



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

I) CALL TO ORDER/ROLL CALL

Chairman Brian Lorenz called the Development Committee meeting to order at 6:30 p.m. In attendance were: Brian Lorenz, Daniel Swartwout, Shaun Simpson, Heather Karr and David Lester. Staff in attendance were: Andrew White, City Manager; Jeffrey Tyler, Assistant City Manager; Jason Nahvi, HR Business Partner; Claudia Husak, Planning Director; Elise Schellin, Planning Developer, and Amy Deere, City Clerk.

II) APPROVAL OF MINUTES

Development Committee Meeting Minutes of June 7, 2022

[DC Meeting Minutes of 06.07.2022.pdf](#)

MOTION: David Lester moved to approve the Development Committee Meeting Minutes of June 7, 2022. Shaun Simpson seconded the motion.

VOTE: Y 5 N 0 (None) AB 0 (None)

Motion passed 5-0-0. Minutes approved.

III) TODAY'S BUSINESS

a. Code Enforcement Program Discussion

[Code Enforcement Program.pdf](#)

Assistant City Manager Tyler began by stating the proposed code enforcement program would address the following areas: Adoption of new regulations; Active vs. Reactive Enforcement; Defining Roles and Responsibilities; Court Action; and Public Education.

Chairman Lorenz stated the intent of this code enforcement program is not to drum up business of any sort. We have a vibrant growing community where our residents pay a great deal of taxes to help facilitate a beautiful place. He feels the Development Committee and City Council have a commitment to the City's residents to uphold high integrity from an aesthetic standpoint.

Committee Member Karr said it is realized that our code enforcement is often complaint-based, whether it comes through staff or whether it comes through City Council. She also stated the current enforcement code is inadequate to deal with some of the issues our residents are having in their neighborhood and she feels it is important to get a more model code that allows Staff to bring the best experience for our residents.

Committee Member Lester stated since this is not revenue generated, what was the current revenue. Assistant City Manager Tyler said the City really doesn't generate money from this. There is a possibility of fines, but since his employment, they have not levied any fines. Committee Member Lester continued with asking how much a Code Enforcement Officer would cost the City. Assistant City Manager Tyler advised he would guess anywhere from \$50,000 to \$70,000.

Assistant City Manager Tyler went through the code enforcement process from original complaint to court proceedings.

City Manager White spoke of the challenging efforts in a lot of cities, is the collection of fines. He spoke of assessing the property taxes of the property owner and the City can collect the assessment when the property is sold, and this is very inefficient. Other communities have looked into fines being more immediate and assessed a cost for non-compliance upfront as opposed to waiting a generation for the assessment.

Committee Member Swartwout spoke of active versus reactive enforcement and he understood that the City's process has been reactive in nature. He asked what an active enforcement would look like to the community.

Assistant City Manager Tyler advised although he would not ask the police to write orders, the City could use that front line to help identify issues and those issues would come back into the office. He also stated he hopes to get a full-time code enforcement officer and that person could also be out in the field. He added sometimes, a friendly reminder to cut your grass for example, can go a long way.

Assistant City Manager Tyler further mentioned that most courts do not consider zoning violations a priority, and Columbus created an environmental court for that reason.

Committee Member Simpson said he was most interested in the education side since it hasn't been proactively done. The code enforcement can be directly impactful of property values. He feels if there is more consistency on the education component that would be great.

Chairman Lorenz stated from an educational standpoint, we would want someone that is able to articulate to the community and go up to businesses and say you have this code violation and give them options and let them know what is non-compliant and see what can be worked around to fix it, so it is a customer service based approach. He spoke of the problem with signage and it detracts from what we are trying to achieve from an aesthetic standpoint. He added there is a need for somebody or some program that can strike a balance between supporting businesses.

Committee Member Swartwout stated that updating the code is definitely paramount. If our codes are out of date, our codes need to be updated in line with the expectations of 2022.

b. Board of Zoning Appeals Code Changes Matrix

[BZA Code Update Matrix_DC_07052022.pdf](#)

Planning Director Husak stated what was done with the BZA Appeals Code was a thorough review of every section that touches any kind of BZA action. She advised the BZA standards are Ohio Revised Code standards, so there is not a lot of room for change.

