



**CITY COUNCIL
MEETING MINUTES
OCTOBER 3, 2023**

I. CALL TO ORDER/ROLL CALL

Mayor Swartwout called the October 3, 2023, City Council meeting to order at 7:30 p.m. Councilmembers present included Jon Bennehoof, Vice-Mayor Tom Counts, Heather Karr, Mayor Dan Swartwout, Christina Drummond, and David Lester. Absent from the meeting was Ferzan Ahmed. Staff present included: Jeffrey Tyler, Assistant City Manager/Community Development Director; Rosa Ocheltree, Finance Director; Yazan Ashrawi, City Attorney; Aaron Stanford, City Engineer; Claudia Husak, Planning Manager/Zoning Administrator; Jason Nahvi, Human Resource Manager; Mallory Sribanditmongkol, Strategic Communications Officer; and Ron Sallows, Interim Police Chief.

II. PLEDGE OF ALLEGIANCE

- a. Pledge of Allegiance led by Boy Scout Troop #428

III. PRESENTATION

- a. Proclamation celebrating Hindu Heritage Month

Mayor Swartwout read and presented the proclamation to Sitaram Koppaka.

- b. Update from the Delaware Public Health District, Brittany Zoecklein, Registered Environmental Health Specialist 2

PRESENTORS:

Brittany Zoecklein
Registered Environmental Health Specialist 2
Delaware Public Health
470 South Sandusky Street
Delaware, Ohio

Kelsey Kuhlman
Community Health Program Manager
Delaware Public Health
470 South Sandusky Street
Delaware, Ohio

Brittany Zoecklein introduced Kelsey Kuhlman to Council. Ms. Kuhlman provided the presentation to City Council. She discussed the essential role of public health services and community health to assess and monitor population health, communication, strengthen and support communities and partnerships, and to create and implement policies. She

discussed the process to create the Community Health Assessment and Community Health Improvement Plan, which is critical for developing policies and defining actions to target efforts that promote health. The four focus points in the Community Health Improvement Plan is to access care, community conditions, health behaviors, and mental health and addiction. These focus points include looking at accessibility of care and housing. Community data is collected alongside working with SourcePoint, DMMRSB and the Coroner's office. The Community Health Division is required to prepare a Suicide Report for all suicide deaths in Delaware County. They also provide the Community Profiles for each political subdivision of Delaware County.

Ms. Kuhlman provided information regarding community engagement and health education. SAFE Delaware County is a program that receives funding from the Ohio Department of Public Safety and the National Highway Traffic Safety Administration. This coalition works to prevent fatal crashes and save lives. There is also the Child Passenger Safety Program to provide car seat safety inspections. The Healthy Communities Grant that is awarded to communities that have policy and activities promoting active living and healthy eating. She recognized that City Council recently passed the Complete Streets Policy. Ms. Kuhlman also discussed Project DAWN, which provides residents and communities with free naloxone to help reduce opioid overdoses.

IV. CITIZEN PARTICIPATION

Mayor Swartwout opened Citizen Participation to the public. The following individuals provided public comment:

Lori Kipfer
413 Ashmore Circle East
Powell, Ohio

Ms. Kipfer discussed that she is part of the Boy Scouts as a Merit Badge Counselor for their Citizenship Community Badge. She thanked Council for allowing them to present the flags at the meeting and also for Councilmember Karr, who the Scouts interviewed as part of their requirement.

Ms. Kipfer informed Council that she on the Board of Trustees for the Delaware Public Library. She provided her gratitude to Council for donating the flag pole for outside the new library.

She also discussed the importance of the Powell Pool to the community and her positive experience working at the concession stand. She requested that the community and City work together to assist the pool with financial issues.

Bill Henderly
2310 Home Road
Powell, Ohio

Mr. Henderly introduced himself to Council and notified them that he is a candidate for the Liberty Township Trustees in the upcoming election and spoke on his goals if elected.

Fire Chief James Reardon
Liberty Township
10150 Sawmill Parkway
Powell, Ohio

Chief Reardon invited City Council and the public to the upcoming open house and dedication of Fire Station 321.

