City Attorney, Claudia Husak, Planning Manager/Zoning Administrator, Rosa Ocheltree, Finance Director, Grant Crawford, Public Service Director, Ron Sallows, Interim Police Chief, Jason Nahvi, Human Resource Manager, Jeffrey Tyler, Assistant City Manager/Community Development Director, and Andrew White, City Manager.

II. PLEDGE OF ALLEGIANCE

III. CITIZEN PARTICIPATION

Mayor Swartwout opened citizen participation for public comment. Hearing none, Mayor Swartwout closed citizen participation.

IV. APPROVAL OF MINUTES

- a. Approval of the Minutes from the City Council Meeting held on October 17, 2023.

MOTION: Tom Counts moved to approve the Minutes for the City Council meeting held on October 17, 2023. David Lester seconded. Motion Passed.

VOTE: Y-5 N-0 AB-0

V. CONSENT AGENDA

- a. **RESOLUTION NO. 2023-27**

A RESOLUTION AUTHORIZING THE POWELL POLICE DEPARTMENT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE OHIO ORGANIZED CRIME INVESTIGATIONS COMMISSION TO ADDRESS HUMAN TRAFFICKING.

- b. **RESOLUTION NO. 2023-28**

A RESOLUTION AUTHORIZING THE POWELL POLICE DEPARTMENT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH FLOCK GROUP, INC.

c. **RESOLUTION NO. 2023-29**

A RESOLUTION AUTHORIZING THE POWELL POLICE DEPARTMENT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES TO ADDRESS CHILD ABUSE AND NEGLECT.

City Manager White discussed that the three resolutions relating to Police Department, have traditionally been signed off administratively. In an effort to be transparent it was requested that the items be brought forward legislatively. In respect to Resolution No. 2023-28, there were several open-ended questions, particularly related to the term of the contract itself in which the provided MOU speaks to a 5-year term that is terminable with a 30-day notice. He requested that Council pause and allow staff to clarify the MOU as a demo. It was recommended to remove Resolution No. 2023-28 from the consent agenda and table the item. Dan Swartwout requested to remove Resolution No. 2023-28 from the Consent Agenda. Resolution No. 2023-28 was removed from Consent.

MOTION: Ferzan Ahmed moved to table Resolution No. 2023-38. Heather Karr seconded. Motion Passed.

VOTE: Y-5 N-0 AB-0

MOTION: Tom Counts moved to approve the Consent Agenda as modified. David Lester seconded. Motion Passed.

VOTE: Y-5 N-0 AB-0

VI. **RESOLUTIONS**

a. **RESOLUTION NO. 2023-30**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MKSK FOR THE PURPOSE OF PERFORMING PROFESSIONAL SERVICES FOR THE DEVELOPMENT OF A PARKS MASTER PLAN AND FACILITY ASSESSMENT.

Mayor Swartwout read Resolution No. 2023-30 into the record for the first time. City Manager discussed the competitive RFQ process with the need to inventory all park systems and identifying age, upgrades, and future plans. There are many parks that started at the same time period and require upgrades. This is a 10-year plan that looks at both development and redevelopment and can include the addition of new properties in the park system. It was discussed that the first phase of the project will include a Citizen Steering Committee. Mayor Swartwout opened Resolution No. 2023-30 for public participation. Hearing none, he closed public participation.

MOTION: Tom Counts moved to approve Resolution No. 2023-30. David Lester seconded. Motion Passed.

VOTE: Y-5 N-0 AB-0

b. **RESOLUTION NO. 2023-31**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH EMH&T FOR THE PURPOSE OF PERFORMING PROFESSIONAL ENGINEERING SERVICES FOR THE 2024 STREET AND TRAIL MAINTENANCE AND REPAIR PROGRAM.

Mayor Swartwout read Resolution No. 2023-31 into the record for the first time. Mayor Swartwout opened Resolution No. 2023-31 for public participation. Hearing none, he closed public participation.

MOTION: Tom Counts moved to approve Resolution No. 2023-31. David Lester seconded. Motion passed.

