



**CITY COUNCIL
MEETING MINUTES
APRIL 5, 2022**

I) CALL TO ORDER/ROLL CALL

A regular meeting of the Powell City Council was called to order by Mayor Daniel Swartwout on March 15, 2022, at 7:30 p.m. City Council members present included Jon C. Bennehoof, Frank Bertone, Christina Drummond, Heather Karr, Brian Lorenz, and Daniel Swartwout. Vice Mayor Tom Counts was absent. Also present were Andrew D. White, City Manager; Jeffrey Tyler, Assistant City Manager; Yazan Ashrawi, Law Director; Rosa Ocheltree, Finance Director; Buddy Caplinger, Services Director; Claudia Husak, Planning Director; Elise Schellin, Development Planner; Jason Nahvi, HR Business Partner; Chris Huber, Engineer; Melissa Hindman, Parks and Recreation Manager, Steve Hrytzik, Police Chief; and Amy Deere, City Clerk.

II) PLEDGE OF ALLEGIANCE

III) CITIZEN PARTICIPATION

Mayor Swartwout opened the floor for citizen comments on matters that are not on the agenda this evening.

Leif Carlson – 178 Beech Ridge Dr. addressed Council on the topic of Olentangy Ridge having no protection from above ground swimming pools. He wanted to petition the City for some protection. He added there was conversation in an HOA Facebook forum and one of the ideas was to make above ground swimming pools illegal before May 1st and after September 30th. He felt this was a creative solution as it is keeping it from being a year-round issue. He had asked Councilman Lorenz if the City had taken a more relaxed stature during Covid, and was advised City Council had not done any changes to existing laws.

Mayor Swartwout closed this portion of Citizen Participation.

IV) PRESENTATIONS

a. 2022 Street Maintenance and Pathway Program Update

PMG GPD - Powell 2022 Street and Pathway_Presentation.pdf

City Manager White stated in 2021 City Council enacted a policy where we outsourced the rating of our Street Program. We adopted a technology, in order to save labor cost to

the City, which utilizes information collection in an expedited fashion. PMG sends reports to Staff to review and present to Council. GPD was brought on board to help with research. The program itself, takes the reports from PMG and declassifies a response that closely coordinates with the \$1.5 million dollars City Council has established for use in the 2022 budget. He noted for the record, this is a significant increase in investment in the capital outlay of the City, for some time, if not in its history. He advised pathways have also been included in 2022 and we are able to use the technology we enjoyed in 2021 for the streets and now for the pathways.

James Golden gave his presentation.

Lance Oldham gave his presentation.

Mayor Swartwout thanked them both for their presentation.

Councilmember Drummond spoke about the PCI ratings and noticed in the presentation there was a comment about condition categories being customized, the same being excellent, good, and fair, etc., and if he was in a position to put together numbers, what would it take to bring everything up to a PCI of 70.

Mr. Golden explained the PCI ranges and they are looked at based on maintenance opportunities, and they fall into 3 buckets, preventative maintenance, preservation and rehabilitation.

Councilmember Drummond stated basically everything below a 68 is in the repair/rebuild condition.

He affirmed. He further explained the budget/target driven analysis, and stated 5-7% of the overall roadway network would be completed this year. Based on the 2021 scores and what has already been completed, we project a 2% increase in the PCI average. He also added to get to the 75-80 PCI would be approximately a \$2 million dollars annual budget for a 5 year period.

Councilmember Bertone thanked them both for their presentation. He added both give the City a great baseline to work from. The City went from \$350,000 to \$500,000 annually, so the potential of spending \$1.5 million dollars to potentially \$2 million dollars depending on where this conversation moves, and he was certain to accommodate some of the poor and failure rated roads/pathways in a far more aggressive posture we have in the past.

Mayor Swartwout spoke about the presentation given a year ago and how exciting it was then to see what was forthcoming and to see the results soon to be delivered is very exciting as well.

b. Parks and Recreation Department Goals

[Parks and Recreation Goals_Memo.pdf](#)

Mayor Swartwout turned the floor over to the Parks and Recreation Manager, Melissa Hindman for her presentation on goals.

Parks and Recreation Manager Hindman gave her presentation.

Councilmember Drummond commended Parks and Recreation Manager Hindman for bringing the teams into this and to the forefront. Parks and Recreation Manager Hindman spoke about this summer, having a 3 on 3 basketball tournament.