She spoke of the BZA Code Update Matrix and her amazement of all of the many different chapters that everyone involved must consider. She continued by saying they were looking for feedback from the Development Committee.

Committee Member Swartwout stated he was not in line with certain specific deadlines being changed to non-specific deadlines that can be open to interpretation. What is seen as practicable to one person may not be the same as it is to another person. He is comfortable with having more firm deadlines as opposed to less firm deadlines and that is something that could be further discussed.

Chairman Lorenz encouraged Staff to move forward. He further spoke of hearing there may be a new chapter created in the code to accommodate the BZA.

Planning Director Husak clarified there were some BZA requirements in the Charter that are incorrect and this would be something that would need to be cleaned up.

c. Massage Registration Ordinance

1. [Ordinance_Memo.pdf](#)
2. [Ord. 2019-00_Ordinance.pdf](#)
3. [Massage_Application.pdf](#)
4. [Open_House_Invite.pdf](#)

Assistant City Manager Tyler stated this was actually for information only. There have been two massage establishments open up within the City in the last six months. This does cause some concern, not only for us, for our police department, so they brought it to my attention.

He continued by stating he was aware of discussions back in 2019 and an Ordinance was drafted. His question for the Development Committee is how they want Staff to proceed with this or if the Development Committee wants them to proceed at all.

Committee Member Lester spoke about the Township and asked if the City could work together with the Township.

Committee Member Swartwout stated this may be difficult due to the fact the City of Powell is a Home Rule Municipality and the Township is not.

Assistant City Manager Tyler advised they would research the Township's language.

Committee Member Karr spoke of attending some open houses in 2019 and some of the chiropractors and legitimate massage businesses came forward. There was a lot of commentary from them and the City worked extensively with those businesses so they were not left out.

Chairman Lorenz advised this topic would be discussed further with the Operations Committee.

d. Development Committee Activity Status Report

[070522_Development Committee_Code UpdatesII.pdf](#)

Assistant City Manager Tyler spoke of the status of the following activities:

- Small Cell Ordinance / Guidelines – Completed
- ROW Ordinance – Completed
- Development Review Process – In Progress
- Annexation / Automatic Zoning to an appropriate Powell Zoning District – In Progress
- Parking Requirements – In Progress
- Signs – Future Review
- BZA Update – In Progress
- Food Trucks – Law Department to prepare information for Staff’s review within thirty days
- Code Enforcement – In Progress

Committee Member Swartwout spoke of Staff’s recommendations of the provided schedule for 2022, and asked the status of the schedule.

Assistant City Manager Tyler advised the Comprehensive Plan Update Subcommittee has not been initiated. He also stated if the schedule is to be kept, they need to think about some of the things, which can be accomplished this year or is there a need to push it to next year.

Chairman Lorenz stated this topic of the Subcommittee for the Comprehensive Plan Update should be on the agenda for the next Development Committee meeting.

Assistant City Manager Tyler stated Staff is recommending the Comprehensive Plan Update be postponed until after the development and approval of the 2023 Operating Budget.

Committee Member Swartwout stated he was not a big fan of postponing. He felt this was a big project to get this completed this year. Especially if the Comprehensive Zoning Code update is dependent upon this and we are all in agreement that is something needing to be done. He further stated he would have to be convinced that postponing is the appropriate course.

IV) PENDING BUSINESS

None

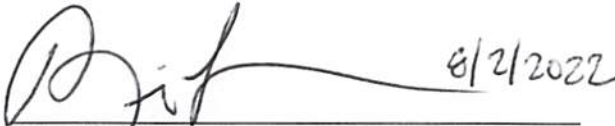
V) FUTURE BUSINESS

Next Meeting - August 2, 2022

VI) **ADJOURNMENT**

Meeting adjourned at 7:25 p.m.

MINUTES APPROVED: August 2, 2022



Brian Lorenz, Date
Chair



Amy Deere, Date
City Clerk