VOTE: Y-5 N-0 AB-0

c. **RESOLUTION NO. 2023-32**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A SALT TRUCK FROM STOOPS FREIGHTLINER FOR THE REPLACEMENT OF A CURRENT SALT TRUCK, INCLUDING THE CHASSIS AND SNOW AND ICE CONTROL EQUIPMENT.

Mayor Swartwout read Resolution No. 2023-32 into the record for the first time. This was planned and included into the 2024 budget. Based on current inventory cost additional funds were requested earlier in the year. Mr. Crawford provided the estimated timeline for the delivery date and that this truck will be used throughout the City, but will also focus on major roadways, such as Sawmill Parkway. Information was provided on the resale value of the older trucks. Mayor Swartwout opened Resolution No. 2023-32 for public participation. Hearing none, he closed public participation.

MOTION: Ferzan Ahmed moved to approve Resolution No. 2023-32. Heather Karr seconded. Motion Passed.

VOTE: Y-5 N-0 AB-0

d. **RESOLUTION NO. 2023-33**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO CONSENT TO THE LIBERTY COMMUNITY INFRASTRUCTURE FINANCING AUTHORITY ("AUTHORITY") ISSUANCE OF SHORT-TERM INDEBTEDNESS.

Mayor Swartwout read Resolution No. 2023-33 into the record for the first time. City Manager White provided background history regarding the Liberty CIFA. He discussed that the development has not been able to keep the pace with the payment schedule. The Liberty CIFA does have the capacity to extend its borrowing from a commercial bank, but pursuant to the agreement terms in place they are required to seek the authorization of the council prior to issuing the debt. It was also discussed that the City previously worked with the Liberty CIFA in the past to refinance for a lower interest rate. Mayor

Swartwout opened Resolution No. 2023-33 for public participation. Hearing none, he closed public participation.

MOTION: Tom Counts moved to approve Resolution No. 2023-33. David Lester seconded. Motion Passed.

VOTE: Y-5 N-0 AB-0

VII. ORDINANCES: SECOND READING(S)

a. ORDINANCE NO. 2023-27

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

Mayor Swartwout read Ordinance No. 2023-27 into the record for the second time. It was discussed that there were no changes from when presented to the Finance Committee and there were no additional questions by Council. Mayor Swartwout opened Ordinance No. 2023-27 for public participation. Hearing none, he closed public participation.

MOTION: Tom Counts moved to approve Ordinance No. 2023-27. David Lester seconded. Motion Passed.

VOTE: Y-5 N-0 AB-0

VIII. ORDINANCES: FIRST READING(S)

a. ORDINANCE NO. 2023-29

AN ORDINANCE APPROVING AN AMENDMENT TO AN APPROVED DEVELOPMENT PLAN WITH ALL ASSOCIATED SITE IMPROVEMENTS FOR THE MIDDLEBURY CROSSING DEVELOPMENT, SUBAREA C TO REPLACE TOWNHOME BUILDINGS WITH GARDEN APARTMENT BUILDINGS WHILE NOT INCREASING THE OVERALL DENSITY, ZONED PLANNED COMMERCIAL DISTRICT AS SUBMITTED BY TED TINKLER ON BEHALF OF THE CODY COUGHLIN COMPANY AT THE NORTHWEST CORNER OF STEITZ ROAD AND HOME ROAD, PARCEL 31923001003004.

Mayor Swartwout read Ordinance No. 2023-29 into the record for the first time. Claudia Husak provided the presentation for the request of Middlebury Crossing Development. She discussed the location of the property. There were originally 7 building approved and amenity space in the center of the development. The new proposal is for four buildings with the amenity space moved to eastern portion of the site. There is no increase in density. Claudia Husak discussed conditions for approval including the applicant provides a Lighting Plan to reduce light pollution on neighboring sites and coordinate with staff on dumpster location to not interfere with library traffic patterns.

