



**DEVELOPMENT COMMITTEE
MEETING MINUTES
APRIL 5, 2022**

1) CALL TO ORDER/ROLL CALL

Chairman Lorenz called the Development Committee meeting to order at 6:30 p.m. Committee members present included: Brian Lorenz, David Lester, Daniel Swartwout, and Heather Karr. Donald DePalma was absent but excused by Chairman Lorenz. Also in attendance were Andrew White, City Manager; Jeffrey Tyler, Assistant City Manager; Yazan Ashrawi, Law Director; and Planning Director, Claudia Husak.

Chairman Lorenz spoke on the topic of replacing the empty seat of Planning & Zoning Commission Member Representative, due to the fact Shawn Boysko has stepped down. He advised the committee Chair would nominate an individual to fill the empty position in the near future.

2) APPROVAL OF MINUTES

Approval of March 1, 2022 Meeting Minutes

[03.01.22 Development Committee.mins.pdf](#)

MOTION: David Lester moved to approve. Heather Karr seconded the motion.

VOTE: Y 3 N 0 (None) AB 1 (Brian Lorenz)

Motion passed 3-0-1.

Minutes of the March 1, 2022 committee meeting were approved.

3) TODAY'S BUSINESS

a. Right-of-Way Ordinance Final Presentation

1. [04.05.22_Development Committee_ROW-Small Cell.pdf](#)
2. [ROW Ordinance Introduction - Cover Memo.pdf](#)
3. [Powell - Draft - Comprehensive Rights of Way Ordinance - New Chapter 911 - 4834-7021-4356.6.pdf](#)

b. Small Cell Ordinance Final Presentation

1. [Draft Small Cell Ordinance - Powell - Chapter 931 - 4853-0653-5892.6.pdf](#)

2. Fee Schedule Proposed Revisions ROW Small Cell.pdf

Assistant City Manager Tyler began by stating they wished to present the Right-of-Way Ordinance Final Presentation and Small Cell Ordinance Final Presentation together due to the overlap of the two.

He continued by stating they presented this to the Committee last spring and have brought it back with some changes and would like to take it to City Council.

Law Director Ashrawi gave an overview of the Right-of-Way Ordinance and how it is intended to provide a more comprehensive management of a very important asset to the City. Additionally, the management and oversight of the use of public right-of-way, maintaining a fee mechanism to capture rights the City is providing to others that operate on the right-of-way. This in conjunction with exploration of the Broadband provides a better and more comprehensive approach for future development and expansion.

Currently, the City has given formal notice to the PUCO under Ohio law that we are considering both this and the Small Cell Ordinance, which is intended to put the utility companies and other entities that operate within public rights-of-way on notice so if they have any comments or concerns they can come forward. This remains open for 45 days and it was filed last month. One change is the location of the Right-of-Way Ordinance and Small Cell Ordinance within the Powell Codified Ordinances. There is a separate utility title which used to contain the City's water ordinances and have since been repealed, but this is a natural spot for both to go back to back. Similar with the Small Cell Ordinance that is fairly dictated by Ohio law in terms of the process. One of the benefits is the City's ability to dictate some aesthetics with the Small Cell Ordinance and to have a notification process for planning purposes and future expansion of small cells. With that, we have tried to streamline the process ensuring it is done timely but is also comprehensive in nature.

Assistant City Manager Tyler spoke of four concerns that arose at the initial presentation and now have answers to them. One being who has jurisdiction over this particular section of the Ordinance? Since that time, we have hired a Public Services Director and felt it was best handled by the Public Services Director position, and he has the ability to designate as needed. This pertains to both the Right-of-Way Ordinance and the Small Cell Ordinance. There is a portion of the Small Cell Ordinance which refers to guidelines, and they will be the responsibility of the Planning Director to ensure the guidelines are enforced.

He continued with speaking about fees. We took all of the fees out of the actual Ordinance itself, for the exception of the Small Cell Ordinance. It is best to be placed in the Fee Schedule and when any of the fees are adopted, the Fee Schedule will have to be revised. This is to ensure if there are modifications to the Fee Schedule, we don't have to modify the Ordinance.

