



**CITY COUNCIL
MEETING MINUTES
DECEMBER 5, 2023**

I. CALL TO ORDER/ROLL CALL

Mayor Swartwout called the December 5, 2023 meeting of City Council to order at 7:30 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 Daniel Swartwout. Staff present included: Sean Hughes, Economic Development Administrator; Jason Nahvi, Human Resource Manager; Grant Crawford, Public Service Director; Rosa Ocheltree, Finance Director; Jeffrey Tyler, Assistant City Manager/Community Development Director; Yazan Ashrawi, Law Director; Andrew White, City Manager.

II. PLEDGE OF ALLEGIANCE presented by Boy Scout Troop 843

III. PROCLAMATION AND RECOGNITION

- a. Proclamation for Councilmember Jon C. Bennehoof

Council recognized and thanked Councilmember Jon Bennehoof for his service to the City

- b. Recognition of Mayor Daniel Swartwout

Council recognized and thanked Mayor Daniel Swartwout for his service to the City.

IV. CITIZEN PARTICIPATION

Mayor Swartwout opened citizen participation for public comment. The following individuals provided public comment:

The Honorable Brian Lorenz
Ohio House of Representatives, District 60
4111 Village Club Drive
Powell, Ohio 43065

Representative Lorenz recognized Councilmember Jon Bennehoof and Mayor Daniel Swartwout for their service to the community.

Pam Miller
Powell Chamber of Commerce
36 Grace Drive
Powell, Ohio

Pam Miller requested that Councilmembers provide a video holiday message to the Chamber for marketing and social media use.

Megan Dowdell, Trustee
130 South Liberty Street
Powell, Ohio

Megan discussed concerns related to the Strategic Land Inventory on the City's website and voiced opposition that privately-owned land is included.

Janet Wartman
130 South Liberty Street
Powell, Ohio

Janet Wartman discussed that her property is not to be considered vacant land.

Brian Newell
Liberty Township Trustee
7802 Liberty Road N.
Powell, Ohio

Trustee Newell spoke on behalf of Liberty Township to thank Councilmember Jon Bennehoof and Mayor Daniel Swartwout for their service to the community.

Vince Margello
1900 W. Powell Road
Powell, Ohio

Vince Margello thanked Council for keeping the community safe.

Hearing no further public comment, Mayor Swartwout closed citizen participation.

V. APPROVAL OF MINUTES

- a. Approval of the Minutes from the City Council meeting held on November 21, 2023.

MOTION: Jon Bennehoof moved to approve the Minutes from the City Council meeting held on November 21, 2023. Christina Drummond seconded. Motion passed.

VOTE: Y-7 N-0 AB-0

VI. RESOLUTIONS

- a. **RESOLUTION NO. 2023-37**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH EASYIT TO PROVIDE IT PROFESSIONAL SERVICES.

Mayor Swartwout read Resolution No. 2023-37 into the record for the first time. City Manager White addressed that this was a priority identified by Council. Finance Director Ocheltree reviewed the process to identify the best service. Information was provided on who was on the review committee and

that the policy is to review contracts every 5 years. This service agreement is for one year and includes a termination clause. The contract can be renewed annually for five years before needing another RFP. Councilmember Drummond voiced questions regarding the past police experience for data management with EasyIT and if the RFP was distributed to other municipalities for input.

Mayor Swartwout opened Resolution No. 2023-37 for public participation. Hearing none, Mayor Swartwout closed public participation.

MOTION: Jon Bennehoof moved to approve Resolution No. 2023-37. Tom Counts seconded. Motion passed with a vote of 6-1 (No: Christina Drummond).

VOTE: Y-6 N-1 AB-0

b. **RESOLUTION NO. 2023-38**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH SHYFT COLLECTIVE. FOR THE PURPOSE OF PERFORMING PROFESSIONAL DESIGN SERVICES FOR THE LECHLER BUILDING RE-DESIGN PROJECT.

Mayor Swartwout read Resolution No. 2023-38 into the record for the first time. City Manager White discussed that this is a longstanding item, and the first part of the process is the design process and the resources are provided in the CIP. Assistant City Manager Tyler reviewed the RFQ process in which advertisements started on September 4 and received four responses. He reviewed the makeup of the selection committee of the RFQ. As part of the RFQ it was clarified that the building will be continued to be used as a public service facility and the use would not change. He discussed wanting to enhance the building to make a better gateway for the community. Councilmember Drummond discussed past improvements to the building and area and stressed the importance of the design process to help look at the footprint and allows for strategic planning. Vice-Mayor Counts commented that the Administrative Facilities Master Plan has not been completed at this time and it may determine a different use for the building. He would like them to contemplate that this could be a possibility so that the building is not designed only like a service building that it could not be used for a different purpose. Councilmember Heather Karr noted that this has been discussed at the Development Committee multiple times and that this building is a gateway to the City. Councilmember Ferzan Ahmed questioned the estimated construction cost. There is an estimated \$800,000 in the CIP.