V. APPROVAL OF MINUTES

- a. Approval of the Minutes from the City Council meeting held on September 19, 2023.

Mayor Swartwout requested that the minutes be amended to reflect on Page 3, under the discussion for Ordinance 2023-25 that it be reflected in the first sentence to change the word "September" to "August".

MOTION: Jon Bennehoof moved to approve the September 19, 2023 minutes, as amended. Tom Counts seconded. Motion passed with a vote of 5-0-1 (Abstain: Drummond)

VOTE: Y-5 N-0 AB-1 (Drummond)

VI. CONSENT AGENDA

- a. Notice to Legislative Authority of a TREX Transfer of a D1/D2/D3A Permit from 19 East 13 LLC, Midway on High, 1728 N. High Street, Columbus, OH 43201 to XGolf Powell LLC, dba XGolf, 285 W. Olentangy St. Suite 101, Powell, OH 43065.

MOTION: Jon Bennehoof moved to approve the Consent Agenda. Heather Karr seconded. Motion passed with consensus.

VOTE: Y-6 N-0 AB-0

VII. ORDINANCES: SECOND READING(S)

- a. **ORDINANCE NO. 2023-25**

AN ORDINANCE ADOPTING THE 2024-2028 FIVE-YEAR CAPITAL IMPROVEMENT PLAN.

Mayor Swartwout read Ordinance No. 2023-25 into the record for a second time. Finance Director Ocheltree discussed that Ordinance No. 2023-25 represents the Administration's proposed 2024-2028 Capital Improvement Plan for consideration. The CIP is a long-term planning tool that identifies needed capital and coordinates the necessary funding. It is revised annually, supported by the CIP funding policy, and with funding appropriated as part of the operating budget. There is an expected capital allocation increase of 248% by 2028. The 2024-2028 CIP builds off the original plan established by the City Council in 2022. The plan includes a total of 22 requests at an estimated \$49 million investment in capital, and funded across five funds, with an estimated \$1.8 million in grant funding. Staff continues to maximize grant opportunities available for the proposed projects. Once the plan is approved, staff will start the planning efforts to execute on projects identified to be completed or initiated by 2024. The 2024 CIP includes a total allocation of \$8.8 million across 13 items. These projects proposed by staff include: Downtown Street Improvements; Shared Use Path Additions; Crosswalk Improvements on Olentangy Street, South Depot Street Connection; and At Grade Railroad Crossing Upgrades.

Vice-Mayor Counts discussed that this is the second year that the City has had a CIP, resulted from the income tax restructuring. Prior to this, the City did not have a plan and did not have the funds to do the projects. Looking at the Plan, it will continue to improve and more projects will be added.

Councilmember Drummond recognized that this is a plan that can be adjusted and is a roadmap for staff to pursue partnership, grants, and other funding mechanisms. She discussed how the earlier public comment relating to the pool and the current efforts relating to the Parks Master Plan may need to be incorporated into the plan. She recommended applying for higher grant amounts and she would like to see a mapping of each project to existing policy to better understand when there is a shift in the plan. She would like to see incorporated over time into the plan: budget into the plan the replacement of aging playground structure equipment; funds to bring all road to a minimal standard that will be safe and prevent vehicle damage, and not have any failing roads; funds in place to have all paths up to a minimal level of safe standards. She would like for the Liberty Road Multi-Use Path project to be move up in the plan to provide safe crossings to the library and upgrade pedestrian signals to ensure safety as traffic levels increase. She thanked staff for their work on the Plan.

Mayor Swartwout opened up Ordinance No. 2023-25 for public comment. The following individual provided comment:

Les Wibberley
5005 Bayhill Drive
Powell, Ohio

Mr. Wibberley supported Councilmember Drummond's comment relating to public safety and voiced concerns over the crossing at Liberty Road to access the library. He voiced this is a public safety issue that justifies moving the project up.

Hearing no further comment from the public, Mayor Swartwout closed public comment for Ordinance No. 2023-25.

Councilmember Jon Bennehoof discussed that the railroad crossing project would need to be coordinated with CSX, which has been a difficulty in the past.

