



AGENDA
POWELL REGULAR COUNCIL MEETING
47 HALL STREET, POWELL, OH 43065
COUNCIL CHAMBERS
TUESDAY, SEPTEMBER 19, 2023
7:30 PM

I. CALL TO ORDER/ROLL CALL

II. PLEDGE OF ALLEGIANCE

III. PROCLAMATION

- a. Recognizing Detective Darren Smith's retirement from the City of Powell Police Department

IV. CITIZEN PARTICIPATION

V. APPROVAL OF MINUTES

- a. Approval of City Council Meeting Minutes of September 5, 2023
[09.05.2023 Council Minutes.pdf](#)

VI. CONSENT AGENDA

- a. Monthly Department Reports - August 2023
[Building Department Monthly Report - August 2023.pdf](#)
[Human Resources Monthly Report - August 2023.pdf](#)
[Police Department Monthly Report - August.pdf](#)
[Communications Monthly Report 2023.pdf](#)
[Community Development Monthly Report - August.pdf](#)

VII. ORDINANCES: FIRST READING(S)

- a. **ORDINANCE NO. 2023-24**
AN ORDINANCE REPEALING THE EXISTING CHAPTER 1305 OF THE CODIFIED ORDINANCES REGARDING GENERAL PROVISIONS FOR SPECIAL FLOOD HAZARD AREAS, ADOPTING THE NEW CHAPTER 1305 OF THE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.
[1. MEMO Ord 23-24, Section 1305 Flood Damage Reduction.pdf](#)
[2. Ord 23-24, Flood Hazard Reduction Code.pdf](#)
[3. Section 1305 Flood Damage Reduction - UPDATE.pdf](#)
- b. **ORDINANCE NO. 2023-25**
AN ORDINANCE ADOPTING THE 2024-2028 FIVE-YEAR CAPITAL IMPROVEMENTS PROGRAM

1. [MEMO Ord. 2023-25 CIP.pdf](#)
2. [Ord. 2023-25_Ordinance.pdf](#)
3. [24-28 CIP Presentation_Exhibit A.pdf](#)
4. [Ord. 2023-25 Binder_Exhibit B.pdf](#)

c. **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

1. [Ord. 2023_26_Memo _ Redwood Agreement.pdf](#)
2. [Ord 23-26, Redwood Development Agreement 4864-8008-5888.1.pdf](#)
3. [Powell - Redwood Development Agreement - ysa 9.15.2023 - 4868-7520-3968.1.pdf](#)

VIII. COMMITTEE REPORTS

Development Committee: Next Meeting: October 3, 2023 at 6:30 pm

Finance Committee: Next Meeting: October 10, 2023 at 7:30 pm

Operations Committee: Next Meeting: October 17, 2023 at 6:30 pm

Community Diversity Advisory Committee: Next Meeting: October 18, 2023 at 6:00 pm

Planning & Zoning Commission: Next Meeting: October 11, 2023 at 6:30 pm

Powell Development Corporation: Next Meeting: September 24, 2023 at 7:00 pm

IX. CITY MANAGER'S REPORT/CITY CALENDAR

- a. City Calendar
- [City Calendar September 2023.pdf](#)
- [City Calendar October 2023.pdf](#)

X. OTHER COUNCIL MATTERS

XI. EXECUTIVE SESSION

- *Ohio Revised Code Section 121.22 (G) (2) To consider the purchase of property for public purposes*
- *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*

XII. ADJOURNMENT



**CITY COUNCIL
MEETING MINUTES
SEPTEMBER 5, 2023**

I. CALL TO ORDER/ROLL CALL

Mayor Daniel Swartwout called the Tuesday, September 5, 2023 meeting of City council to order at 7:32 p.m. The following Councilmembers were present for the meeting: Ferzan Ahmed, Jon Bennehoof, Christina Drummond, Heather Karr, David Lester, Tom Counts and Daniel Swartwout. Staff members in attendance included: Andrew White, City Manager; Samantha Borchers, Assistant Finance Director; Jason Nahvi, Human Resource Manager; Claudia Husak, Planning Manager/Zoning Administrator; Mallory Sribanditmongkol, Strategic Communication Officer; Grant Crawford, Public Service Director; Aaron Stanford, City Engineer; Jeffrey Tyler, Assistant City Manager/Community Development Director; and Yazan Ashrawi, Law Director.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilmember Jon Bennehoof.

