



**CITY COUNCIL
MEETING MINUTES
MARCH 15, 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, Tom Counts, Christina Drummond, Heather Karr, Brian Lorenz, and Daniel Swartwout. 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; and Amy Deere, City Clerk.

II) PLEDGE OF ALLEGIANCE

III) CITIZEN PARTICIPATION

Mayor Swartwout opened the citizen participation portion of this meeting, and hearing no comment, the citizen participation was closed.

IV) PRESENTATION

GPD – Updates

City Manager White introduced Scott Siemen and Chris Leroy from GPD Group and mentioned they have been working with the City since the Fall of 2021, on an objective goal to better understand the rights-of-way of three main thoroughfares in the City; State Route 750, Sawmill Parkway and Sawmill Road. One of the primary objectives was relative to the discussion tonight with Operations Committee was in regards to maintenance, law enforcement and potential economic development opportunities that exist within the corridor, due to growth of the City, lack of uniformity, we anticipated through the Development Committee process and discussion with Chairman Lorenz, the possibility to embark upon this.

We started in the late fall and are now finished with Task 1, which is the Gathering of Records, and you will note some historical significance and there is very interesting historical artifacts that you will find throughout the process, but essentially establishing known real property boundaries is the first step to understand where we are going through the last step which will ultimately be potential to bring uniformity through those thoroughfares and open the City up for potential additional development.

Scott Siemen introduced himself and stated he was the Project Manager. He introduced Chris Leroy, who has been with GPD with four years and is a right-of-way specialist. Chris Leroy gave a brief history of his prior employment. Mr. Leroy began by explaining Task 1, Gathering the Records. He spoke of the initial steps of record gathering:

1. Focus
2. Timeline for Records
3. Powell Road
4. Old Sawmill Road
5. Sawmill Parkway
6. Current Annexation Limits
7. Next Up

He advised they began with the County Auditors Records, then the County Historical County Engineers Records, Survey Records and other data. He spoke about how the State Legislature actually controlled how the roads were built and the width they were assigned. He spoke about road rights-of-way and in Ohio it is typically based on two methods of consent, 1. Standard Highway Easement, and 2. Dedicated Right-of-Way, and he explained the difference between them.

He then spoke of the Timeline for Records and advised the Northwest Ordinance of 1787 set up, from the Federal Government, how the Northwest Territories were to be governed. He provided history including the State of Ohio was founded in 1803 and Franklin County was created in the same year. Delaware County was established in 1808 and Powell was founded in 1813.

He spoke about the current annexation limits, who owns what. He stated the southeast quadrant is very irregular and creates issues with public maintenance and safety services.

City Manager White spoke of the lack of uniformity as it presents some challenges especially along the commercial corridor of Sawmill Parkway. From a development standpoint, which he feels is critically important moving forward; from a maintenance aspect, to be able to bring in the resources that will be required to take on the responsibility for the maintenance and upkeep of this infrastructure over the years will be considerable. Further, looking out to the expansion of Powell Road or State Route 750, the potential re-development opportunities are huge. Additionally, just east of Sawmill Parkway, from a public utility standpoint, we are in very close proximity to some potential public utility service agreements for Broadband with the City of Dublin. Also, on Old Sawmill Road, there is some infrastructure going in currently, and there is lack of traffic control in several of the intersections as well as several inconsistencies in terms of our overall road plan. Powell is working with the County and Liberty Township currently on the roundabout at Presidential Parkway so the opportunity to create some uniformity within these three areas was key for the City. He added the map speaks for itself, the growth of a City our size to this point over a short period of time has left us an opportunity to clean things up. The corridor in the southwest and the gap that goes all of the way to State Route 750, leaves something to be desired in Staff's opinion. He stated this was a great project to work on.

Public Services Director Caplinger discussed going into Task 2 of this project is finding out the monuments, and markers, how we get to develop, etc. He added he felt we should move forward in an aggressive way and he believes GPD would get the City there.

Chris Leroy spoke about the next steps, which include compiling the records. It gives an overall comprehensive map of land records.