Mayor Swartwout opened Resolution No. 2023-38 for public participation. Hearing none, Mayor Swartwout closed public participation.

MOTION: Jon Bennehoof moved to approve Resolution No. 2023-38. David Lester seconded. Motion passed.

VOTE: Y-7 N-0 AB-0

c. **RESOLUTION NO. 2023-39**

A RESOLUTION INDICATING WHAT SERVICES THE CITY OF POWELL WILL PROVIDE 6.357+/-ACRES OF LAND, LOCATED IN LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO, IF SAID PROPERTY IS HEREAFTER ANNEXED TO THE CITY OF POWELL, OHIO AND TO PROVIDE FOR BUFFER REQUIREMENTS.

Mayor Swartwout read Resolution No. 2023-39 into the record for the first time. City Attorney Yazan Ashrawi reviewed that this is part of the statutory requirements for the State of Ohio and that the resolution provides what services the City will provide to the property. This annexation will come back before the Council at a later date for legislative approval or denial of the property. Future discussions will occur on potential development and review to determine any buffer needs and specific questions relating to the property. Councilmember Bennehoof noted that the developer was present for the meeting.

Mayor Swartwout opened Resolution No. 2023-39 for public participation. Hearing none, Mayor Swartwout closed public participation.

MOTION: Jon Bennehoof moved to approve Resolution No. 2023-39. Tom Counts seconded. Motion passed.

VOTE: Y-7 N-0 AB-0

d. **RESOLUTION NO. 2023-40**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A NETWORK ACCESS AGREEMENT WITH THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND DELAWARE COUNTY AUTOMATIC DATA PROCESSING BOARD FOR IT NETWORK ACCESS TO THE CENTRAL TRAFFIC SIGNAL SYSTEM (CTSS).

Mayor Swartwout read Resolution No. 2023-40 into the record for the first time. Public Service Director Grant Crawford discussed that this is a companion agreement to an agreement entered in 2021 with Delaware County to coordinate signals on Sawmill Parkway. This agreement will allow for access to the network and access the management software and manage signals on Sawmill Parkway. Councilmember David Lester discussed this was a request from former Councilmember Brian Lorenz.

Mayor Swartwout opened Resolution No. 2023-40 for public participation. Hearing none, Mayor Swartwout closed public participation.

MOTION: Jon Bennehoof moved to approve Resolution No. 2023-40. Heather Karr seconded. Motion passed.

VOTE: Y-7 N-0 AB-0

VII. ORDINANCES: SECOND 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 second time. It was clarified that the previous modification to the CRA for a 15 year, 75% real property tax exemption was made at the school's request.

Mayor Swartwout opened Ordinance No. 2023-32 for public participation. Hearing none, Mayor Swartwout closed public participation.

MOTION: Tom Counts moved to approve Ordinance No. 2023-32. Jon Bennehoof seconded. Motion passed.

VOTE: Y-7 N-0 AB-0

b. ORDINANCE NO. 2023-33

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

Mayor Swartwout read Ordinance No. 2023-33 into the record for the second time. It was clarified there was a clerical error in the legislation in which the ordinance number was listed as Ordinance No. 2023-23. Human Resource Manager reviewed additional changes that were made to the manual based on feedback received from City Council during the first reading. These recommended changes were reviewed by the City's Labor Attorney and presented to City Council. Section 1 had changes to include the word "Unclassified" to clarify who is an at-will employee. Section 6 policy was updated to reflect the established Rules of City Council that were amended on April 19, 2022, in Resolution 2022-22. Changes to Section 10 included language changes that employees are expected to give a two weeks' notice when they resign or retire from the City and also covers how the employee can resign in good standing.

Mayor Swartwout opened Ordinance No. 2023-33 for public participation. Hearing none, Mayor Swartwout closed public participation.

MOTION: Jon Bennehoof moved to approve Ordinance No. 2023-33. Tom Counts seconded. Motion passed.

