



**CITY COUNCIL
MEETING MINUTES
NOVEMBER 21, 2023**

I. CALL TO ORDER/ROLL CALL

Mayor Swartwout called the November 21, 2023 regular meeting of City Council to order at 7:31 p.m. Councilmembers present included Council Representative Jon Bennehoof, Council Representative Heather Karr, Council Representative Christina Drummond, Council Representative Ferzan Ahmed, Council Representative David Lester, Vice-Mayor Tom Counts, and Mayor Dan Swartwout. Staff present included Mallory Sribanditmongkol, Strategic Communications Officer; Yazan Ashrawi, City Attorney; Claudia Husak, Planning Manager/Zoning Administrator; Rosa Ocheltree, Finance Director; Aaron Stanford, City Engineer; 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 comment. The following individual provided public comment:

Tyler Hermann
2564 Friesian Lane
Powell, Ohio 43065

Tyler Hermann voiced his excitement to work alongside Council in the new year and thanked them for their service to the community.

IV. APPROVAL OF MINUTES

- a. Approval of the Minutes from the City Council meeting held on November 8, 2023.

MOTION: Ferzan Ahmed moved to approve the Minutes from the City Council meeting held on November 8, 2023. David Lester seconded. Motion passed.

VOTE: Y-5 N-0 AB-2 (Abstain: Bennehoof and Drummond)

V. CONSENT AGENDA

- a. Monthly Department Reports - October 2023

MOTION: Jon Bennehoof moved to approve the consent agenda. Tom Counts seconded. Motion Passed.

VOTE: Y-7 N-0 AB-0

VI. RESOLUTIONS

a. **RESOLUTION NO. 2023-28 (TABLED AT THE NOVEMBER 8, 2023 MEETING)**

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

MOTION: Jon Bennehoof moved to remove Resolution No. 2023-28 from the table. Heather Karr seconded. Motion Passed.

VOTE: Y-7 N-0 AB-0

Chief Sallows provided an update on the Flock Software Memorandum of Understanding. This product utilized automatic vehicle license plate detection and would allow the department to use the technology that is contracted with neighboring communities/agencies for a demo period until the end of the year. The demo would allow for police staff to determine if this technology system should be considered for future purchase and implementation. This program is also being used by Olentangy Liberty High School. A discussion was held regarding potential policy needed regarding privacy. Chief Sallows did clarify that the technology does not use facial recognition and the video is only stored for 30 days and then purged.

Mayor Swartwout opened Resolution No. 2023-28 for public participation. Hearing none, Mayor Swartwout closed public participation.

MOTION: Jon Bennehoof moved to approve Resolution No. 2023-28. Tom Counts seconded. Motion Passed.

VOTE: Y-7 N-0 AB-0

b. **RESOLUTION NO. 2023-34**

A RESOLUTION AUTHORIZING THE CITY MANAGER AND POLICE CHIEF TO EXECUTE AN INTERGOVERNMENTAL MUTUAL AID AGREEMENT.

Interim Chief Sallows provided background on the mutual aid agreement, which the City and other Delaware County law enforcement agencies have had existing agreement for many years. This agreement does include the City of Sunbury. It was discussed that on occasion the police department will assist other jurisdictions during emergencies or planned events. The City of Powell has benefited from the agreement and has relied on assistance and resources from other agencies during a crime event or special events that the city has planned. It was clarified that the agreement is only from within Delaware County.

Mayor Swartwout opened Resolution No. 2023-34 for public participation. Hearing none, Mayor Swartwout closed public participation.

MOTION: Tom Counts moved to approve Resolution No. 2023-34. Jon Bennehoof seconded. Motion Passed.

VOTE: Y-7 N-0 AB-0

c. **RESOLUTION NO. 2023-35**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH AMERICAN STRUCTUREPOINT INC. FOR THE PURPOSE OF PERFORMING PROFESSIONAL ENGINEERING SERVICES FOR THE NORTH DEPOT STREET RECONSTRUCTING PROJECT.

City Manager White discussed the scope of services for the agreement. The agreement establishes the design services for the North Depot Street reconstruction. This will be the segment of roadway from Olentangy Street to Case Avenue. The project will include multiple modes of transportation facilities in alignment with the Complete Street Initiatives and also look at wayfinding and intersection improvements. The consultant will research for potential issues relating to utilities, lighting, sewer issues, and traffic management. A discussion was held on the RFP process and the criteria used to pick American Structurepoint, Inc. It was discussed that they have a strong leadership team with previous experience working with CSX.

Mayor Swartwout opened Resolution No. 2023-35 for public participation. Hearing none, Mayor Swartwout closed public participation.

MOTION: Tom Counts moved to approve Resolution No. 2023-35. Jon Bennehoof seconded. Motion Passed.

VOTE: Y-7 N-0 AB-0

d. **RESOLUTION NO. 2023-36**

A RESOLUTION TO ADOPT AN AMENDED CITY OF POWELL INVESTMENT POLICY.

