



**AGENDA**  
**POWELL REGULAR COUNCIL MEETING**  
**47 HALL STREET, POWELL, OH 43065**  
**COUNCIL CHAMBERS**  
**TUESDAY, JULY 5, 2022**  
**7:30 PM**

**I. CALL TO ORDER/ROLL CALL**

**II. PLEDGE OF ALLEGIANCE**

**III. PROCLAMATION**

Recognizing Donald Emerick for his loyal and dedicated service to the City of Powell.  
[Proclamation\\_Donald\\_Emerick.pdf](#)

**IV. CITIZEN PARTICIPATION**

**V. APPROVAL OF MINUTES**

Approval of City Council Minutes of June 21, 2022.  
[City Council Minutes of 06212022.pdf](#)

**VI. ORDINANCES: FIRST READING(S)**

**ORDINANCE 2022-17**

AN ORDINANCE AUTHORIZING THE LAWFUL OPERATION OF UNDER-SPEED VEHICLES ON THE PUBLIC ROADWAYS OF THE CITY OF POWELL.

[1. Ord. 2022-17\\_Memo.pdf](#)

[2. Ord. 2022-17\\_Ordinance.pdf](#)

**VII. COMMITTEE REPORTS**

***Development Committee:** Next Meeting: August 2, 2022, at 6:30 p.m.*

***Finance Committee:** Next Meeting: July 12, 2022, at 7:00 p.m.*

***Operations Committee:** Next Meeting: July 19, 2022, at 6:30 p.m.*

***Community Diversity Advisory Committee:** Next Meeting: July 20, 2022, at 6:00 p.m.*

***Planning & Zoning Commission:** Next Meeting: July 13, 2022, at 6:30 p.m.*

***Powell CIC:** Next Meeting: July 26, 2022, at 7:00 p.m.*

**VIII. CITY MANAGER'S REPORT/CITY CALENDAR**

**IX. OTHER COUNCIL MATTERS**

**X. EXECUTIVE SESSION**

*Ohio Revised Code Sec. 121.22 (G)(2): to consider the purchase of property for public purposes.*

**XI. ADJOURNMENT**



## *Proclamation*

### **RECOGNIZING DONALD EMERICK FOR HIS LOYAL, DEDICATED SERVICE TO THE CITY OF POWELL.**

**WHEREAS:** Providing service to a community is an integral part of the operation and spirit of the City of Powell; and

**WHEREAS:** We honor those who generously give their time and talents to improve their communities; and

**WHEREAS:** In appreciation of his over 25 years of dedicated service, devotion and commitment to the City of Powell; and

**THEREFORE,** I, Daniel Swartwout, by virtue of the authority vested in me as Mayor of the City of Powell, County of Delaware, Ohio, and on behalf of the community and staff, appreciate Donald Emerick for his devotion and service to the City of Powell, and desire that there should be a permanent record of gratitude for his service to this community.

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Daniel Swartwout, Mayor



**CITY COUNCIL  
MEETING MINUTES  
JUNE 21, 2022**

**I) CALL TO ORDER/ROLL CALL**

Mayor Daniel Swartwout called the City Council Regular Session meeting to order at 7:30 p.m. City Council members present included: Jon Bennehoof, Frank Bertone, Tom Counts, Heather Karr, Brian Lorenz, and Daniel Swartwout. Councilmember Christina Drummond was absent. Staff present included: Andrew White, City Manager; Jeffrey Tyler, Assistant City Manager; Yazan Ashrawi, Law Director; Jason Nahvi, HR Business Partner; Rosa Ocheltree, Finance Director; Claudia Husak, Planning Director; Steve Hrytzik, Police Chief; and Amy Deere, City Clerk.

**II) PLEDGE OF ALLEGIANCE**

**III) CITIZEN PARTICIPATION**

Mayor Swartwout asked if there was anyone who would like to address Council about something not on the agenda, and asked them to please come forward. Seeing no participants, he closed Citizen Participation.

**IV) APPROVAL OF MINUTES**

**Approval of City Council Minutes of June 7, 2022**

[Council Minutes of 06.07.2022.pdf](#)

MOTION: Brian Lorenz moved to approve the meeting minutes of June 7, 2022. Frank Bertone seconded the motion.