Mayor Swartwout thanked Mr. Leroy and stated this presentation was very interesting many levels.

Vice Mayor Counts asked if it was their experience that the City was taking ownership for maintenance we didn't have a right to or found out we had more dedication than was originally thought. Mr. Leroy affirmed his question. He stated they found times where the municipality has more rights. It happens a lot.

Council Member Bennehoof asked if there were some rights discrepancies. Mr. Leroy responded almost always.

Council Member Bertone asked what their timeline was to continue with this project. Mr. Leroy stated a month to two months.

V) APPROVAL OF MINUTES

City Council Minutes of March 1, 2022

[Council Minutes of 03.01.2022.pdf](#)

MOTION: Jon C Bennehoof moved to approve City Council Meeting Minutes of March 1, 2022. Frank Bertone seconded the motion.

VOTE: Y 6 N 0 (None) AB 1 (Brian Lorenz)

Motion passed 6-0-1

City Council Meeting Minutes of March 1, 2022, adopted.

VI) CONSENT AGENDA

a. Monthly Departmental Reports - February, 2022

1. [Building Department_Feb2022.pdf](#)
2. [Communications_Feb2022.pdf](#)
3. [Community Development Department_Feb2022.pdf](#)
4. [Engineering_Feb2022.pdf](#)
5. [Finance_Feb2022.pdf](#)
6. [HR_Feb2022.pdf](#)
7. [Police Department_Feb2022.pdf](#)

b. Notice to Legislative Authority - D2 New Liquor Permit Request for McCauley Venture, LLC, DBA Savoir Cooking and Wine, 28 North Liberty Street

1. [Notice to Legislative Authority - Memo.pdf](#)
2. [Notice to Legislative Authority.pdf](#)

c. **RESOLUTION 2022-16**

A RESOLUTION AUTHORIZING PURCHASE ORDER TO GPD GROUP PURSUANT TO A "THEN AND NOW" CERTIFICATE IN THE AMOUNT OF \$37,936.

1. [Res. 2022-16_Memo.pdf](#)
2. [Res. 2022-16_Resolution.pdf](#)
3. [Res. 2022-16_Exhibit A.pdf](#)

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

VOTE: Y 7 N 0 (None) AB 0 (None)

Motion passed 7-0-0

Consent Agenda, adopted.

VII) RESOLUTIONS

a. **RESOLUTION 2022-17**

A RESOLUTION ADOPTING A SIX MONTH MORATORIUM ON THE SALE OF FIREWORKS WITHIN THE CITY.

1. [Res. 2022-17_Memo.pdf](#)
2. [Res. 2022-17_Resolution.pdf](#)

Law Director Ashrawi gave a brief overview for the purpose of this Resolution. There is a recent State Law amendment to General Fireworks Regulations in House Bill 172. Across the State, local governments have been monitoring the effects due to the inherent dangerous usages of fireworks. The City of Powell currently regulates fireworks in its Fire Prevention Code and prohibits the use in sale, with limited exceptions. It is yet to be determined and to be seen how the changes in this law effects local governments control over these items and the practical effects of the changes. For that reason, we believe some time is warranted to review the State Law against our local Fire Prevention Code and review and research how this State Law is having an effect on a practical level for local governments. As the Resolution is drafted, the City will come back with recommendations after this time period. Those recommendations could be no changes or amendments of the City's current regulations, or could recommend some changes. The Moratorium could be lifted or end earlier than six months, or if necessary extended, but we think it is warranted given the recent change and the impact on the local community.

Vice Mayor Counts asked if there was any current litigation out there by municipalities on this issue. Law Director Ashrawi advised there is not, however, it is very early in the process. He knows several communities are amending and changing their regulations and taking similar note of the changes.

Mayor Swartwout asked if there have been circumstances in the past where changes of State Law have caused municipalities, maybe even the City of

Powell, to impose Moratoriums to consider those changes in State Law. Law Director Ashrawi affirmed and stated there are other legitimate reasons, so a change in State Law that effects how a local community governs a particular activity is certainly one of them. He knows other communities are considering it in this context and other context so the key here is, it is not a Moratorium for Moratorium sake, but this gives us time to process the information and come back to Council with an analysis and recommendations on the report.