Finance Director Ocheltree reviewed the revisions of the Investment Policy that was previously amended in 2017. The amended policy updates the City's current practices according to best practices and aligns the language with the Ohio Revised Code. This policy has been discussed and reviewed by the Finance Committee and was recommended to Council at their November meeting.

Mayor Swartwout opened Resolution No. 2023-36 for public participation. Hearing none, Mayor Swartwout closed public participation.

MOTION: Tom Counts moved to approve Resolution No. 2023-36. Jon Bennehoof seconded. Motion Passed.

VOTE: Y-7 N-0 AB-0

VII. ORDINANCES: SECOND 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 second time. Claudia Husak reviewed the previous discussion of Council relating to the dumpster location. She discussed that representatives from the library met with the developer and have agreed on a location where the dumpsters will not interfere with library operations. Both parties are currently working a private easement between them. It was clarified that the transition from townhomes to garden apartments will not have a change in density.

APPLICANT:

Ted Tinkler
5505 Aryshire Drive
Dublin, Ohio 43016

It was discussed that there is a signed agreement with the library regarding the dumpster. Mr. Tinkler discussed that the completed market study supported the change to garden apartments and will reduce construction costs.

Mayor Swartwout opened Ordinance No. 2023-29 for public participation. The following individual provided public comment:

Julie Miller
Delaware County District Library: Liberty Branch
7468 Steitz Road
Powell, Ohio

Julie Miller thanked Council for listening to their concerns at the previous meeting and informed Council that they have reached an agreement with Coughlin Company regarding the dumpster and working on the easement. Hearing no further public comment, Mayor Swartwout closed public comment for Ordinance No. 2023-29.

MOTION: Jon Bennehoof moved to approve Ordinance No. 2023-29. Heather Karr seconded. Motion Passed.

VOTE: Y-7 N-0 AB-0

b. 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 second time. Finance Director Ocheltree discussed that the budget is a guide and that changes can be made as needed throughout the year. She provided a summary of the budget that was presented to Council. Tom Counts also discussed that the budget is a plan and changes can occur throughout the year. Christina Drummond questioned the roadway maintenance and bringing streets and pathways up to a standard that are not failing. Public Service Director Grant Crawford discussed the CIP and timeline to bring roads to a rating of 70. It was discussed the need to space out repairs to not have the roads fail in the future at the same time. Christina Drummond discussed that pathways need to be on a different schedule than roads as they can provide a public safety and quality of life issue. Grant Crawford discussed the plan to use 2024 to work on a plan to get paths to an acceptable level.

Mayor Swartwout opened Ordinance No. 2023-31 for public participation. The following individual spoke:

Leif Carlson
178 Beech Ridge Drive
Powell, Ohio

Leif Carlson discussed that there were many questions from residents during his campaign for City Council relating to road pavement timeline and that he would refer residents to the website and recommended this information be updated. Hearing no further public participation, Mayor Swartwout closed public participation for Ordinance No. 2023-31.

MOTION: Tom Counts moved to approve Ordinance No. 2023-31. Jon Bennehoof seconded. Motion Passed.

VOTE: Y-7 N-0 AB-0

VIII. ORDINANCES: FIRST READING(S)

a. **ORDINANCE NO. 2023-32**

AN ORDINANCE AUTHORIZING THE CITY OF POWELL TO ENTER INTO A COMMUNITY REINVESTMENT AREA AGREEMENT WITH CSD POWELL, LLC, AND DECLARING AN EMERGENCY.

Mayor Swartwout read Ordinance No. 2023-32 into the record for the first time. Jeff Tyler discussed that in March, 2023, City council created the Downtown Community Reinvestment Area with Ordinance No. 2023-10. On August 1, 2023, City Council authorized the economic incentive agreement for the property located at 50 East Olentangy Street with the passing of Ordinance No. 2023-18. This agreement included a model CRA agreement as part of the overall incentive package with COHatch. Ordinance No. 2023-32 represents the final version of the CRA Agreement and there was a slight change in the terms at the request of Olentangy Local School District in that they did not want a third-party agreement.

Mayor Swartwout opened Ordinance No. 2023-32 for public participation. Hearing none, Mayor Swartwout closed public participation. Ordinance No. 2023-32 will be presented for a second reading.

b. **ORDINANCE NO. 2023-33**

AN ORDINANCE ADOPTING THE UPDATED PERSONNEL MANUAL FOR EMPLOYEES OF THE CITY OF POWELL.

Mayor Swartwout read Ordinance N. 2023-33 into the record for the first time. Human Resource Manager Jason Nahvi reviewed that the current Employee Handbook was adopted in June, 2015 and has had several updates throughout the years. It was discussed the importance to keep the employee handbook up to date so the City can ensure it stays in legal compliance and protects the City and Employees. He reviewed the updates to the policy including changes to administrative policies, workplace standards and ethics, workplace safety, hours of work, time off and leave of absences, sick leave donation, bereavement leave, witness duty and voting, resignations and retirements, social media and use of city property. It was also discussed that the handbook was done in house by staff and reviewed by the labor attorney that the City contracts with. Council had a discussion relating to Section 6.9, City Council and Staff Communications. There were concerns voiced on the language and they questioned if it is contradictory to Council Rules which were adopted last year. It was also requested that language be added to acknowledge at-will employees. Other discussion was held related to medical marijuana and that it is not legal for government employees due to marijuana is still illegal on a federal level. Staff to look at making suggested changes to Section 6.9 and present back to Council.