There are required forms which are currently being worked on. Once both Ordinances are adopted, there will be a time frame where we will have to get the computer systems up and running. He feels the Small Cell Ordinance is ready to go and will be asking the Right-of-Way Ordinance to be approved by Council but not take effect until January 1, 2023, for there are some mapping requirements which will require certificate holders to present information to us. Our GIS system we currently have needs to be updated, our computer system as well and we want to make certain the Fee Schedule is correct.

The last issue was the concept of the public and quasi-public utilities needing separate agreements. We have determined this is not the case with this particular Ordinance and we should be able to move forward as written.

He added Staff has done a good job of going through both Ordinances to ensure they meet the needs of the City of Powell and we would like to take them to City Council next month.

Committee Member Lester asked if they were going to be connected to the existing electric or are they battery powered as far as the small cell. City Engineer Huber responded most of them will be powered electrically.

Committee Member Karr asked if the Right-of-Way Ordinance was going to affect some of the signage issues. Assistant City Manager Tyler advised it should not for they are two separate Ordinances.

Committee Member Swartwout spoke about the timeline and asked if the Ordinances were to be reviewed by Council at their first meeting in May. Assistant City Manager Tyler affirmed.

Chairman Lorenz asked Assistant City Manager Tyler to provide a high level process on someone erecting one of these small cells. Assistant City Manager Tyler gave the floor to City Engineer Huber and he advised the small cell is a fairly simple process. He added there is something in the Ordinance that will dedicate a time period where the cell service would come to the City for discussion prior to permit submittal, and then the permit itself will also give a timeframe.

Assistant City Manager Tyler added there is a technical component which will mostly be handled by Engineering but also will require some Building Department interaction due to electrical issues. Additionally, the aesthetic issues, the guidelines would handle.

Chairman Lorenz spoke about the Staff's level of confidence of the January 1, 2023, effective date, as we will not have an influx or problem if we wait to adopt this. Assistant City Manager Tyler said for instance, if you look at the activity of permits in this area over the last year or so, we received 33 permits for rights-of-way, we are not overwhelmed at this point and he feels it should be able to be handled effectively. Also, he advised currently it will be handled through our zoning permit process, and once we switch over to the right-of-way adoption, it will be handled through there.

City Manager White advised the process which a utility accesses public property through the right-of-way is through the issuance of a zoning permit which costs \$40. An action of this Ordinance with six major utilities, can generate anywhere from \$30,000 - \$60,000 out of the gate just to have authority to do business with the City as well as the required additional fees listed in the Fee Schedule, to be collected in a similar fashion as development fees. So as we move toward the implementation, the consideration of how these dollars are going to be programmed for use within the City is a good conversation to have. Additionally, from a planning purpose, this is an additional check and balance that is equal to the amount of revenue that is coming in. Those are two unique benefits of this being adopted and allows better managed quality of life. We will have to monitor those dollars coming in, which will be much more significant than a couple thousand dollars that we would bring in on an annual basis within this property the City owns.

Chairman Lorenz stated he felt everyone was on board and to bring it forward to Council.

c. Proposed Stormwater Management Plan

1. [City of Powell Stormwater Management Program UPDATE.pdf](#)
2. [Powell_SWMP_Draft_1-26-2022_opt.pdf](#)
3. [Exhibit A Summary of new requirements of Stormwater Management Plan.pdf](#)

Chris Huber began the presentation of the Proposed Stormwater Management Plan by stating every five or six years the EPA updates their construction permits with municipal communities, in which the City of Powell is a MS4 community, and due to that we have to update our permits to the new requirements. He added this was the third cycle the last one being done in 2016. He introduced James Akins of EHMT, as he was going to provide the presentation on the Proposed Stormwater Management Plan.

Chairman Lorenz added for the record, this was the Public Hearing for the Stormwater Management Plan as required by law.

James Akins gave his presentation.

Christina Drummond had a question about the costs of repair and if they were their own line item, and was advised by Assistant City Manager Tyler a lot of our own repairs are completed by Staff.

Chairman Lorenz advised City Engineer Huber to proceed with the plan when he was ready.

d. Community Improvement Corporation Presentation

Chairman Lorenz advised Jim Hrivnak, Chairman of the CIC, as well as Chairman of the Board of Zoning Appeals, and Donald Emerick, Chairman of Planning and Zoning Commission as well as a member of the CIC are present for this evening's meeting. He further stated he is a member of the CIC as the City Council Representative and City Manager White and Law Director Ashrawi are also CIC members.