Mayor Swartwout opened the floor for public comment on Resolution 2022-17. Hearing no comment, the comment portion for this Resolution was closed.

MOTION: Jon C Bennehoof moved to adopt Resolution 2022-17. Frank Bertone seconded the motion.

VOTE: Y 7 N 0 (None) AB 0 (None)

Motion passed 7-0-0

Resolution 2022-17, adopted.

b. RESOLUTION 2022-18

A RESOLUTION ADOPTING THE AMENDED PURCHASING POLICY FOR THE CITY OF POWELL.

1. [Res. 2022-18_Memo.pdf](#)
2. [Res. 2022-18_Resolution.pdf](#)
3. [Draft Purchasing Policy_Redlined.pdf](#)
4. [Proposed_2022 Purchasing Policy_Clean.pdf](#)

Finance Director Ocheltree advised they have prepared an updated version of the Purchasing Policy for Council's consideration. It was reviewed with the Finance Committee earlier this month and the intent of the policy is to bring the policy into compliance with modern standard and also to bring it into alignment with the Uniform Guidance Policy that we use for federal funding. It also modifies the City Manager's contract authority from up to \$25,000.00 to \$50,000.00 so that gives him the authority to sign a contract before Council's approval, however, the appropriation would have to be in place for him to do so. It also redefines some of the Method of Procurement and it calls for the Finance Director to submit a listing to the Finance Committee of all contracts regardless of the amount.

Mayor Swartwout asked where the language came from, either created by us or was it found and borrowed from other types of policies. Finance Director Ocheltree advised the bulk of the changes came from the Uniform Guidance Policy that was created by the City in 2021. We made a few modifications based on the Ohio Revised Code as the \$50,000.00 threshold as well as the definitions with the different roles within the Purchasing Policy.

Mayor Swartwout opened the floor for public comment on Resolution 2022-18. Hearing no comment, the comment portion for this Resolution was closed.

MOTION: Tom Counts moved to adopt Resolution 2022-18. Jon C Bennehoof seconded the motion.

VOTE: Y 7 N 0 (None) AB 0 (None)

Motion passed 7-0-0

Resolution 2022-18, adopted.

VIII) ORDINANCES: FIRST 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 stated this development is located at the southwest corner of Sawmill Drive and Bunker Lane. The 2.25 acre site is currently vacant and was set aside as a commercial component of the larger Powell Grand Final Development Plan. It was reviewed by the Planning & Zoning Commission as a Sketch Plan on September 15, 2021, an informal review to get some feedback and some discussion started between the applicant and the Commission. It then went on to a Preliminary Development Plan Review on January 12, 2022, and was reviewed as a Final Development Plan by the Planning & Zoning Commission on February 9, 2022. Tonight is its first reading for City Council and the application will also be back on April 5, 2022, for its second and final reading and if approved, the applicant can move on to Engineering Review and Permits.

This proposal is for the lot to be split into two different lots. She explained the northern parcel is set aside for an Ivybrook Academy branch on 1.17 acres to include 6,920 square foot building and a 2,885 square foot playground. The southern parcel is set aside for retail space in a 5,750 square foot building with a patio. This architecture and building design is not up to the design submittal of the Ivybrook Academy so tonight Council will be reviewing all site improvements regarding the Ivybrook Academy. There is a condition the building for Parcel 2 must go back to the Planning & Zoning Commission for approval.

She advised Staff recommended approval to the Planning & Zoning Commission at the meeting of February 9, 2022, with certain conditions. She also stated Staff is recommending approval of Ordinance 2022-05 at the second reading on April 5, 2022.

Council Member Lorenz asked if this was the site which had the big green Dublin Building Systems container and wondered what Staff was doing about that, for it is a bit presumptuous and unsightly. He wondered why there are construction trailers on properties when there are not even through the process. Assistant City Manager Tyler advised Staff would look into that and deal with it appropriately.

