

DEVELOPMENT COMMITTEE MEETING MINUTES AUGUST 2, 2022

I) CALL TO ORDER/ROLL CALL

Chairman Brian Lorenz called the August 2, 2022, Development Committee meeting to order at 6:00 p.m. In attendance were: Brian Lorenz, Daniel Swartwout, and Heather Karr. Shaun Simpson and David Lester arrived shortly after the Approval of Minutes. Staff in attendance were: Andrew White, City Manager; Jeffrey Tyler, Assistant City Manager; Jason Nahvi, HR Business Partner; Chris Huber, City Engineer; Elise Schellin, Development Planner; and Amy Deere, City Clerk.

II) APPROVAL OF MINUTES

Approval of Development Committee Meeting Minutes of July 5, 2022.

DC Meeting Minutes of 07052022.pdf

MOTION: Dan Swartwout moved to approve the Development Committee Meeting Minutes of July 5, 2022. Heather Karr seconded the motion.

VOTE: Y <u>3</u> N <u>0</u> (None) AB <u>0</u> (None)

Motion passed, minutes approved 3-0-0.

III) TODAY'S BUSINESS

- a. Street Name Change for the Smith Farm at Carpenter's Mill Section 4
- 1. Ord. 2022-22 Memo.pdf
- 2. Ord. 2022-22 Ordinance.pdf
- 3. Ord. 2022-22 Exhibit A.pdf

City Engineer Huber stated the City has identified an issue with the street name "Timothy Trail" currently located in Smith Farm at Carpenter's Mill Section 4 A & B; which is very similar to an existing street named "Timothy Trace". For this reason, Pulte Homes has requested the proposed street name be changed to Joshua Way to avoid any confusion. The street improvements are currently under construction and have not been conditionally accepted by the City.

It was discussed by the Committee and they all recommended this Ordinance continue with the City Council Meeting directly following this meeting.

b. Bed Tax Legislation

- 1. Ord. 2022-24 Memo.pdf
- 2. Ord. 2022-24_Ordinance.pdf

City Manager White began discussion by stating legislation was discussed by this Committee and the Police Department, prior to the pandemic and it did not advance because it did not feel like the right time.

There has been some conversation on a hotel concept and Staff would like to advance this legislation back to the Committee and hopefully for final approval by City Council.

City Manager White spoke about the state law, specifically, a municipality in Ohio is permitted to enact a lodging tax or bed tax of up to 3% under ORC 5739.08(A). If the County, in which the City sits does not have its own tax, the City can levy an additional 3% tax under ORC 5739(B). Delaware County has a bed tax and therefore Powell is limited to imposing a 3% tax on hotels within the City.

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 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 guests for extended stays (longer than 30 days) are not subject to the tax.

Further, City Manager White stated the Finance Director will partner with the Finance Committee to introduce subsequent legislation for the creation of a Bed Tax Special Revenue Fund. In addition, the Finance Department will develop processes and procedures for the collection and dissemination of bed tax receipts.

Bed taxes received may go toward economic development and tourism activities at the City level. It would be beneficial to have this legislation in place prior to any hotel being built in the City, therefore being proactive.

Committee Member Karr asked if Delaware County had a bed tax. City Manager White affirmed and stated it would be a 3% bed tax for a municipality. A guest of a hotel in the City of Powell would pay a total of 7%, (4% to Delaware County and 3% to the City of Powell) following the approval of this legislation.

Committee Member Swartwout stated it makes sense to have a bed tax and the funds collected go toward tourist activities as the City of Powell is and continues to be a tourist destination due to the attractions that are immediately nearby.

Committee Member Simpson wondered if this would affect the current hotel being built. City Manager White replied unfortunately, the hotel as established would not be eligible for impact for this fee due to the duration of the 30 day stay, per state law. However, if a hotel were established prior to adoption, it would be eligible for the tax.

Committee Member Simpson asked if there were a short term rental facility with five or six units in multiple locations within the City, does it apply or does it have to be on the same parcel. City Manager White stated he would have to verify that with the Law Director.

Chairman Lorenz clarified the fact Delaware County tax goes to support the fairgrounds, so obviously this would go into a special fund that would support development activities.

c. Fire Code Amendments, Including Fireworks Discussion

Fire Prevention Code Update Memo.pdf

Assistant City Manager Tyler stated this was presented at a past Development Committee Meeting as a code enforcement topic. This Fire Prevention Code Update would take care of two basic issues, code enforcement and fireworks.

