



**CITY COUNCIL
MEETING MINUTES
AUGUST 2, 2022**

I) CALL TO ORDER/ROLL CALL

Mayor Daniel Swartwout called the City Council Regular Session meeting of August 2, 2022, to order at 7:30 p.m. City Council Members present included: Jon Bennehoof, Frank Bertone, Christina Drummond, Heather Karr, Brian Lorenz and Daniel Swartwout. Tom Counts arrived shortly after Roll Call. 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; Chris Huber, City Engineer; Elise Schellin, Development Planner; and Amy Deere, City Clerk.

II) PLEDGE OF ALLEGIANCE

III) CITIZEN PARTICIPATION

Mayor Swartwout opened the floor for citizens who wished to address City Council with items not on this evening's agenda. Hearing none, Mayor Swartwout closed the Citizen Participation portion of this meeting.

IV) APPROVAL OF MINUTES

Approval of City Council Meeting Minutes of July 19, 2022.

[City Council Minutes of 07192022.pdf](#)

MOTION: Frank Bertone moved to approve the City Council Meeting Minutes of July 19, 2022. Jon Bennehoof seconded the motion.

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

City Council Meeting Minutes of July 19, 2022, approved 6-0-0.

V) CONSENT AGENDA

ORDINANCE 2022-21

AN ORDINANCE TO GRANT FINAL ACCEPTANCE OF THE PUBLIC IMPROVEMENTS OF THE OFF-SITE ROADWAY IMPROVEMENTS FOR STEITZ ROAD ASSOCIATED WITH THE SHELLY'S RETREAT AT CARPENTERS MILL DEVELOPMENT BY PULTE HOMES.

1. [Ord. 2022-21_Memo.pdf](#)
2. [Ord. 2022-21_Ordinance.pdf](#)
3. [Ord. 2022-21_Exhibit_A.pdf](#)

MOTION: Jon Bennehoof moved to approve the Consent Agenda of July 19, 2022. Frank Bertone seconded the motion.

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

Consent Agenda of August 2, 2022, approved 6-0-0.

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

a. **ORDINANCE 2022-20**

AN ORDINANCE APPROVING AN AMENDMENT TO AN APPROVED DEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 233 S. LIBERTY STREET AS SUBMITTED BY KAD, LLC TO CONSTRUCT FIVE RESIDENTIAL UNITS IN TWO BUILDINGS ON \pm 1.5 ACRES.

1. [Ord. 2022-20_Memo.pdf](#)
2. [Ord. 2022-20_Ordinance.pdf](#)
3. [Ord. 2022-20_Exhibit A.pdf](#)
4. [Ord. 2022-20_History_CarmendyStation.pdf](#)

Development Planner Schellin gave her presentation on the Amendment to an Approved Development Plan, located at 233 S. Liberty Street. She advised this went to the Planning and Zoning Commission as an Amendment on May 11, 2022, and the Planning and Zoning Commission sent it to the Historical Downtown Advisory Commission. The Historical Downtown Advisory Commission reviewed the amendment on June 23, 2022, with a recommendation of approval. On July 13, 2022, it went back to the Planning and Zoning Commission for review and approval was recommended to City Council with conditions.

The conditions were: 1) The applicant submit a Photometric Plan with the Zoning Certificate application for Staff review;
2) The applicant work with Staff and the Architectural Advisor to create a more cohesive color scheme between the two residential buildings;
3) The applicant work with the City to document all necessary easements and right-of-way dedications;
4) Finalize signage with City Staff.

Development Planner Schellin advised Staff is recommending approval of Ordinance 2022-20, at its second reading on August 16, 2022.

Dave Carmendy, the applicant, asked Council if they had any questions.

Councilmember Karr asked if these residential units were going to be rental properties. Mr. Carmendy advised they would be condos and the two in the back of the property may be rental units.

Councilmember Bertone asked about the servicing road. He spoke about the "Keep Powell Moving Plan" and those discussions have been to potentially taking Depot Street along the rail line out to Liberty Street. He wondered if there is enough of an alignment to get through to a Liberty Street connection. Mr. Carmendy stated it was discussed and if this was to happen it would be positive for him as well as the City.

Councilmember Bertone asked Assistant City Manager Tyler if there was going to be enough land space to achieve this goal. Assistant City Manager Tyler affirmed.

Councilmember Lorenz asked the size of the structures. Mr. Carmendy advised the front building will be approximately 5,000 sq. ft., and the second building will be approximately 1,000 sq. ft.