APPLICANT:

Gary Smith
G2 Planning and Design
720 East Broad Street

Columbus, Ohio 43215

Council Representative Lester discussed that at the Planning and Zoning Commission it was discussed to make the small pickleball court recreational area into a larger area. It was discussed that the change to garden apartments was related to cost of materials. Mayor Swartwout opened Ordinance No. 2023-29 for public comment. The following individuals provided comment:

PUBLIC PARTICIPATION:

Molly Meyers Labadie and Julie Miller
Delaware County District Library
7468 Steitz Road
Powell, Ohio 43065

Molly Meyers Labadie and Julie Miller voiced their concern over the dumpster location and requested that it not interfere with the 24-hour book return drive through. They expressed that they have had conversations with the developer regarding this concern. Mr. Smith provided more information on the current location of the dumpster and looking at the issues. Council discussed the condition relating to the dumpster and request that language be amended to included that the library is included in the discussion of the dumpster. Staff to make this change and present at the next meeting. Ordinance No. 2023-29 will be presented for a second reading.

b. **ORDINANCE NO. 2023-30**

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A
PRE-ANNEXATION AGREEMENT WITH HORSE POWER FARMS, LLC.

Mayor Swartwout read into the record Ordinance No. 2023-30. Mr. Ashrawi discussed the stages of annexation and that the pre-annexation agreement lays out the map for what both parties intend to pursue. This agreement does not bind either party to a future decision. It was also discussed that this parcel is not part of the TIF, but is in close proximity to Sawmill Commercial TIF. If this parcel was included in the TIF, then funds can be used to support public infrastructure, specifically pathways. Mayor Swartwout opened Ordinance No. 2023-30 for public participation. Hearing none, he closed public participation.

MOTION: Tom Counts moved to suspend the rules for Ordinance No. 2023-30. Heather Karr seconded. Motion Passed.

VOTE: Y-5 N-0 AB-0

MOTION: Tom Counts moved to approve Ordinance No. 2023-30. Heather Karr seconded. Motion Passed.

VOTE: Y-5 N-0 AB-0

c. **ORDINANCE NO. 2023-31**

AN ORDINANCE TO ACCEPT THE PROPOSED BUDGET, AND TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF POWELL, DELAWARE COUNTY, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2024.

Mayor Swartwout read Ordinance No. 2023-31 into the record for the first. Finance Director Ocheltree reviewed the recommended 2024 Budget. Personnel had an increase of 15%, Operating Expenses had a 32% increase. She discussed the staff increases and maximum merit increase of 3.5% for nonunion/ACFSME and 5% Police. Other Changes in personnel include health insurance and benefit changes, 2023 new hire market changes, salary adjustments, and new retention incentives. Summary of budget includes Personnel Services is 37% of total budget, Operating Expenditures is 18% of total budget, Capital Equipment is 8%, and Transfers, contingencies and Reserve is 37%. Provided was the General Fund Summary and Operating Expenditures for each department. A discussion was held on staffing levels for the City of Powell compared to other municipalities in the Greater Columbus area. Staff to present an achievable long-term staffing plan to City Council in 2024. Provided to Council was the Operating Expenditures for each department and significant changes included the Comprehensive Plan Update and GIS Consultant for Development; quarterly communications to residents for Communications; Thoroughfare and Circulation Plan for Engineering; street light repairs and bridge inspections for Public Service; various software subscriptions for Police; and RITA Retainer for Finance. Finance Director Ocheltree reviewed the 2024 Budget Summary for all funds and discussed that the total 2024 Budget is \$37.6 million with an estimated 2024 end balance of \$27.9 million. Estimated 2024 year-end balances reflect a 5.3% decrease from estimates 2023 year-end fund balances, which is primarily due to the CIP and interfund transfers from the general fund in support of various initiatives.