VOTE: Y-7 N-0 AB-0

VIII. ORDINANCES: FIRST READING(S)

a. **ORDINANCE NO. 2023-35**

AN ORDINANCE TO AMEND CHAPTER 182 OF THE CITY'S CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

Mayor Swartwout read Ordinance No. 2023-35 into the record for the first time. City Attorney Yazan Ashrawi discussed that in 2018 the State of Ohio took control of municipal income tax and dictated the code. These are required changes by the State. Some of the changes are related to the net process collections and remote type work for employees with multiple locations. These changes are required to be in effect by January 1, 2024 and is requested to pass with a suspension of rules and emergency clause.

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

MOTION: Jon Bennehoof moved to suspend the rules for Ordinance No. 2023-35. Christina Drummond seconded. Motion passed.

VOTE: Y-7 N-0 AB-0

MOTION: Jon Bennehoof moved to approve Ordinance No. 2023-35. Heather Karr seconded. Motion passed.

VOTE: Y-7 N-0 AB-0

b. **ORDINANCE NO. 2023-36**

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

Mayor Swartwout read Ordinance No. 2023-36 into the record for the first time. Finance Director Ocheltree reviewed this is related to the Seldom Seen TIF and Seldom Seen TIF Debt Fund. The Seldom Seen TIF collected less revenue then expected and was not sufficient to cover the debt fund and the payment to Liberty Township. This is a readjustment of accounts. This was not presented before the Finance Committee. It was requested that this ordinance have a suspension of the rules and passed with an emergency clause.

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

MOTION: Jon Bennehoof moved to suspend the rules for Ordinance No. 2023-36.
Ferzan Ahmed seconded. Motion passed.

VOTE: Y-7 N-0 AB-0

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

VOTE: Y-7 N-0 AB-0

IX. COMMITTEE REPORTS

- **Development Committee:** Next Meeting: February 6, 2024 @ 6:30 p.m.

Heather Karr discussed that Development Committee met tonight to have a year end review.

- **Finance Committee:** Next Meeting: February 13, 2024 @ 7:00 p.m.

Vice-Mayor Counts discussed that the December meeting will be cancelled and the Finance Committee is expected to meet in January.

- **Operations Committee:** Next Meeting: January 16, 2024 @ 6:30 p.m.

Jon Bennehoof discussed that the December Operations Committee meeting was cancelled.

- **Community Diversity Advisory Committee:** Next Meeting: January 17, 2024 @ 6:00 p.m.
- **Planning & Zoning Commission:** Next Meeting: December 13, 2024 @ 6:30 p.m.
- **Powell Development Corporation:** Next Meeting: January 23, 2024 @ 7:00 p.m.

Mayor Swartwout discussed that Sean Hughes was introduced at the November PDC meeting.

X. CITY MANAGER'S REPORT/CITY CALENDAR

City Manager White introduced Sean Hughes, Economic Development Administrator. Sean Hughes discussed his excitement working with staff and the residents.

City Manager White provided additional comments relating to:

- Successful Holidays in Powell event
- Invitation to December 13 Holiday luncheon
- Preparing for a Council Work Session
- Onboarding Process for Council Elect and all of Council that would like to participate
- Addressed the public comment regarding public land and clarified that this is a map document and acknowledge the property owners' rights to enjoy their property

XI. OTHER COUNCIL MATTERS

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) (3) pending or imminent court action.
- * 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 for Council to enter executive session pursuant to 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) (3) pending or imminent court action; and 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. David Lester seconded. Motion passed.

VOTE: Y-7 N-0 AB-0

Council entered executive session at 9:31 p.m. Councilmembers present for executive session 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 Daniel Swartwout. Staff present included: Yazan Ashrawi, Law Director and Andrew White, City Manager. Also present was Councilmember-Elect Leif Carlson.

MOTION: Jon Bennehoof moved to exit executive session at 10:30 p.m. Heather Karr seconded. Motion passed. Council reentered open session at 10:30 p.m.

VOTE: Y-7 N-0 AB-0

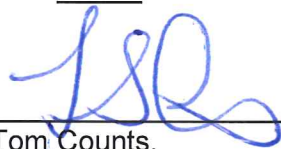
MOTION: Tom Counts moved to approve City Manager's salary with a 3.5% raise. Jon Bennehoof seconded. Motion passed.

VOTE: Y-7 N-0 AB-0

XIII. ADJOURNMENT

MOTION: Jon Bennehoof moved to adjourn the meeting adjourned at 10:31 p.m. Heather Karr seconded. Motion passed.

VOTE: Y - 7 N - 0 AB-0



Tom Counts,
Mayor



Date

Elaine McCloskey,
Clerk

Date