Councilmember Lorenz asked if Staff would want to add another point to the Ordinance to memorialize the permanent paving of the Depot Street extension. Assistant City Manager Tyler stated Staff would look into that.

Councilmember Drummond noted this property was originally zoned for downtown business and the original plan was commercial buildings. Recognizing there is limited commercial space in the downtown, she wondered if Mr. Carmendy could provide some of the background on how it became residential from commercial. She also asked him to speak about the live/work aspect.

Brian Jones, the architect, advised the units to the north will have work from home office components.

Mayor Swartwout asked Staff if this property was in the Downtown TIF. City Manager White affirmed. Mayor Swartwout asked if more conformation could be retrieved and discussed at the next Council meeting.

Mayor Swartwout opened the floor for public comment on Ordinance 2022-20. Hearing none, Mayor Swartwout closed public comment for Ordinance 2022-20.

Mayor Swartwout declared this Ordinance to have its first reading and will be heard and voted on at the next City Council meeting of August 16, 2022.

b. ORDINANCE 2022-22

AN ORDINANCE TO CHANGE THE NAME OF THE STREET CURRENTLY KNOWN AS TIMOTHY TRAIL TO JOSHUA WAY.

1. [Ord. 2022-22_Memo.pdf](#)
2. [Ord. 2022-22_Ordinance.pdf](#)
3. [Ord. 2022-22_Exhibit_A.pdf](#)

City Engineer Huber advised the City has identified an issue with a future street name in the most current section of Pulte Homes. The street name is Timothy Trail. There is also an existing street named Timothy Trace, which he feels is too similar. Pulte Homes is in agreement and has requested to change the street to Joshua Way. The street improvements are currently under construction and have not been conditionally accepted by the City.

Mayor Swartwout opened the floor for public comment on Ordinance 2022-22. Hearing none, Mayor Swartwout closed public comment for Ordinance 2022-22.

MOTION: Brian Lorenz moved to suspend the rules for Ordinance 2022-22. Christina Drummond seconded the motion.

Mayor Swartwout requested a roll call for passage of the Suspension of Rules: Heather Karr, yes; Brian Lorenz, yes; Daniel Swartwout, yes; Jon Bennehoof, yes; Frank Bertone, yes; and Christina Drummond, yes.

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

Motion to Suspend the Rules passed 6-0-0.

MOTION: Frank Bertone moved to approve Ordinance 2022-22. Jon Bennehoof seconded the motion.

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

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

Ordinance 2022-22 passed 6-0-0.

c. ORDINANCE 2022-24

AN ORDINANCE TO ENACT CHAPTER 188 OF THE CODIFIED ORDINANCES TO IMPOSE A LODGING TAX WITHIN THE CITY OF POWELL, OHIO, IN SUPPORT OF ECONOMIC DEVELOPMENT AND TOURISM-RELATED PURPOSES.

1. [Ord. 2022-24_Memo.pdf](#)
2. [Ord. 2022-24_Ordinance.pdf](#)

City Manager White addressed this item. He began by stating this was discussed back in 2020-2021, but it never came out of committee status. Staff feels it was pertinent to reconsider this item.

City Manager White advised Delaware County currently has a bed tax and therefore Powell is limited to imposing a 3% tax on hotels within the City under Ohio Revised Code 5739.08(A).

Further, he stated the lodging tax is paid by operators of hotels, motels, rooming houses and other facilities providing lodging accommodations for transient guests. Hotels are establishments in which five or more rooms are used for the accommodation of guests, while transient accommodations are establishments where sleeping accommodations are offered to guests in which four or less rooms are used. The law is limited to establishments where persons occupy rooms for sleeping for less than thirty (30) consecutive days. Therefore, establishments which house guest for extended stays (longer than 30 days) are not subject to the tax.

This tax could be utilized for economic development and would be segregated from the County revenues. He added Staff felt it prudent to establish this conversation now in anticipation as opposed to reacting to an announcement that there was a hotel.

Councilmember Lorenz stated the Development Committee was unanimously in support of legislation such as this. He added while he thought the monies collected by the County go to the Delaware County Fair, this particular driver could help the City of Powell with economic development.

Law Director Ashrawi spoke of the defining of transient accommodations, transient guests and vendors, would as a matter of law, capture appropriately registered short term rentals, because they provide accommodations for transient people. The issue becomes the identification and enforcement of the tax.

Councilmember Drummond spoke of a registry and the need of one. She stated she would like to see the registry language accompany this legislation when it comes back to Council.

Law Director Ashrawi advised there has been discussion of a registry.