VOTE: Y 5 N 0 (None) AB 1 (Jon C Bennehoof)

Minutes passed 5-0-1.

**V) CONSENT AGENDA**

**Monthly Departmental Reports**

1. [Building\\_Dept\\_Monthly\\_Report.pdf](#)
2. [Community\\_Development\\_Dept\\_May\\_Monthly\\_Report.pdf](#)
3. [Engineering\\_Dept\\_Monthly\\_Report.pdf](#)

- [4. Finance\\_Monthly\\_Report\\_2022.pdf](#)
- [5. HR\\_Monthly\\_Report.pdf](#)
- [6. Police\\_Dept\\_Monthly\\_Report.pdf](#)

MOTION: Jon Bennehoof moved to approve the Consent Agenda. Frank Bertone seconded the motion.

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

Consent Agenda passed 6-0-0.

## **VI) RESOLUTIONS**

### **RESOLUTION 2022-28**

A RESOLUTION TO RESCIND RESOLUTION 2022-26.

- [1. Res. 2022-28\\_Memo.pdf](#)
- [2. Res. 2022-28\\_Resolution.pdf](#)

City Manager White stated at previous Finance Committee meetings, the policy of the allocation of the new income tax resources was discussed. In order to accommodate the internal fund transfer there was a need to create a standalone fund which was done at the previous Council meeting. Upon further review of the actual fund, the Finance Director uncovered a fund more closely related and felt it was most appropriate to rescind the previous legislation and go forward with the fund accounting so the chart of the accounts are maintained.

Finance Director Ocheltree clarified the original resolution didn't create a new fund, it was renamed the Voted Capital Improvement Fund. There was a Capital Project Fund already in place and having two funds with similar names with the same purpose, is not desired.

Mayor Swartwout stated this was essentially a procedural measure for clarification as opposed to anything substantive.

City Manager White affirmed.

Mayor Swartwout opened the floor for public comment. Seeing none, Mayor Swartwout closed the public comment portion for Resolution 2022-28.

MOTION: Jon Bennehoof moved to approve Resolution 2022-28. Heather Karr seconded the motion.

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

Resolution 2022-28 passed 6-0-0.

**VII) ORDINANCES: FIRST READING(S)**

**ORDINANCE 2022-15**

AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2022.

1. [Ord. 2022-15\\_Memo.pdf](#)
2. [Ord. 2022-15\\_Ordinance.pdf](#)

Finance Director Ocheltree stated the first appropriation is for the General Fund, Finance, Operating, Banking Fees, in the amount of \$5,500. The second appropriation is for the General Fund, Finance, Operating, Income Tax Collections, in the amount of \$185,500. The third appropriation is for the Parks and Recreation Programs Fund, Special Events, in the amount of \$50,000.

Councilmember Lorenz stated for the amount of money the City is paying for RITA to be the income tax collector, a staff member could do this, and wondered when this would be looked into to bring that in house.

Finance Director Ocheltree advised the Finance Department would be more than happy to do an analysis to see what it will take. She also advised in her experience, she believed it would take approximately three staff members.

Councilmember Lorenz stated he believed it could be done with one.

Councilmember Bennehoof spoke about cross checking in referencing the federal government and state local tax alignments, would not be available without RITA.

City Manager White advised it is the number of tax filers that are represented by RITA that are in excess of one million, which provides the City ability to cross reference local tax forms with federal IRS forms. With approximately just under 15,000 filers, we would lose that capability because we do not qualify as a statutory entity due to our small size. He also advised the contract itself is a percentage of revenues collected.

Mayor Swartwout opened the floor for public comment. Seeing none, Mayor Swartwout closed the public comment portion for Ordinance 2022-15.

MOTION: Tom Counts moved to suspend the rules for Ordinance 2022-15. Frank Bertone seconded the motion.

Mayor Swartwout requested a roll call for passage: Heather Karr, yes; Brian Lorenz, yes; Daniel Swartwout, yes; Jon Bennehoof, yes; Frank Bertone, yes; and Tom Counts, yes.

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

Suspension of the Rules passed 6-0-0.

MOTION: Tom Counts moved to approve Ordinance 2022-15. Frank Bertone seconded the motion.