A discussion was held on the policy for the General Fund Reserve. Also reviewed was 2024 Other Funds for significant community investments which include the Street Pavement Program, Rock Salt Agreement; Guardrail Replacement Program, Park Improvements, Special Events, Recreational Programs and Capital Projects. Vice-Mayor Counts compared the budget from 2018 to 2024 and that the money generated in the income tax restructuring and using the money for city improvements and reserve. It was discussed what the Community Attitudes Study reflected and that there is request for safe city and amenities for the downtown. Vice-Mayor Counts discussed the need to look at investing in the downtown for more pedestrian accessibility and activities. Mayor Swartwout discussed looking at a future budget for leaf collection and trees especially around the Presidential Parkway and Sawmill round-a-bout. Mayor Swartwout opened Ordinance No. 2023-31 for public comment. Hearing none, he closed public comment. Ordinance No. 2023-31 will be presented for a second reading and public hearing.

IX. COMMITTEE REPORTS

Development Committee: Next Meeting: December 5, 2023 @ 6:30 pm
Council Representative Karr discussed that the Development Committee met prior to the Council meeting to discuss Wayfinding.

Finance Committee: Next Meeting: November 14, 2023 @ 7:00 pm
Finance Director discussed the upcoming agenda items relating to the review of the Investment Policy, as well as the 2024 legislative calendar and 2025 budget calendar.

Operations Committee: Next Meeting: November 21, 2023 @ 6:30 pm

Community Diversity Advisory Committee: Next Meeting: November 15, 2023 @ 6:00 p.m.

Planning & Zoning Commission: Next Meeting: November 9, 2023 @ 6:30 p.m.
Council Representative Lester discussed that the upcoming meeting to review the CoHatch Sketch Plan.

Powell Development Corporation: Next Meeting: November 28, 2023 @ 7:00 p.m.

X. CITY MANAGER'S REPORT/CITY CALENDAR

a. November Calendar

City Manager White discussed the following:

- Expressed his congratulations and gratitude to all those who ran for City Council
- Holidays in Powell, December 2 from 6 pm – 8 pm
- Business Round Table, recent turnout and request for involvement in events
- Disaster Preparation Exercise
- Veteran's Memorial Ceremony
- Upcoming meeting with Olentangy School District regarding a CRA
- Upcoming meeting with Liberty Township on future partnership and Economic Development
- Recently met with Finance Director Ocheltree and the Columbus Zoo, expect to have a follow up meeting early next year

XI. OTHER COUNCIL MATTERS

XII. EXECUTIVE SESSION

- Ohio Revised Code Section 121.22 (G)(1) Personnel-To consider the appointment, employment, promotion, or compensation of a public employee or official.
- Ohio Revised Code Section 121.22 (G)(8) Economic Development -To consider confidential information related to negotiations with other political subdivisions for economic development assistance.

MOTION: Tom Counts moved to enter executive session at 8:31 p.m. pursuant to Ohio Revised Code Section 121.22 (G)(1) Personnel-To consider the appointment, employment, promotion, or compensation of a public employee or official and Ohio Revised Code Section 121.22 (G)(8) Economic Development -To consider confidential information related to negotiations with other political subdivisions for economic development assistance. Ferzan Ahmed seconded. Motion Passed.

VOTE: Y-5 N-0 AB-0

The following members of Council were present for the discussion: Council Representative Heather Karr, Council Representative Ferzan Ahmed, Council Representative David Lester, Vice-Mayor Tom Counts, and Mayor Dan Swartwout. Staff present included: Andrew White, City Manager, Jason Nahvi, Human Resource Manager, Yazan Ashrawi, City Attorney, and Jeff Tyler, Assistant City Manager. Also present for the discussion was Council Representative Elect Leif Carlson.

MOTION: David Lester moved to exit executive session and return to open session at 9:13 p.m..

Ferzan Ahmed seconded. Motion Passed.

VOTE: Y-5 N-0 AB-0

XIII. ADJOURNMENT

MOTION: Heather Karr moved to adjourn the regular meeting of City Council. Ferzan Ahmed seconded. Motion Passed. The meeting adjourned at 9:14 p.m.

VOTE: Y-5 N-0 AB-0

DATE MINUTES APPROVED: November 21, 2023

Daniel Swartwout, Mayor	Date
----------------------------	------

Elaine McCloskey, Clerk	Date
----------------------------	------