Council Member Drummond spoke about the sidewalk and the connectivity with the other trail system. Development Planner Schellin pointed out where they were located.

Council Member Bertone asked about the employment base and wondered if this was part of the Sawmill TIF. What have they estimated in the staffing?

Brian Burkhart, 250 Old Wilson Bridge Road, Worthington, Ohio, with Civil Environmental Consultants stated he would have to double check on the number for staffing.

Vice Mayor Counts stated it was not made clear what age group this facility would be having. Mr. Burkhart advised it was Pre-K and below was the target age group.

Council Member Drummond asked if it has been decided what type of retail would be going in on Parcel 2. Mr. Burkhart advised it was yet to be determined. He further stated Ivybrook Academy wanted to be open for business by September 1, 2022, to go along with the school year, hence the haste for the contractor getting out there before he should. Council Member Lorenz stated free advertising and things like that make our town look unsightly and is not appropriate for our community.

Council Member Bertone said September 1, 2022, is incredibly aggressive even with a second reading, how would they feel if it was October 1, 2022, is there going to be heartburn over that? Mr. Burkhart advised yes as most of their missions run with a normal school year schedule. He further added the developer, at their own risk, already submitted plans to Engineering and have already addressed one round of comments. Obviously, we understand the City Engineer can't approve anything until the approval of City Council. Council Member Bertone said he just wanted to make sure the applicant has a clear understanding what the timelines are. Assistant City Manager Tyler advised there was a meeting with the applicant, and made them very much aware their time frame is very aggressive, and our process especially towards the end when asking for a Certificate of Occupancy, frankly, we would have to start those discussions early not later. They are very much aware and hopefully they can meet those deadlines.

Mayor Swartwout opened the floor for public comment on Ordinance 2022-05. Hearing no comment, the comment portion for this Ordinance was closed.

Mayor Swartwout stated this Ordinance will have its second reading at the Regular City Council Meeting of April 5, 2022.

IX) COMMITTEE REPORTS

Development Committee – Council Member Lorenz advised they will meet April 5, 2022.

Finance Committee – Vice Mayor Counts stated City Manager White had a nice summary of last week's meeting in his report and they will be meeting on April 12, 2022.

Operations Committee – Council Member Bertone said they had a nice meeting tonight and talked about a variety of issues regarding our IT challenges. He stated Doug McCullough did a fantastic job of setting the stage for Council today of what he expects

to do going forward. There was an update from Public Service Director Caplinger on Snow Plowing and the changes we can expect. We received an update for the Memorial Day Events from HR Business Partner Nahvi. He advised the next meeting is April 19, 2022, at 6:30 p.m.

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

Planning & Zoning Commission – Planning Director Husak advised they will be meeting April 13, 2022, and their deadline to submit applications is not until next Friday. Also, she stated they received an application in for the Board of Zoning Appeals and they will be meeting April 7, 2022, at 6:30 p.m.

Powell CIC – Council Member Lorenz said they will be meeting on March 22, 2022, at 7:00 p.m.

X) CITY MANAGER'S REPORT/CITY CALENDAR

City Manager White advised we completed the work product from the Work Session with Council, and a report has been provided to Council for review. Staff has begun putting initial work plans together based on the report. It began in the Finance Committee and will be continuing with the CIC and the Development Committee. Some of it was discussed tonight with GPD, so the wheels are in motion and he and Staff wanted to represent to Council we have fully embraced 2.0.

There is a lot of excitement and we wanted to start to deliver on a couple of low hanging items that are out there we feel can make a significant impact to the community this year. Downtown, we have requested some information to establish appropriate signage that is more permanent in nature for the DORA.

We are looking at some minor modifications, some of which we have availability for and some may require Council action for assets to be added to a few of our park systems.

We did receive four proposals in response to the City's request for modifications to the CSX Tunnel. His anticipation is it would be scored this week and would come back to Council at the next meeting with a recommendation.