MOTION: Tom Counts moved to approve Ordinance No. 2023-25. Jon Bennehoof seconded. Motion passed by a vote of 6-0.

VOTE: Y-6 N-0 AB-0

b. **ORDINANCE NO. 2023-26**

AN ORDINANCE TO AUTHORIZE THE EXECUTION OF AN ECONOMIC DEVELOPMENT AGREEMENT WITH REDWOOD POWELL HOME ROAD OH P1 LLC, RELATIVE TO THE REDWOOD MIXED-USE DEVELOPMENT.

Mayor Swartwout read Ordinance No. 2023-26 into the record for a second time. Assistant City Manager Tyler discussed that there are two draft contracts presented to Council for review. Attachment A is the draft agreement prepared by city staff and provided to Redwood. Attachment B included proposed changes to the agreement by Redwood. City Attorney Ashrawi reviewed the three proposed changes by the City. The first change reiterates that the reimbursement for public infrastructure is a cap and if the developer is reimbursed by another entity or is over reimbursed by the City for actual cost of public infrastructure improvements, the City has the right to get the over reimbursement back. The second change relates to a reiteration of the inclusively commercial uses on the 10.68-acre commercial piece that is tied back to the Development Plan and Text. The third is that

adequate access is to be provided to the commercial parcel. The agreement overall includes provisions for the reimbursement of certain public infrastructure improvements and provides the city the opportunity to purchase the 10.68-acre commercial parcel at what has been determined to be a fair market value. This agreement will not be effective unless the Final Development Plan is approved. He also reviewed the proposed changes by Redwood. There was a request by Redwood to waive the plan review and inspection cost and additional language to money already expended for public infrastructure that was memorialized in other documents. He did not see the proposed changes as problematic, but did want to defer to Council and staff regarding the plan and inspection cost waiver.

Mayor Swartwout discussed that this project has been in the work for many years, and one the benefits of the proposed development is the defined commercial uses in the 10.68-acre parcel.

Councilmember Drummond questioned the \$845,500 reimbursement amount and where the funds are incorporated or anticipated and will it be reflected in a future CIP. Finance Director Ocheltree answered that this will be shown in a future version of the CIP and out of the Powell Commercial TIF. Councilmember Drummond wanted to ensure that the City was not overextending the TIF Funds.

Councilmember Lester questioned at what phase the commercial development utilities and roads will be put in and recommended that this occur in Phase One. Councilmember Drummond agreed with this recommendation. City Attorney Ashrawi discussed the agreement as drafted and requirements of the developer. A discussion was held regarding what roads and utilities will need to be in place prior to the development of the commercial parcel.

Mayor Swartwout voiced he was not supportive of the request to waive plan review and inspection fees and it is important that everyone gets treated equally related to this issue. Assistant City Manager Tyler reported voicing that concern to the developer and that it could be setting a precedent.

Mayor Swartwout invited the applicants to speak.

APPLICANTS:

Will Sharer
7007 East Pleasant Valley Road
Independence, Ohio

Mr. Sharer informed Council that improvements, such as, sewer, road widening and water lines will take place in Phase 1. He also discussed the inspection fee request and is prepared to forgo the request. Finance Director clarifies that the funding for land acquisition will come out of the General Fund and that TIF's can not be used to purchase land.

Mayor Swartwout opened up Ordinance No. 2023-25 for public comment. The following individual provided comment:

Les Wibberley
5005 Bayhill Drive
Powell, Ohio

Mr. Wibberley voiced concerns over the narrow sidewalks and asked for consideration of a side path to accommodate both vehicles and bicycles. Mayor Swartwout requested that he provide his comments during the Final Development Plan discussion. Mr. Wibberley did not have comments related to the agreement.

Hearing no further public comment for Ordinance No. 2023-26, Mayor Swartwout closed public comment. Christina Drummond discussed the need to consider the proximity of the commercial parcel to the high school and the trail in relation to the Complete Streets Policy. Mayor Swartwout clarified that commercial part of the parcel was always part of the proposal since the beginning, but the intended commercial use changed.