Chairman Lorenz stated what should be anticipated over the coming years is the cooperation and agreements which may intersect between the different boards and wanted to give a high level presentation in anticipation of those activities.

City Manager White began by stating in 2010, the Community Improvement Corporation (CIC) of the City of Powell was established by Articles of Incorporation. A few months later, by way of a Resolution, City Council entered into a service agreement with the CIC, and with a limited amount of resources he feels they have done a great job over those ten years in promoting the business of the downtown. In moving forward with the discussion we will be having tonight with the CIC Funding Policy and in the future with investment of capital improvements targeted towards new development within the community, the CIC becomes much more important.

Within the tax structure it was discussed there would be a portion being made available for development. As we talked most recently, with the Ohio State University Wexner Medical Campus, having begun, it is important to note for the record the CIC is the agent for the City and has expressed by way of the agreement to service a lot of the incentives that will go forth. That being said, the new income tax structure and CIP Funding Policy that may be going forward, he feels now is the right time to discuss, because there has been a lot of discussion with this board, a number of members of City Council and members of the community, what does the CIC

establish for our way forward. The benefit he feels we have in our community, is our CIC adopted a wide berth of the authorizations which are expressed within our revised code, most importantly it being a lead agency to promote industrial and commercial development in the City.

We had a meeting with Staff and Legal Counsel to describe what we could do and Law Director Ashrawi has brought along colleague Emmett Kelly, who has worked extensively throughout Ohio with a lot of CIC's to help us identify where we are and also where we would like to go with the realization there are new monies available in our community and potentially the need for a re-brand of the CIC itself.

Emmett Kelly of Frost, Brown and Todd gave a brief summary of CIC's and Port Authority's and advised he would answer any questions.

Chairman Lorenz asked if he could speak on land acquisition and other mechanisms in the economic development toolbox, such as CRA's, etc.

Emmett Kelly stated the CIC would work "hand in glove" with the City with respect to planning and strategy, with respect to its development programs. From that point on, you would work to establish them and when it comes to CRA's, TIF's, etc. those can work in common, the whole tool box could be used. Any of those types of incentives ultimately would be determined by City Council, but certainly the planning and strategy can be worked through the CIC and reported back to the City. With respect to land acquisition, for example, the potential health campus, and things like that, are all perfectly situated for the CIC to work "hand in glove" with the City.

Law Director Ashrawi stated having a driving force of the CIC with Staff representation with a focus on economic development helps plan at a high level and then execute with different strategies for different properties or different economic development incentives because it will be a little different anywhere you go. If you focus for example, on the downtown in Powell, as this is one strategy and it may not be land acquisition for expansion but maybe a revitalization program, in various tools in the toolbox from there, as opposed to growth in various areas, which would be a different strategy. Unlike the City which may have restricted some of its timeliness of achieving some of these objectives, the CIC can work quickly and efficiently with the City and its City Council having the oversight of large decision making and funding, is the key.

Emmett Kelly gave a history of the CIC and Port Authority.

He also explained how CIC's are used a few different ways. One being, as a member of the Chamber of Commerce where the governmental entity can sit in the room and have all of its prominent business and agricultural members come in and discuss what is going on, for people to stay connected. The second way is as an economic tool, which is what we see here and what has been used in the past by the current CIC. What he sees a lot of times, where you have the governmental leaders, Economic Development Director, City Manager in the room, as well as key appointed citizen members beyond the governmental employees, ideas do occur and does provide for a good forum and a good discussion of those programs and plans.

Chairman Lorenz asked for a high level discussion on what the Development Committee's role would be. City Manager White responded that it was important to note the distinction between the CIC, as an agency, and that City Council are separate and there has to be coordination between the two because the CIC is actually independent. Where the City is involved, we would

provide the financial contribution, which he thought was \$25,000 annually. Historically it has not given us a lot to work with, and what is really important to look at is when there are proceeds after the first federal program to disburse within the community in the downtown special retail establishments, we work with the CIC to disburse those funds. That got him thinking about next steps, the extension of the City's ability to be able to promote economic development through issuance of investments through the CIC, extends our dollars potentially.