We did have a couple of inquiries on the residential hotel through the press for which he presented to Law Director Ashrawi for review, as he wanted Council to be aware.

Regarding the CIP Plan, we did have a good conversation at the Finance Committee Meeting and he feels they have laid out a financial "spine", understanding where the resources are for Council allocation towards specific projects. Internally, he has started to work with Staff to understand the limitations of a five year plan and the resources available and the prioritization based solely upon his understanding of the circumstances, just to get an idea of how this tool could work. He added Finance Director Ocheltree has done a great job putting the pieces together and he was surprised on how much he thinks could potentially get done with the financial resources. There is obviously political consideration and getting information to the community, in making sure we can pull all of it off, but the bottom line from our view internally, initially there is a really good path going forward.

We will be presenting the Maintenance Program later this spring, a significant aspect of our existing roadways, but we really would like to get back with Council in terms of setting a priority list of Council goals as it relates to the CIP. So he believes at the next Finance Committee Meeting we now have the Purchasing Policy and should start thinking about the CIP Policy.

He then spoke of a new business coming to Powell and turned the floor over to Planning Director Husak for discussion.

Planning Director Husak advised in the location of Pinot's Palettes, which moved out a few months ago, a new business of electric bike sale and rental establishment moved in. She stated Staff has advised the Planning & Zoning Commission, that Staff has allowed them to put in a patio to put bikes outside of the facility and the landscaping would be moved to another location on the property.

City Manager White stated Finance Director Ocheltree has been keeping a close look at the income tax dollars and our numbers coming into the City continue to trend significantly higher than they were last year at this time.

He further stated one of the items discussed in the Work Session was a better understanding of the CIC and how would we activate it. He advised Law Director Ashrawi's office has pulled some resources together and had conversation which he feels will turn out to be very fruitful. He added he would like to get back either on the Development Committee Agenda or the CIC Agenda or both because the impact is double. He feels there are unique opportunities to think about and in particular, the CIC's ability to transact real estate purchases and sales. In doing so, away from an impact of the City's financial accounting records, that takes time but we have started to consider that and we will be back with some additional items for consideration.

Moving forward, he spoke of the Operations Committee meeting and stated he felt Doug McCollough did a great job and does appreciate Council's concern as it relates to timeliness and we will follow up on that. He spoke about the Snow Maintenance Plan and thanked everyone involved. He added he felt the City was in a better position but he feels there are some issues to go back to the Committee level to stay on top of the conversation.

He added he would be out of the office on Friday, March 18, 2022, should Council need anything, please let Assistant City Manager Tyler know. He will be more than willing and able to help.

He also spoke of the GPD Task 1 which discussed tonight, is a very critically important item to continue on. Council had asked as a whole, next steps would be itemized as Task 2, which is really the mapping of the conversations found in Task 1. This will require additional legislation to move forward and wanted to make certain Council was aware.

City Meetings Calendar

[City Meeting Calendar March_April.pdf](#)

XI) OTHER COUNCIL MATTERS

Council Member Drummond wanted to note, regarding e-bikes, as we have e-bike rentals coming into the community, she feels this raises some policy questions that came up when we had the e-scooters a couple of years ago, and what that means for where the e-bikes would be operated. She wanted to flag for Council this may be something they may want to revisit in terms of the development, repair and/or replacement of our bike paths and what that means. Also, in terms of safety reasons we probably don't want e-bikes on our sidewalks in our DORA.

XII) ADJOURNMENT

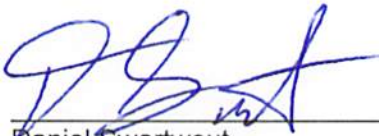
MOTION: Jon C Bennehoof moved to adjourn. Frank Bertone seconded the motion.

VOTE: Y 7 N 0 (None) AB 0 (None)

Motion passed 7-0-0

Meeting Adjourned at 8:36 p.m.

MINUTES APPROVED: APRIL 5, 2022


Daniel Swartwout,
Mayor

4-7-22
Date


Amy Deere,
City Clerk

4-6-22
Date