MOTION: Tom Counts moved to approve Ordinance No. 2023-26. Jon Bennehoof seconded. Motion approved by a vote of 6-0.

VOTE: Y-6 N-0 AB-0

VIII. ORDINANCES: THIRD READING

a **ORDINANCE 2022-09 (TABLED AT THE MAY 17, 2022 CITY COUNCIL MEETING)**

AN ORDINANCE APPROVING DEVELOPMENT TEXT DEVIATIONS AND A FINAL DEVELOPMENT PLAN WITH ALL ASSOCIATED SITE IMPROVEMENTS FOR THE FIRST PHASE OF A ±70-ACRE DEVELOPMENT AT 3041 HOME ROAD, CONSISTING OF ±25.7 ACRES TO BE DEVELOPED WITH 126 RESIDENTIAL UNITS IN 24 BUILDINGS, ZONED PLANNED COMMERCIAL DISTRICT AS SUBMITTED BY POD DESIGN ON BEHALF OF REDWOOD LLC.

Prior to reading Ordinance No. 2022-09 into the record, Mayor Swartwout requested that Council approve to remove Ordinance No. 22002-09 from the table.

MOTION: Jon Bennehoof moved to remove Ordinance 2022-09 from the table. Christina Drummond seconded. Motion approved by a vote of 6-0.

VOTE: Y-6 N-0 AB-0

Mayor Swartwout read Ordinance No. 2022-09 into the record for the third time. Assistant City Manager Tyler discussed that the staff presentation will also show that the development includes private streets and not public streets. Claudia Husak provided the staff presentation and the timeline of the development proposal. This is a 70-acre site zoned Planned Commercial District. The proposal is for 327 multi-family units and 11 acres of commercial space and 25 acres of open space. Phase 1 includes 25.7 acres with 24 buildings, and 127 units with 12 acres open space. This phase will also include the access road to Home Road. She reviewed the parking availability on the property, with designated guest parking area throughout the site. All proposed buildings will have high architectural details surrounding all sides of the proposed buildings, which includes brick or stone water tables. The sidewalk graphics were updated to show a traditional sidewalk along the main south drive and ensure that along the interior streets the separate concrete color pour is differentiated. She reviewed the 11 conditions that were requested by the Planning and Zoning Commission. There were two conditions that staff had concerns with. Condition 1, as proposed by the Planning and Zoning Commission, does not accurately reflect the requirements of the Zoning Code. Condition 11 will require City Council and the applicant to

finalize a TIF. Staff recommends Council remove these two conditions as the second conditions should be considered by Council, if Council so intends, outside of the approval process for a Final Development Plan. Staff recommends approval of the Final Development Plan with 9 conditions.

Mayor Swartwout invited the applicants to speak.

APPLICANTS:

Will Sharer
7007 East Pleasant Valley Road
Independence, Ohio

Todd Foley
POD Design
100 Northwoods Blvd
Columbus, Ohio

Mr. Sharer discussed the three critical points of feedback that were received throughout the process including sidewalks, building elevations and materials, and the commercial parcel. He discussed the amenities of the project that include natural preserve, pedestrian walkways throughout the development, access to the parks, and that the plan provides housing options that does not exist in the community. The primary demographic of the development is expected to be empty nesters and young professionals.

Councilmember Drummond discussed the Complete Street Policy and questioned if there is room to make sidewalks wider as she anticipates high bicycle traffic. Mr. Sharer discussed that there are challenges to widening the sidewalks, but would have to speak with engineering as it would be a plan change. She also discussed the waiver of tree inventory and replacement policy and the importance of the tree canopy for the community. Ms. Husak spoke on the current code and the difficulty providing a survey on a heavily wooded site. Councilmember Drummond discussed the possibility to use satellite imaging to proximate trees on property and consideration of replacing trees to a different part of the City.

Councilmember Jon Bennehoof voiced his appreciation regarding the upgrade to façade materials.

Vice-Mayor Counts voiced that the majority of individuals to use the path will be residents of the development. He also spoke on the concern regarding trees and looking at policy for tree replacement on trees removed due to damage or health on all properties.