Councilmember Lorenz added a registry was discussed in the Development Committee. It was determined there were two active listings within the City, and the Development Committee decided not to pursue any type of registry as far as people renting their homes for the tournament week.

Mayor Swartwout opened the floor for public comment on Ordinance 2022-24. Hearing none, Mayor Swartwout closed public comment for Ordinance 2022-24.

Mayor Swartwout declared Ordinance 2022-24 to have its first reading and will be heard and voted on at the next City Council meeting of August 16, 2022.

VII) COMMITTEE REPORTS

Development Committee – Councilmember Lorenz stated there was discussion on Fire Code amendments as they relate to life safety issues. Staff was given direction to move forward on this issue and legislation would be forthcoming. Discussion on a ground lease with CSX and Staff will be going forward on this as well. There was also discussion on the City's Comprehensive Plan Update. Next scheduled meeting is September 6, 2022, at 6:30 p.m.

Finance Committee – Finance Director Ocheltree said the agenda was currently being worked on for the next meeting. She advised they would be going over the July monthly report and discussing the Verona Assessment. Next scheduled meeting is August 9, 2022, at 7:00 pm.

Operations Committee – Councilmember Bertone stated they will be looking at status updates. Next scheduled meeting is August 16, 2022, at 6:00 p.m., which is thirty minutes earlier.

Community Diversity Advisory Committee – Councilmember Karr advised they would be speaking about their finalization for Passport to Powell at their next meeting.

Additionally, Parks and Recreation Manager Hindman is working with the Powell Youth Council and they will attend the meeting to discuss potential topics for future Ted Talks for diversity inclusion. Next scheduled meeting is August 8, 2022, at 6:00 p.m., which this is a new date for this meeting due to a conflict.

Planning & Zoning Commission – Development Planner Schellin said there are two sketch plans on the agenda. One is for 15 North Liberty Street for a new commercial structure and the other is for the vacant property located north of Depot Street and South of Morris Station. Next scheduled meeting is August 10, 2022, at 6:30 p.m.

Powell CIC – Councilmember Lorenz advised they met last month and continued their efforts with an Economic Development Plan Consultant search. Next scheduled meeting is August 11, 2022, at 6:30 p.m., which is a special meeting. August 23, 2022, at 7:00 p.m. is their next regular meeting.

VIII) CITY MANAGER'S REPORT/CITY CALENDAR

City Manager White provided a paving update. He spoke of inquiries on curb ramp approaches within the park system and also in some of the neighborhoods, there has been a prolonged delay which will hopefully be completed this week. He also spoke of inquiries relative of the social media post of the State Route 750 Culvert Replacement Project and this is a piece of the overall paving program. The road will be shut down on August 5, 2022, at 9:00 p.m. and open up to traffic of the public on August 8, 2022. Paving is likely to follow.

He spoke of a recent meeting with the Redwood development team and discussed the project. There was headway made with the development team in the establishment of any type of TIF variable that does not make the schools whole, was unacceptable. Items for discussion with the Finance Committee are being prepared.

He spoke of OSU Wexner officials, and advised there will be a meeting with their Community Affairs Office to discuss partnership with investing in downtown events.

City Manager White continued the discussion with paving, discussing the long standing inquiry as to Mr. Carlson's replacement of his drive. That section of the residential neighborhood is not slated for pavement. He also advised he would be sending a copy of his response to City Council.

IX) OTHER COUNCIL MATTERS

Councilmember Drummond spoke about a GIS map on the website and wondered if it was still available as it was a valuable resource. City Engineer Huber stated he would look into seeing if it is still on the website.

She further stated she wanted to recognize the many Parks and Recreation Staff, the Powell Youth Council volunteer and Powell Police Officers leading the National Night Out activity with the bike ride from Adventure Park to Seldom Seen Park.

X) ADJOURNMENT

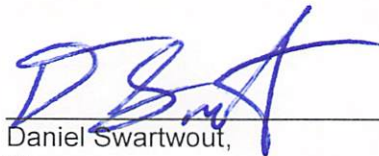
MOTION: Tom Counts moved to adjourn. Frank Bertone seconded the motion.

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

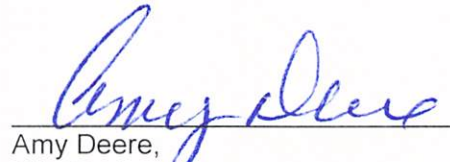
Motion to adjourn passed 7-0-0.

Meeting adjourned at 8:22 p.m.

MINUTES APPROVED: AUGUST 19, 2022


Daniel Swartwout,
Mayor

8-29-22
Date


Amy Deere,
City Clerk

8/29/22
Date