Following the Pledge of Allegiance Mayor Swartwout provided an announcement that the public hearing for Ordinance No. 2022-09 has been cancelled and this ordinance will not be an item on the agenda for discussion.

III. CITIZEN PARTICIPATION

Mayor Swartwout opened the floor for citizen participation for comment on matters not on the agenda. The following individual provided public comment:

Brittany Zoecklein
Registered Environmental Health Specialist 2
Delaware Public Health District
470 South Sandusky Street
Delaware, Ohio 43015

Brittany Zoecklein provided the following updates relating to Delaware Public Health District:

- The Health District has moved to their new location and will be having an open house, the date is still to be determined.
- Information relating to upcoming community events including: Fall Unity Community; Stigma with Mental Health and movies series at the Strand Theatre; and First Aid and CPR Training.

Hearing no other public comment, Mayor Swartwout closed the citizen participation.

IV. PRESENTATION

- a. Update on the New Blood Donation Center, Cory Paul, American Red Cross

PRESENTOR:

Cory Paul, Executive Director
American Red Cross
Greater Columbus Chapter
995 East Broad Street
Columbus, Ohio 43205

Cory Paul provided information to Council relating to the new donor center that is located on Hills Miller Road in Delaware County. This location is able to collect both blood and platelets. All blood collected in the area goes through the Greater Columbus Chapter on Broad Street and supplies over 43 hospitals. This is the largest blood center of the world. He provided information relating to the procedure to draw blood or platelets. Councilmember Bennehoof requested information relating to the shelf life of platelets. Mr. Paul responded that the platelet shelf life is only a couple of days. Councilmember Ahmed questioned if there is a certain blood type more in demand. Mr. Paul responded that type O blood is used the most, but that they will take any. He also discussed that they try not to let any blood supply expire and will reach out to the National Blood Network to determine if there is a need for supplies.

V. APPROVAL OF MINUTES

- a. Approval of City Council Meeting Minutes of August 15, 2023

[08.15.2023 council minutes.pdf](#)

MOTION: Jon Bennehoof moved to approve the City Council Minutes of August 15, 2023 as written, seconded by Christina Drummond. Motion passed by a vote of 7-0.

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

VI. RESOLUTIONS

- a. **RESOLUTION NO. 2023- 22**

A RESOLUTION ACCEPTING THE AMOUNT AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

[1. Res. 2023-22 Memo.pdf](#)

[2. Res. 2023-22, Budget Commission Amount and Rates.pdf](#)

[3. Exhibit A_2024 Schedule A.pdf](#)

City Manager White discussed that this is a routine resolution adopted annually as part of the budget process. He spoke of the need for further discussion at the Finance Committee in regards to the 10 M. and 5 M. limitation as it relates to a debt investment portfolio strategy.

Mayor Swartwout opened public comment for Resolution No. 2023-22. Hearing none, he closed public comment.

MOTION: Tom Counts moved to approve Resolution No. 2023-22, seconded by Christina Drummond. Motion passed with a vote of 7-0.

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

b. **RESOLUTION NO. 2023-23**

A RESOLUTION ADOPTING THE DELAWARE COUNTY 2023 MULTI-HAZARD MITIGATION PLAN.

1. [Res. 2023-23 Memo.pdf](#)
2. [Res 2023-23 , Multi Hazard Mitigation Plan.pdf](#)

City Manager informed Council that the County updates their Hazard Mitigation Plan ever so often and has done so recently. This plan coordinates all actions of the local jurisdictions with the County and their agencies including working with federal agencies for funding resources in the event of a disaster. This document also draws attention to emergency management in general.

Councilmember Christina Drummond commended Interim Police Chief Ron Sallows and the work the department is doing in emergency planning. Councilmember Ferzan Ahmed questioned who is the point person in the event of County wide disaster. City Manager White addressed that typically it is the Chief of Police, but that staff is looking at this internally as any emergency response may need additional coordination from different departments. Typically, incident command is through the police department. Councilmember Jon Bennehoof clarified that there is no financial impact to the City and that adoption of the resolution allows for participation in federal funds.