Councilmember Lorenz stated Seldom Seen Park was a long time coming and it probably needs to be utilized for tournaments and things of that nature and asked her vision as a revenue generator. She advised Seldom Seen will be great a revenue generator when some items are put into place. Currently, there are 60 ft. base pads which is optimal for smaller children. Longer base pads are needed for older children, which may require enlarging the fields. She feels bringing those fields up to a standard, that those travel teams are looking to play a weekend tournament, we could make that happen maybe next summer.

Councilmember Bennehoof asked for her to expand on the relationship with ODNR and to provide more details on the wetlands utilization, which he feels is a terrific opportunity for the community. She advised they were working with ODNR to provide programming as well as train Staff to provide the same programming. She also spoke of a resident that would be performing "birding" and will be doing programs as well.

Councilmember Karr asked if she has discussed with ODNR about potentially putting in a story book trail. Parks and Recreation Manager Hindman stated she loved the idea and Seldom Seen Park would be a great location for one.

Councilmember Bertone said the City has had 2 years of nothing, and all of what she discussed were great pieces for the City to have a successful 2022. For this body and going forward, we have to openly discuss facilities as to where we are, what we need and how it is going to look. Many of us hit the road on weekends for various tournaments, we have a lot of stand-alone facilities, and we need to talk to different entities about partnering with them and using their facilities as we are not going to be able to build robust structures in a short time line, but how do we turn Seldom Seen into a more of a multi-use structure. He added lighting is going to be needed. He invited her to attend an Operations Committee Meeting to get the ideas moving further.

V) PROCLAMATION

Arbor Day - April 29, 2022

[Arbor Day 2022_Proclamation.pdf](#)

VI) APPROVAL OF MINUTES

Approval of City Council Meeting Minutes of March 15, 2022

[Council Minutes of 03.15.2022.pdf](#)

MOTION: Frank Bertone moved to approve City Council Minutes of March 15, 2022. Jon C. Bennehoof seconded the motion.

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

Motion passed 6-0-0, Minutes of March 15, 2022, adopted.

VII) RESOLUTIONS

RESOLUTION 2022-19

A RESOLUTION TO ADOPT THE CAPITAL IMPROVEMENT PROGRAM (CIP) FUNDING POLICY FOR THE CITY OF POWELL.

1. [Res. 2022-19_Memo.pdf](#)
2. [Res. 2022-19_Resolution.pdf](#)
3. [CIP Funding Policy.pdf](#)

City Manager White recognized Finance Director Ocheltree as she authored the CIP Policy. In addition to the memo there is an attachment of the policy itself which has gone through the Finance Committee. He stated the resources pledged to provide for a \$2 million dollar Street and Pathway Maintenance Program in 2022, are actually outside the scope of this policy, and for the benefit of the public, the actual tax structure went into effect on January 1, 2022, so those dollars have been collected for 3 months now. He feels this is an important distinction and also a statement of planning and deliberation that went into the 2022 budget as we have those proceeds available. That being said, the policy before you for your consideration has gone through the Committee and is essentially a best practice in central Ohio, is dedicating .25% of income tax dollars to capital and development needs. It is listed in the legislation as it establishes this policy to elect 20% to the CIP and 5% to the CIC. If enacted, this would authorize the City's Finance Director to transfer funds this year for conditional use in capital to start this plan. The next step, if adopted, would be a presentation to Council of a project list and assignment by Council. He said he felt it was important to present the policy first to establish the resources available. He also acknowledged the Finance Director included all of the City's different financial policies so there is reference to indebtedness within this document that follows a policy already enacted by Council. He inquired of Finance

Director Ocheltree, if enacted, in the first year, an idea of the resources available. Finance Director Ocheltree advised approximately \$8.4 million dollars for the CIP. Moving forward, he said the year we are in, 2022, becomes the bedrock of the resource availability for 2023 and in 2023, the capital item will be based on actual receipts collected in 2022, as he feels this is a conservative method. Continuing, if in a forecast of the CIP policy, you know strongly you will be doing these programs in the first and second year, things change in the third, fourth and fifth year, the CIP then becomes a component of the operating budget so if there is a robust year or a lean year, there is the ability to trim projects out.

Finance Director Ocheltree clarified once the estimate is made for collection of 2022, for the 2023 budget, the figure will probably be based on that estimate and can be adjusted when we have the final numbers.

Councilmember Karr stated that it is important to set these funds aside to show the residents our commitment to the CIP Program.