Councilmember Heather Karr thanked the applicants for the upgrade in materials. She discussed that the site is challenging and there are additional challenges with access to Home Road without a traffic light. She questioned if the main access path is at an elevation. Mr. Sharer confirmed that it is a rolled curb. She compared the development plans to the Redwood development in City of Delaware and that the walkway looked more like a path as it was flush with the road, but was a different color. Mr. Sharer discussed that standards have changed since the development was completed in Delaware and there would be more color contrast. She questioned if Council would want to consider this option. Mr. Sharer discussed they could remove the curb from the main drag and could provide more space. Mayor Swartwout clarified that she was asking to not have a rolled sidewalk. Council held a discussion relating to the sidewalk being changed from the presented rolled sidewalk. Councilmember Drummond discussed this change could prevent individuals from falling off

the curb to move out of the way of others using the sidewalk. Mayor Swartwout voiced a concern of the road not having a different elevation for safety. Councilmember Jon Bennehoof agreed with the Mayor's concerns and would not be in favor of this change.

Mayor Swartwout voiced questions regarding access points. He discussed the second access point and the timeline to be part of the development. Ms. Husak discussed that this is only an emergency access for the school and would need to come into Phase 2 per the Fire Departments requirements. He also requested more in-depth discussion regarding what was initially presented for the exterior and what is proposed now. Mr. Sharer discussed that the wainscoting would be now on all side of all the buildings and not just certain buildings where visible, and there was also a change to increase the width of the vinyl siding. Mayor Swartwout confirmed that these changes are reflected in the plan and required. He also questioned if there will be on site employees. Mr. Sharer discussed that they may live on site.

Mayor Swartwout opened Ordinance No. 2022-09 for public participation. The following individuals provided public comment:

Les Wibberley
5005 Bayhill Drive
Powell, Ohio

Mr. Wibberley provided the recommendations by OPAL to have rolled curbs and a path wide enough for both bicycles and pedestrians and recommended that the sidewalk be a 10 feet width for safety. He also discussed that the entrance to Liberty Park and questioned the width, which was confirmed by staff to be a width of 5 feet.

Matt Harvey
306 Weatherburn Court
Powell, Ohio

Mr. Harvey voiced comment regarding the sidewalk width and concerns with cars parking on the street may try to park over the sidewalk. Ms. Husak clarified that there is no on-street parking on the streets.

Seeing no further comment, Mayor Swartwout closed out public comment.

Councilmember Karr questioned Interim Chief Sallows on his preference for the sidewalk. Interim Chief Sallow prefers the rolled curb as it defines the road from the path.

Vice-Mayor Counts spoke on the difference between public and private roads and that this development is a private development with private roads. He also discussed the development will provide a type of housing this is not currently available in the City and could be used for aging family members and residents.

Councilmember Bennehoof would like the developer to consider a wider pathway and to present back to Council. Councilmember Drummond voiced her agreement with Councilmember Bennehoof and the concern of public safety. She discussed how there have been conversations about active living and she would support another reading if more time was needed. She also voiced there may not be enough room to expand the width of the path without losing the rolled curb.

Todd Foley discussed the current plan presented provides the extent of what the developer can achieve and this rental housing type is required to follow FHA guidelines and regulations. He also voiced concern that a larger width sidewalk would reduce driveways impact utilities, grading, and setbacks. He discussed that bicycles should be on the road and not on sidewalks. Considering safety, there is no on street parking, a 14-mph speed limit and there is not an expected predominant demographic of children that will be residing in the development. Councilmember Drummond noted that the development started prior to the passage of the Complete Street Policy. She also discussed private vs. public roads and noted that while this development may be private, there have been past instances where private roads transfer to public. Mayor Swartwout appreciated the work by the applicant on the changes and voiced his appreciated to Vice-Mayor Counts on his point on the need for housing.

MOTION: Tom Counts moved to approve Ordinance No. 2022-09. Jon Bennehoof seconded. Motion approved by a vote of 6-0.