Mayor Swartwout opened public comment for Resolution No. 2023-23. Hearing none, he closed public comment.

MOTION: Jon Bennehoof moved to approve Resolution No. 2023-23, seconded by Heather Karr. Motion passed with a vote of 7-0.

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

c. **RESOLUTION NO. 2023-24**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH GOLF VILLAGE PROPERTY OWNERS ASSOCIATION FOR THE REPLACEMENT OF AN IRRIGATION SYSTEM.

1. [Res. 2023-24 Memo.pdf](#)
2. [Res 2023-24, Authorizing CM to Sign DRK Agreement for irrigation system.pdf](#)
3. [Golf Village Powell Irrigation Damage Agreement.pdf](#)
4. [Exhibit 1. NW NE Corner Home-Sawmill.pdf](#)
5. [Exhibit 2. SW SE Corner Home-Sawmill.pdf](#)

City Manager White discussed that the City was approached earlier in the year relating to the infrastructure improvements associated with the planned Powell OSU Wexner Medical Center in which roadwork was done by the Delaware County Engineers office and impacted a private irrigation system within the intersection area. There was no participation to resolve the issue by the County and the City was reached out as a potential partner based on the proximity of the location and importance of the corridor. For exchange for participation it is referenced in the agreement to collaborate with Don R. Kenney properties for future development including annexation. He clarified this does not guarantee anything but future collaboration. He discussed the cost of the system and was included as an appropriation at the Finance Committee meeting.

Councilmember Christina Drummond clarified that this situation includes an HOA has an irrigation system that needs repaired and that the City would be covering the cost of the repairs. She questioned the land location in the HOA easement and would come under public right-of-way or stay with the private HOA. City Attorney Ashrawi clarified that the nothing with the land would change with the agreement. She voiced a concern on the City paying for private infrastructure repairs and the precedent it could set without the land coming under public ownership. Councilmember Tom Counts discussed that this location is the northern gateway into the City and need to look at gateways from all directions, the City needs to determine what the gateway is desired to look like. Councilmember Jon Bennehoof provided previous conversations with Mr. Kenney and then had future conversation with the City Manager. He discussed that there were productive conversations with the City and that Mr. Kenney will continue to maintain the landscaping. He discussed the potential opportunity for future annexation.

Mayor Swartwout opened public comment for Resolution No. 2023-24. Hearing none, he closed public comment.

MOTION: Tom Counts moved to approve Resolution No. 2023-24, seconded by Jon Bennehoof. Motion passed with a vote of 6-1 (No: Drummond).

VOTE: Y 6 N 1 (Drummond) AB 0 (None)

VII. ORDINANCES: SECOND READING(S)

a. ORDINANCE NO. 2023-22

AN ORDINANCE AMENDING CODE SECTIONS 1143.16.2; AND 1123.01 OF THE CODIFIED ORDINANCES REGARDING THE SPECIAL EVENTS AND OBJECTIONABLE, NOXIOUS, OR DANGEROUS USES, PRACTICES.

1. [Ord. 2023-22_Memo.pdf](#)
2. [Ord. 2023-22_Ordinance.pdf](#)
3. [Ord. 2023-22_Exhibit A.pdf](#)
4. [Ord. 2023-22_History.pdf](#)

Planning Manager Claudia Husak informed Council that there were no changes to the ordinance from the first reading.

Mayor Swartwout opened public comment for Ordinance No. 2023-22. Hearing none, he closed public comment.

MOTION: David Lester moved to approve Ordinance No. 2023-22, seconded by Christina Drummond. Motion passed with a vote of 7-0.

Mayor Swartwout requested a roll call for passage: Daniel Swartwout, yes; Ferzan Ahmed, yes; Jon Bennehoof, yes; Tom Counts, yes; Christina Drummond, yes; Heather Karr, yes; and David Lester, yes.