Councilmember Bertone said 2022 is a nebulous year and we are making estimates and we know we have to feel for what is going to transpire, through withholdings, etc., gives

us a guideline for this conversation. To Finance Director Ocheltree and City Manager White's point, what we get in terms of the number this year and how we set that process in motion going forward for the next 5 years, gives us a solid rail. We are in a far different conversation than we have been in years past and for us as a body, it will be a growth opportunity for us, as well as to understand we can do a little more than what we did in the past. More importantly, there are still other financing tools available. City Manager White mentioned a 5% allocation to the CIC, and what we do with our CIC today is rather small and what we can do with that and expand upon that in a go forward basis is instrumental for this City to grow. We do not want to be coming back to the residents for money, that's not our drive. We were successful last year, but to the extent where we can manage those funds in a much more judicious fashion as we have historically and continue to do so, now they can see and experience the ROI we have all been striving for as well. We want to see this hit the ground running but we have to get through this conversation to get to the next one, which is the list.

Councilmember Drummond asked how do we know what has been encumbered for out years for projects as you write grants or make commitments, and if there is a policy of how that is factored in and prepare to go through the list. Is there a policy how we factor in encumbrances alongside these other variables? Finance Director Ocheltree responded the City does not have that in the financial policies based on the Ohio Revised Code. Projects still ongoing and funds encumbered for that particular project, stays appropriated for that year and rolls over to the next so that would add to the total resources available for the CIP for that year. Councilmember Drummond continued by asking if there are commitments, such as for Sawmill resurfacing, identified in the budget because it would not be necessarily be encumbered this year, just allocated for future years. Finance Director Ocheltree stated when we budget, we budget for 5 years forward.

Mayor Swartwout opened the floor for public comment. Hearing none, he closed the public comment portion for Resolution 2022-19.

MOTION: Jon C Bennehoof moved to approve Resolution 2022-19. Frank Bertone seconded the motion.

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

Motion passed 6-0-0, Resolution 2022-19 adopted.

VIII) ORDINANCES: SECOND READING(S)

ORDINANCE 2022-05

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN AND ALL ASSOCIATED SITE IMPROVEMENTS FOR A 2.25-ACRE SITE KNOWN AS POWELL GRAND SUBAREA E-1 (IVYBROOK ACADEMY), ZONED PC – PLANNED COMMERCIAL DISTRICT.

1. Ord. 2022-05_Memo.pdf
2. Ord. 2022-05.pdf
3. Ord. 2022-05_Exhibit A.pdf
4. Ord. 2022-05_History_Ivybrook.pdf

Development Planner Schellin advised this project was reviewed as a Sketch Plan at the September 15, 2021, Planning and Zoning Commission meeting, and as a Preliminary Development Plan on January 12, 2022, to discuss the merits of the proposal, and to open dialogue about its conformance with the City's Comprehensive Plan, Zoning Code, and development standards. The Planning and Zoning Commission reviewed the Final Development Plan on February 9, 2022, and recommended approval to City Council with conditions. She added the first reading was March 15, 2022, and tonight is the second reading. If the application is approved by Council, the applicant can get Engineering review, building permits and their zoning certificate.

Some discussion took place about extending the sidewalk that exists on the east side of the site as well as another crossing for the sidewalk at the south end of the site and Staff asked the applicant to look into the potential for adding the sidewalk and crosswalk. It was ultimately determined adding a mid-block crossing on a 90 degree curve is not safe, due to the fact stacked cars in the access drive can block the view of the pedestrian versus oncoming traffic.

She advised Staff is recommending approval of Ordinance 2022-05.

Mayor Swartwout posed a question regarding the southern part of the parcel and whether it would have to go through Planning & Zoning Commission again. Development Planner Schellin confirmed. She added with this vote tonight, what is included is the Ivybrook Academy, the parking and all of the site improvements. The only thing that will need to go back through the Planning & Zoning Commission is the actual architectural elements.

Brian Burkhart, 250 Old Wilson Bridge Rd., Worthington, Ohio, was present as representative for the applicant, TJ Elite Properties, LLC, and said there was a question last time regarding the number of jobs that were going to be created, and the number is 15. Additionally, he advised the owner, Evan Lee was also present.

Councilmember Drummond asked with respect to the pedestrian access, will there be curb cuts and safe access from the north side of the parcel. Brian Burkhart confirmed.

Mayor Swartwout opened the floor for public comment. Hearing none, he closed the public comment portion for Ordinance 2022-05.

MOTION: Brian Lorenz moved to approve Ordinance 2022-05. Frank Bertone seconded the motion. Mayor Swartwout requested a roll call for passage: Heather Karr, yes; Brian Lorenz, yes; Daniel Swartwout, yes; Jon C Bennehoof, yes; Frank Bertone, yes; and Christina Drummond, yes.