Mayor Swartwout requested a roll call for passage: Brian Lorenz, yes; Daniel Swartwout, yes; Jon Bennehoof, yes; Frank Bertone, yes; Tom Counts, yes; and Heather Karr, yes.

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

Ordinance 2022-15 passed 6-0-0.

## **VIII) COMMITTEE REPORTS**

Development Committee – Brian Lorenz stated the committee would be meeting on July 5, 2022, and would be discussing code enforcement topics.

Finance Committee – Tom Counts advised the committee met last week and noted the revenues exceed what was thought and the expenditures are right where they need to be for the budget.

Operations Committee – Frank Bertone stated the committee met earlier this evening and discussed a variety of topics such as under speed vehicles and their usage on paths. He gave an update on the Powell Festival, and all things are ready to go. The City paving plans, including paths, was also discussed. The temporary parking lot structure located north of Nocterra and south of Adventure Park, was also discussed, which will begin construction following the Powell Festival and should create 35 – 40 parking spots.

Community Diversity and Advisory Committee – Heather Karr advised the committee would be meeting on July 20, 2022, at 6:00 p.m. to finalize the details on Passport to Powell.

Planning & Zoning Commission – Claudia Husak stated the commission's next meeting would be July 13, 2022, at 6:30 p.m.

Powell CIC – Brian Lorenz advised the next meeting is scheduled for next Tuesday at 7:00 p.m. to discuss the economic development plan and the consultant search to help facilitate some of those needs.

## **IX) CITY MANAGER'S REPORT/CITY CALENDAR**

City Manager White gave his report.

### **City Calendar**

[City Calendar.pdf](#)

## **X) OTHER COUNCIL MATTERS**

## **XI) EXECUTIVE SESSION**

MOTION: Jon Bennehoof moved to enter Executive Session. Frank Bertone seconded the motion.

Mayor Swartwout requested a roll call for passage: Daniel Swartwout, yes; Jon Bennehoof, yes; Frank Bertone, yes; Tom Counts, yes; Heather Karr, yes; and Brian Lorenz, yes.

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

Entered into Executive Session at 8:00 p.m. by a vote of 6-0-0.

MOTION: Jon Bennehoof moved to adjourn Executive Session. Frank Bertone seconded the motion.

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

Adjourned Executive Session at 8:34 p.m. by a vote of 6-0-0.

MOTION: Jon Bennehoof moved to enter back into Regular Session. Frank Bertone seconded the motion.

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

Entered into Regular Session at 8:34 p.m. by a vote of 6-0-0.

## **XII) ADJOURNMENT**

MOTION: Jon Bennehoof moved to adjourn. Frank Bertone seconded the motion.

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

Meeting adjourned at 8:34 p.m.

## **MINUTES APPROVED: JULY 5, 2022**

\_\_\_\_\_  
Daniel Swartwout, Date  
Mayor

\_\_\_\_\_  
Amy Deere, Date  
City Clerk



**OFFICE OF THE CITY MANAGER**

47 Hall Street | Powell, OH 43065 | 614.885.5380 | [cityofpowell.us](http://cityofpowell.us)

**MEMO**

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**From:** Andrew D. White, City Manager

**To:** Powell City Council

**Initiated By:** Jeffrey S. Tyler, Assistant City Manager

**Re:** **ORDINANCE 2022-17– AN ORDINANCE AUTHORIZING THE LAWFUL OPERATION OF UNDER-SPEED VEHICLES ON THE PUBLIC ROADWAYS OF THE CITY OF POWELL.**

**Date:** 07/05/2022

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**Summary:**

Ordinance 2022-17 is the necessary companion local legislation to Ohio Revised Code 4511.2145 that authorizes the City to permit and regulate the use of low-speed and under-speed vehicles (“USVs”), which includes private golf carts, upon public streets, and further permits the City of Powell to establish additional standards.

This Ordinance furthermore establishes acceptable traffic and safety standards to ensure vehicular and pedestrian safety. The City also encourages alternative modes of transportation for a variety of reasons, including the reduction of pollution and wear and tear on city streets.

Finally, the increased use of USVs within the City necessitates the adoption of standards for their safe and lawful use on public roadways in the City, and for the safety of others using the City’s streets, roads and highways.