He discussed one of the limiting factors we have is a dedicated person to run point for economic development. One of the other things he wished to discuss with the community is a joint exercise whereby a professional could be brought into the community and share employment between the City and the CIC. They would potentially be an employee of the City but with the proceeds we are thinking about dedicating toward the CIC, we could actually hire half of an employee, reduce our costs and potentially have a quarterback for economic development who would manage affairs and the City paying the CIC monthly.

As we all think about our transient positions long term, what is the structure the Development Committee would produce and provide to Council which would get them talking about the services of the CIC?

He spoke about branding, does the CIC potentially become the Powell Development Corporation or the Powell Economic Development Corporation?

In the event we are successful in dedicating a revenue stream from the City to the CIC, it will be much greater than it ever has been before and these are elements which need to be discussed along the way but at a very high level, and he feels the CIC could become our lead economic development agent for the City.

Assistant City Manager Tyler stated they have actually started the process when we brought to the Development Committee, the Economic Development Strategy that was the means to start the conversation and interaction between the Development Committee, City Council and the CIC. We have received those quotes back and will go through them in the next few weeks, and that process will begin. So actually, the Development Committee has already been involved in this process from the beginning, and we hope to capitalize on that strategy to move forward.

Chairman Hrivnak of the CIC advised the CIC is poised to take on this role and we are excited about the ability to re-brand ourselves. We are spending our own money for an Economic Development Plan Update for the City and we would like to pursue with Council and the City, and an Economic Development Plan Director. He advised again how excited they all were.

Committee member Swartwout asked if Mr. Kelly could explain how some of the CIC's have been different, operations wise and staffing wise, as well as what he has seen to have been some of the more successful CIC's and how they have been comprised. Mr. Kelly advised they operate differently based on the needs of the community. He has seen CIC's operated by Village Administrators and Finance Directors, generating some revenue, meeting what the community wants to get out of their CIC. He said they all work the same, but the one's he has seen working the best, are those that have an economic development designated person that works specifically on that with the CIC. He added cities of this size, he sees Economic Development Director's working "hand in glove" with the City Manager, Strong Mayor, etc., and even Staff in those departments as well. The ones he sees working the best are those who do the small business programs and take advantage when it's best for that entity to buy and sell property along with whatever economic development plans they have, and trying to get ahead of

what is happening in the area, to meet that. Certainly, the acquisition and sale of property plays a significant role especially areas with growth and you certainly have more growth potential here and that would be a key role.

Committee member Karr had a question about the Economic Development Director and splitting it with the CIC and wondered if he saw this idea often. Mr. Kelly advised he has not seen it but likes the creativity. She also asked if the Articles of Incorporation need updated, he affirmed. She also asked Chairman Lorenz if he felt the CIC should be a larger body than what it is currently. Chairman Lorenz advised the current size works well and there was a lot of consensus. He has not contemplated that a lot and he feels that five is a perfect size for a group.

City Manager White concurred and stated if we were to start to absorb other public organizational partners, because there are other CIC's around, there are other organizations also to promote, down the road there may be some conversion for those efforts that maybe you would want to include a footprint wider than the City. What we are trying to establish currently is very focused on the municipality.

Chairman Lorenz also stated with changes to the bylaws and Articles of Incorporation, as long as he has been on the CIC, nothing has been updated and he feels it is appropriate to do that and he feels all of it coincides with the change of branding in which he thinks is very important as well as we market ourselves for the future.

Law Director Ashrawi advised in the Code of Regulations for the Powell CIC, it contemplates a Development Director being one of those individuals categorized as Group A to be included on the CIC. To Chairman Lorenz's point, they could be on the CIC itself or more of a liaison/employee for economic development.

Jon Bennehoof asked if the primary distinction between the CIC and a Port Authority is an existence of a port. Emmett Kelly said the primary distinction is a Port Authority is a governmental entity and a CIC is not, as the highest it rises would be its designated agent of economic development.

4) PENDING BUSINESS

None

5) FUTURE BUSINESS

Parking Strategy

6) ADJOURNMENT


MOTION: David Lester moved to adjourn. Heather Karr seconded the motion.

VOTE: Y 4 N 0 (None) AB 0 (None)

Motion passed 4-0-0

Meeting adjourned at 7:25 p.m.

MINUTES APPROVED: May 3, 2022



Brian Lorenz,
Chair

May 3, 2022
Date



Amy Deere,
City Clerk

5/3/2022
Date