Motion passed 6-0-0, Ordinance 2022-05 adopted.

IX) ORDINANCES: FIRST READING(S)

ORDINANCE 2022-07

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN AND ALL ASSOCIATED SITE IMPROVEMENTS AND DEVELOPMENT TEXT DEVIATIONS FOR 1.5+/- ACRES AT 285 W. OLENTANGY ST. KNOWN AS LILY RESERVE RETAIL CENTER, ZONED PC – PLANNED COMMERCIAL DISTRICT.

Development Planner Schellin stated this site was originally set aside as a commercial component of the Murphy's Party Barn site back in 2000, and in 2017, City Council approved a retail center on this site, however, construction never began and the plans have since expired. This project was reviewed as a Sketch Plan at the December 15, 2021, Planning and Zoning Commission meeting, and as a Preliminary Development Plan on February 9, 2022, to discuss the merits of the proposal, and to open dialogue about its conformance with the City's Comprehensive Plan, Zoning Code, and development standards. The Planning and Zoning Commission reviewed the Final Development Plan on March 9, 2022, and recommended approval to City Council with conditions. Tonight is the first reading with City Council and the second reading is scheduled for April 19, 2022.

She advised Staff is recommending approval of Ordinance 2022-07 at its second reading on April 19, 2022.

Eric Newland, 3794 Hampshire Ave., Powell, was present as representative for the applicant, EQ Lily Reserve, LLC. Shawn Boysko, 317 Donerail Ave., Powell, was also present. Mr. Newland thanked Council and the Planning and Zoning Commission and stated it was a delight to go through the process. He advised the retail building will be a 4 tenant configuration, to include a golf simulator tenant, a men's salon tenant, a yoga studio tenant and a breakfast/lunch small restaurant tenant.

Councilmember Lorenz wanted to discuss the exploration of the sidewalk and wondered why this being explored, why didn't the Planning and Zoning Commission just order you to put it in? Mr. Newland explained currently, this sidewalk leads to nowhere. Additionally, this area of discussion would go through the drainage culvert and also the tree line, and it also connects to the HOA property to the south which is fully constructed, and they would also have to construct hundreds of feet of sidewalk that would also not lead anywhere. Councilmember Lorenz stated the comment is in good faith to move forward to look for some sort of solution but you are probably at the point it is not going to happen. Mr. Newland stated a connection could occur, he believes as a developer, given the likelihood there is allocation budgets and HOA and taxing the homeowners with the burden of putting the sidewalk in at this point would be cumbersome to overcome. Planning Director Husak advised this was more of a Staff driven comment so it did not originate with the discussions with the Planning and Zoning Commission. She added there has been discussion internally about pedestrian connections, and if opportunities arise to start somewhere, understanding full well in the distant future the City may have funds connecting it down the right-of-way where the condos are. We hoped we could at least get an easement to get into the space if in the future, the City could do it or between now and the next reading, explore this further with the applicant.

Councilmember Drummond asked if there was consideration of bike parking.

Mr. Newland responded they have provisions for permanent bike parking structures.

Councilmember Bennehoof asked if the restaurant was going to have outdoor capacity. Mr. Newland stated they would like to and they have been working with the neighbors on this issue to engage the same on the north side of the property along Olentangy.

Mayor Swartwout asked Staff how similar this plan was to the one adopted in 2017. Planning Developer Schellin advised it was very similar but more detailed. She added the building size is similar and there is more parking with this plan. Additionally, the old proposal restricted restaurants.

Mayor Swartwout opened the floor for public comment.

Leif Carlson – 178 Beech Ridge Dr. addressed Council about the concern of outside entertainment and the possible conflict with other residents and businesses and the City not addressing a Noise Ordinance and as a general overview, Council may want to look into this.

Mayor Swartwout asked if there were any further comments from the public. Hearing none, he closed the public comment portion for Ordinance 2022-07.

1. [Ord. 2022-07_Memo.pdf](#)
2. [Ord. 2022-07.pdf](#)
3. [Ord. 2022-07_Exhibit A.pdf](#)
4. [Ord. 2022-07_Exhibit B.pdf](#)
5. [Ord. 2022-07_History_LilyReserve.pdf](#)

Mayor Swartwout stated Ordinance 2022-07 will have its second reading at the next City Council Meeting on April 19, 2022.