Mayor Swartwout opened Ordinance No. 2023-33 for public participation. Hearing none, Mayor Swartwout closed public participation. Ordinance No. 2023-33 will be presented for a second reading.

c. **ORDINANCE NO. 2023-34**

AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2023 AND DECLARING AN EMERGENCY.

Mayor Swartwout read Ordinance No. 2023-34 into the record for the first time. Finance Director Ocheltree discussed that this is an appropriation of \$28,000 from the account Salaries and Wages for a projected deficit due to a vacation payout and two new hires. An un-appropriation of \$28,000 from the Police Department Salary and Wages was requested due to the projected surplus in the Police Department. There is a \$0 net change to the general fund as funds are beings transferred from one account to another.

Mayor Swartwout opened Ordinance No. 2023-34 for public participation. Hearing none, Mayor Swartwout closed public participation.

MOTION: Tom Counts moved to suspend the rules for Ordinance No. 2023-34. Jon Bennehoof seconded. Motion Passed.

VOTE: Y-7 N-0 AB-0

MOTION: Tom Counts moved to approve Ordinance No. 2023-34. Jon Bennehoof seconded. Motion Passed.

VOTE: Y-7 N-0 AB-0

IX. COMMITTEE REPORTS

Development Committee: Next Meeting: December 5, 2023 @ 6:30 pm

Finance Committee: Next Meeting: February 13, 2024 @ 7 pm

Operations Committee: Next Meeting: January 16, 2023 @ 6:30 pm

Community Diversity Advisory Committee: Next Meeting: January 17, 2023 @ 6 pm

Planning & Zoning Commission: Next Meeting: December 13, 2023 @ 6:30 pm

Powell Development Corporation: Next Meeting: November 28, 2023 @ 7 pm

X. CITY MANAGER'S REPORT/CITY CALENDAR

City Manager White provided the following comments and updates:

- Successful celebration of Veterans Day
- Flagpole Dedication of Liberty Branch Library
- Clarification on the appropriation legislation and that the 2024 budget includes additional resources for additional officers
- He provided an update on recent police activity
- Continues to have informal discussions with Liberty Township
- Future project to present to Council relating to IT Service Provider
- Invitation December 13 Holiday Celebration luncheon for staff
- Thanked Council for support

XI. OTHER COUNCIL MATTERS

Christina Drummond discussed the event schedule that was presented at the Operations Committee Meeting. She voiced that Passport to Powell and Citizens Police Academy are not showing on the schedule.

Mayor Swartwout thanked staff and Council for their work and acknowledged the busy agendas to allow for the cancellation of the December 19, 2023 City Council meeting. The final Council meeting for 2023 will be held on December 5, 2023.

XII. EXECUTIVE SESSION

- Ohio Revised Code Section 121.22 (G) (1) To consider the employment or compensation of a public employee.
- 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.

MOTION: Jon Bennehoof moved to enter executive session pursuant to Ohio Revised Code Section 121.22 (G) (1) To consider the employment or compensation of a public official and 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. Heather Karr seconded. Motion Passed.

VOTE: Y-7 N-0 AB-0

Council entered executive session at 9:23 p.m. Councilmembers present included Council Representative Jon Bennehoof, Council Representative Heather Karr, Council Representative Christina Drummond, Council Representative Ferzan Ahmed, Council Representative David Lester, Vice-Mayor Tom Counts, and Mayor Dan Swartwout. Staff present included Yazan Ashrawi, City Attorney and Andy White, City Manager. Also present for the discussion was Councilmember-elect Tyler Herrmann and Councilmember-elect Leif Carlson.

MOTION: Christina Drummond moved to exit executive session and return to open session at 9:52 p.m. Jon Bennehoof seconded. Motion Passed.

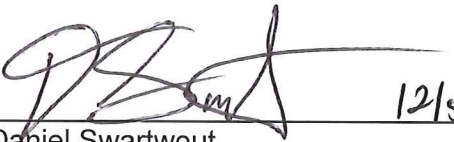
VOTE: Y-7 N-0 AB-0

XIII. ADJOURNMENT

MOTION: Jon Bennehoof moved to adjourn the City Council meeting. Heather Karr seconded. Motion Passed. The meeting was adjourned at 9:52 p.m.

VOTE: Y - 7 N - 0 AB-0

MINUTES APPROVED: December 5, 2023



Daniel Swartwout,
Mayor
12/5/2023
Date



Elaine McCloskey,
Clerk
12/5/2023
Date