**Legal Review:**

While the Ohio Revised Code permits local governments to regulate (*i.e.*, either allow or prohibit) the use of USVs, there must be local legislation to do so. The Law Director’s office drafted and reviewed the legislation to ensure compliance with the ORC.

**Financial Review:**

No financial review required.

**Recommendation:**

Staff recommends approval of Ordinance 2022-17.



## ORDINANCE 2022-17

### AN ORDINANCE AUTHORIZING THE LAWFUL OPERATION OF UNDER-SPEED VEHICLES ON THE PUBLIC ROADWAYS OF THE CITY OF POWELL.

**WHEREAS**, the City of Powell, through its Codified Ordinances, establishes acceptable traffic and safety standard to ensure vehicular and pedestrian safety; and

**WHEREAS**, Ohio Revised Code 4511.215 authorizes the City to permit and regulate the use of low-speed and under-speed vehicles ("USVs"), which includes private golf carts, upon public streets, and further permits local governments to establish additional standards; and

**WHEREAS**, the City encourages alternative modes of transportation for a variety of reasons, including the reduction of pollution and wear and tear on streets; and

**WHEREAS**, the increased use of USVs within the City necessitates the adoption of standards for their safe and lawful use on public roadways in the City, and for the safety of others using the City's streets, roads, or highways.

**NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, COUNTY OF DELAWARE, STATE OF OHIO AS FOLLOWS:**

Section 1: The City hereby amends its Codified Ordinances to enact the following Chapter:

#### **Chapter 377 – Under-Speed Vehicles**

##### **377.01 – Operation of Under-Speed Vehicles**

(a) No person shall operate an under-speed vehicle upon any street or highway except upon a street or highway having an established speed limit not greater than thirty-five (35) miles per hour without a valid license. An "under-speed vehicle" is defined as a three- or four-wheel motor vehicle, including a golf cart or modified golf cart, that can reach a maximum speed of less than twenty (20) miles per hour and has a gross vehicle weight of less than 3,000 pounds.

(b) This section does not prohibit a person operating an under-speed vehicle from proceeding across an intersection of a street or highway having a speed limit greater than thirty-five (35) miles per hour.

(c) As a prerequisite to obtaining a state-issued license, the owner of an under-speed vehicle who wishes to operate on a public street or highway must first submit the vehicle to an inspection that complies with the requirements established by the Ohio Department of Public Safety under Ohio R.C. 4513.02 by the City, but shall in any case include confirmation of the existence of the following equipment in working order: adequate brakes and braking system; working brake lights;

warning/turn signals; headlights and tail lights; properly working steering mechanism; windshield; rear view mirror; appropriate tires for street use; and seatbelts at each seating location.

The inspection fee shall be determined administratively. A certificate of inspection may be revoked if it is discovered that the applicant stated an untruth in the application or the golf cart or USV has ceased to comply with the relevant provisions of the Traffic Code, including this Chapter 377.

(d) Under-speed vehicles must have a seat safety belt installed at each seating position intended to be occupied by a passenger and shall be part of the safety inspection.

(e) Under-speed vehicles operated on public streets or highways must successfully pass the required vehicle inspection as defined in subsection (c), be registered in accordance with Ohio R.C. Ch. 4503, and be titled in accordance with Ohio R.C. Ch. 4505.

(f) Except as otherwise provided, all sections of the traffic code or substantially similar offenses shall apply to under-speed vehicles operated upon any street, highway, or private property use for vehicular travel.

### **377.99 – Penalty**

Unless otherwise provided in this Chapter, whoever violates this Chapter is guilty of a minor misdemeanor on a first offense. On a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; for each subsequent offense beyond two offenses within one year, the person is guilty of a misdemeanor of the third degree.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of Council and any of the decision making bodies of the City of Powell which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

Section 3: That this Ordinance shall take effect on the earliest possible date permitted by law.

\_\_\_\_\_  
Daniel Swartwout                      Date  
Mayor

\_\_\_\_\_  
Amy Deere                              Date  
City Clerk

**EFFECTIVE DATE: July 5, 2022**

This legislation has been posted in accordance with  
the City Charter on this date \_\_\_\_\_ .  
\_\_\_\_\_, City Clerk