Further, he stated the City of Powell originally adopted the current version of the Fire Prevention Code in 1997. It still references an outdated model code, the BOCA National Fire Prevention Code, Tenth Edition, 1996.

He gave a summary of changes to include changing the code reference from the 1996 BOCA National Fire Prevention Code to the 2017 Ohio Fire Code, which references the 2015 International Fire Code. Additionally, the City would be incorporating the Liberty Township, Delaware County, Ohio Supplement to the 2017 Ohio Fire Code into the Powell Fire Prevention Code amendments to align the two codes enforced by Liberty Township Fire for consistency.

Assistant City Manager Tyler also stated there would be modifications to Chapter 1511, Open Burning, to be consistent with the 2017 Ohio Fire Code references and the laws established by the Ohio EPA.

Also, there would be modifications to Chapter 1519, Fireworks. Staff recommends maintaining the prohibition on discharging fireworks within the City limits without a license and a prohibition on the sales of fireworks within the City limits regardless of licensure status.

He also stated Staff is confident that both the national consensus code adoption process and Ohio's rules promulgation process have vetted the newer edition code to ensure that it meets the current acceptable standards in health, safety and welfare, which includes supporting fire science data, for communities that would adopt this code. Liberty Township has also vetted the requirements with their amendments to ensure that the life safety needs of the community have been met and can be effectively and equitably enforced.

The code enforcement was discussed by the Committee, and Staff was instructed to move forward with this section.

Chairman Lorenz spoke about the fireworks provisions and advised there currently was a moratorium on sales of fireworks within the City. Currently, the ORC allows for any unlicensed individual to discharge fireworks on certain days/holidays. Further, he asked for clarification from Assistant City Manager Tyler, as he understands Staff is

recommending no discharge of fireworks in the City limits at any time. Assistant City Manager Tyler affirmed.

The fireworks provisions was discussed by the Committee and it was agreed upon to hold this topic until the moratorium expired.

d. CSX Ground Lease

City Manager White stated the City has a draft lease agreement for the CSX lease. He stated it has been discussed to put language within the lease agreement to allow the City to modify the land with infrastructure that could be a companion to the street thoroughfare that is anticipated in the near future with the CIP.

Committee Member Swartwout said this would be in line with the projects identified for the CIP as well as the Keep Powell Moving Plan.

It was discussed and Staff was instructed to move forward.

IV) PENDING BUSINESS

None

V) FUTURE BUSINESS

Assistant City Manager Tyler spoke on the topic of the formation of a committee to help with the Comprehensive Plan for the City.

It was discussed to put a working group committee together, what the make-up of the committee would be as well as the size of the committee.

There was discussion of the past Comprehensive Plan Committee, who was on the committee, etc.

Committee Member Karr stated she believed 9-12 members would be efficient.

Development Planner Schellin advised the Committee she had the information on the prior Comprehensive Plan Committee. She said there were two committees, one being the Comprehensive Plan Committee, which she believed consisted of Councilmembers and Planning and Zoning Commission members. The second committee was a Comprehensive Plan Steering Committee, which looks to be consisting of citizens. There were also five Staff members. There were also three consultants: a planning consultant, a transportation consultant and a municipal finance consultant.

Committee Member Swartwout stated a good starting point would be to go through the current Comprehensive Plan and see the specific areas that need to be addressed. We could then task the committee, however it is comprised, with a very specific charge to improve efficiency.

Chairman Lorenz said the Development Committee should review the current Comprehensive Plan and find areas to keep the City moving forward with an improvement to the current plan.

2023 Development Budget Discussion

Next Meeting - September 6, 2022

VI) /	4	D	J	0	U	R	1	Į	N	/	E	h	J	T
	, -		_	-	_	_		•	•		•	_	•	•	

MOTION: Shaun Simpson moved to adjourn. Heather Karr seconded the motion.

VOTE:

Y 5

N _ 0 (None)

AB <u>0</u> (None)

Motion passed, meeting adjourned.

Meeting adjourned at 6:59 p.m.

MINUTES APPROVED: SEPTEMBER 6, 2022

Brian Lorenz,

Date

Amy Deere,

Date

City Clerk