X) COMMITTEE REPORTS

Development Committee – Councilmember Lorenz advised Council would be seeing an Ordinance for Right-of-Way as well as a Small Cell Ordinance, probably in May. Additionally, a Public Hearing was held this evening and they received information on the Stormwater Management Plan as the City is required to go through every 5 years. There was also a high level presentation on the CIC and how the Development Committee and CIC will be partnering together on many of these funding mechanisms and endeavors of economic development. He spoke of the CIC's ploy to move forward with a lot of these opportunities. He added their next meeting is May 3, 2022, at 6:30 p.m. He also mentioned the CIC's next meeting is scheduled for April 26, 2022, at 7:00 p.m.

Finance Committee – Councilmember Bertone advised the next Finance Committee meeting is scheduled for April 12, 2022, at 7:00 p.m.

Operations Committee – Councilmember Bertone advised the next Operations Committee meeting is scheduled for April 19, 2022, at 6:30 p.m.

Community Diversity Advisory Committee – Councilmember Karr stated their next meeting is scheduled for April 20, 2022, at 6:00 p.m.

Planning and Zoning Commission – Planning Director Husak said the Commission is meeting next Wednesday, and have two cases on the agenda, Redwood, which was tabled at the last meeting, revisions have been made and they have requested to be heard again. Also, a new single family home construction in the downtown district which involves a lot split.

XI) CITY MANAGER'S REPORT/CITY CALENDAR

City Manager White stated as a follow-up to the 2022-2024 Goal Matrix discussed at the last Council meeting, he was trying to incorporate Council Goals and Objectives with output as well as the incorporation of legislative outcomes, committee outcomes and also the annual budget to the Council Goals and Objectives. He believes this matrix is a useful guide and tool. A lot of the discussion tonight revolves around activation. Further he stated there was a lot of ground covered tonight, by deciding to adopt the CIP Policy, the presentation on the Street Maintenance Program, etc. Staff intends to bring back a proposal to Council for an action to the meeting of April 19, 2022, and working with Council on clarification of a Capital Improvement Plan project. Additionally, Staff is having conversation to bring in different ideas and was happy to entertain Parks and Recreation Manager Hindman's proposal this evening about the coming and goings within the Parks and Recreation Department. He further stated there was contact with IWP regarding the Wellness feasibility study, as there is still interest there. Additionally, the Ohio State Wexner Medical Center component is being talked about naming Powell as they complete their work in Dublin which is exciting.

Along that line he did reach out and worked with the Chamber of Commerce with respect to a connection with the new President/CEO of the Columbus Zoo. We were very fortunate to have a meeting over lunch yesterday and a great conversation on a wide variety of partnerships which we would seek to facilitate more conversation with City Council. He feels the importance of the Zoo as an enterprise in our midst is key. A lot of the conversation tonight was about thoroughfares, which lead to the Zoo, an interconnection and there is a lot at play there and he feels this should be considered as an opportunity to move forward with our planning. He also spoke about the power of the tools we were able to work with tonight on both the plans for the pathways themselves but also the roads, if you take time to look at the actual aerial, there is a third layer needing discussion; the gaps. He has talked with Public Service Director Caplinger about bringing that into focus for us for he believes this is the next relevant aspect we need to consider. He knows there is a lot of work to do with capital and maintenance and the catch up, but there is always going to be a need for another piece of infrastructure or another facility tomorrow. He spoke about business roundtables and advised Council the next meeting was scheduled for April 21, 2022, and invited Council to join them. He also made note of the request for an Executive Session.

CITY CALENDAR - APRIL 3, 2022 - APRIL 30, 2022

[City Calendar.pdf](#)

XII) OTHER COUNCIL MATTERS

Councilmember Lorenz thanked City Manager White for his breakdown of his report in concert with the Council Goals and Objectives and he found it to be very powerful and it is great we can show we have that alignment, not only amongst ourselves, to our residents as well.

XIII) EXECUTIVE SESSION

Pursuant to 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, or to negotiate with other political subdivisions respecting requests for economic development assistance.

MOTION: Jon C Bennehoof moved to enter executive session. Frank Bertone seconded the motion. Mayor Swartwout requested a roll call for passage: Daniel Swartwout, yes; Jon C. Bennehoof, yes; Frank Bertone, yes; Christina Drummond, yes; Heather Karr, yes; and Brian Lorenz, yes.

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

Motion passed 6-0-0

Adjourned to Executive Session at 8:57 p.m.

XIV) ADJOURNMENT

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

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

Motion passed 6-0-0

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

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

Motion passed 6-0-0

Meeting Adjourned at 9:27 p.m.

MINUTES APPROVED: APRIL 19, 2022



Daniel Swartwout
Mayor

4-22-22

Date



Amy Deere,
City Clerk

4-20-22

Date