VOTE: Y-6 N-0 AB-0

IX. COMMITTEE REPORTS

Development Committee: Next Meeting: November 8, 2023 @ 6:30 p.m.

Councilmember Heather Karr stated that the Development Committee for October 3 was canceled due to lack of quorum.

Finance Committee: Next Meeting: October 10, 2023 @ 7 p.m.

Vice-Mayor Counts discussed that the Finance Committee will be reviewing the proposed budget at the next meeting. He encouraged members of Council to attend.

Operations Committee: Next Meeting: October 17, 2023 @ 6:30 p.m.

Community Diversity Advisory Committee: Next Meeting: October 18, 2023 @ 6:00 p.m.

Councilmember Karr reported that the Community Diversity Advisory Committee meeting will begin at 6:00 pm on October 18, 2023.

Planning & Zoning Commission: Next Meeting: October 11, 2023 @ 6:30 p.m.

Ms. Husak reported that there will be two cases presented at the October 11 meeting.

Powell Development Corporation: Next Meeting: October 24, 2023 @ 7 p.m.

Mayor Swartwout discussed that at the last meeting there was an overview and discussion of the 2024 Budget for the Powell Development Corporation.

X. CITY MANAGER'S REPORT/CITY CALENDAR

a. October 2023 Calendar

Several Projects that staff is working on currently:

1. CSX Tunnel – working with GPD to access the site and do the assessment. This work is expected to start on October 4. The tunnel is currently closed down and the assessment will determine the length of time of the closure.
2. Splash Pad – there was noticeable deterioration over the summer of the floor to the splash pad. Staff has partitioned off the area and is working with the installer to make corrections. This work can not be completed until the warmer months. It will remain closed off for safety until this work can be completed.

3. CSX Crossing Improvements – staff is working on legal agreements with CSX and the City is awaiting on documents by CSX.
4. North Depot Reconstruction – there were three bids received on the reconstruction. Staff has reviewed the proposals and awarded the bid to American Structure Point. There will be future legal agreement brought before Council. Mr. Stanford clarified that there is a preferred consultant, but does not have a contract and still need to negotiate scope and fee.
5. 2024 Street and Path Maintenance Project – Staff is working on the engineering and hope to provide an update in the next few weeks.
6. City Manager White is at the ICMA conference in Austin.
7. Staff has been in contact with an artist regarding public art within the City and will provide more information at a future Operations Committee Meeting.

XI. OTHER COUNCIL MATTERS

There were no additional comments by Council.

XII. EXECUTIVE SESSION

- Ohio Revised Code Section 121.22 (G) (4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment
- Ohio Revised Code Section 121.22 (G) (8) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance

MOTION: Jon Bennehoof motioned to enter into executive session pursuant to Ohio Revised Code Section 121.22 (G) (4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment and Ohio Revised Code Section 121.22 (G) (8) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance. This motion was seconded by Vice-Mayor Tom Counts. Motion approved by consensus. Council entered into executive session at 9:43 p.m.

VOTE: Y- 6 N – 0 AB - 0

The following members of Council were present for the discussion: Jon Bennehoof, Vice-Mayor Tom Counts, Heather Karr, Mayor Dan Swartwout, Christina Drummond, and David Lester. In addition, the following staff were present for the discussion: Jeffrey Tyler, Assistant City Manager/Community Development Director; Rosa Ocheltree, Finance Director; Yazan Ashrawi, City Attorney; Jason Nahvi, Human Resource Manager; and Ron Sallows, Interim Police Chief.


MOTION: Following the discussion it was moved by Christina Drummond to exit executive session. This motion was seconded by David Lester. Motion approved by consensus. Council exited executive session at 10:37 p.m.

VOTE: Y- 6 N - 0 AB - 0


XIII. ADJOURNMENT

MOTION: David Lester moved to adjourn the meeting. Jon Bennehoof seconded. Motion passed. The meeting ended at 10:37 p.m.


VOTE: Y - 6 N - 0 AB-0




Daniel Swartwout,
Mayor



Date



Elaine McCloskey,
Clerk



Date