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

VIII. ORDINANCES: FIRST READING(S)

a. **ORDINANCE NO. 2023-23**

AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR 2023 AND DECLARING AN EMERGENCY.

1. [Ord. 2023-23_Ordinance_Memo.pdf](#)

2. [Ord. 2023-23_Ordinance.pdf](#)

3. [Ord. 2023-23 Exhibit A .pdf](#)

Mayor Swartwout and Councilmember Tom Counts discussed that this is a quarterly appropriation and is a new approach to providing appropriations to Council compared to a as needed basis. Councilmember Tom Counts also spoke that with quarterly appropriations, the numbers may seem larger adjustments. Assistant Finance Director Samantha Borchers presented to Council that the appropriations were recently presented at the Finance Committee and include 16 items totaling \$770,700. She highlighted four items for appropriations including a vehicle purchase for a salt truck, income tax collection fee, street maintenance program and capital projects, including the Don Kenney agreement.

Councilmember Christina Drummond had questions relating to Item 2, Downtown Planting and Item 3, Engineering Fees and Item 11, Special Events. She wanted to confirm relating to Item 2 that we were not doubling the budget, but were rather front loading the charges for next year since we have not expended the charges from this year yet. City Manager confirmed that this is correct. She also questioned the Item 3 for Engineering Fees for the OSU project and recognize that there are additional fees to cover planning costs a wanted see if this is related to a delay in the project. City Manager White discussed that since the budget was put together it has been determined that OSU will be gearing up to do additional work and it is anticipated that there will be fees collected this year and have an increase in plan reviews. Assistant City Manager Jeffrey Tyler clarified that this is a third-party consultant services and are reimbursable expenses and that the City will recoup funds once the project is under way. She had a question on Item 11 regarding the transfer of Third Fridays to the Powell Festival. City Manager White discussed this was a cost recovery for 2023 due to increased cost of operating expenses and sanitation.

Mayor Swartwout opened public comment for Ordinance No. 2023-23. Hearing none, he closed public comment.

MOTION: Jon Bennehoof moved to suspend the rules for Ordinance No. 2023-23, seconded by Christina Drummond. Motion passed with a vote of 7-0.

Mayor Swartwout requested a roll call for passage of rule suspension: Ferzan Ahmed, yes; Jon Bennehoof, yes; Tom Counts, yes; Christina Drummond, yes; Heather Karr, yes; David Lester, yes; and Daniel Swartwout, yes.

MOTION: Ferzan Ahmed moved to approve Ordinance No. 2023-23, seconded by David Lester. Motion passed with a vote of 7-0.

Mayor Swartwout requested a roll call for passage: Ferzan Ahmed, yes; Jon Bennehoof, yes; Tom Counts, yes; Christina Drummond, yes; Heather Karr, yes; David Lester, yes; and Daniel Swartwout, yes.

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

IX. COMMITTEE REPORTS

Development Committee: Next Meeting: October 3, 2023 @ 6:30 pm

Councilmember Heather Karr discussed the Placemaking presentation by NBJJ on evaluation the RFP's for Village Green. The second workshop on design guidelines will be presented on September 13 at the P&Z meeting and the third workshop will be held on September 19 to discuss Master service Agreements.

Finance Committee: Next Meeting: September 12, 2023 @ 7 pm

Councilmember Counts provided information on the recent Finance Committee meeting in which they discussed the recommended appropriations and the CIP. The CIP is expected to be presented at the next meeting of Council.

Operations Committee: Next Meeting: September 19, 2023 @ 6:30 pm

Councilmember Jon Bennehoof informed Council that the next Operations Committee meeting will be September 19, 2023.

Community Diversity Advisory Committee: Next Meeting: September 20, 2023 @ 6 pm

Councilmember Heather Karr discussed the next meeting will be September 20, 2023 and she provided her thanks for participants of Passport to Powell.

Planning & Zoning Commission: Next Meeting: September 13, 2023 @ 6:30 pm

Councilmember Ferzan Ahmed informed Council that the next Planning and Zoning meeting will be September 13, 2023.

Powell Development Corporation: Next Meeting: September 26, 2023 @ 7 pm

Mayor Swartwout discussed information on the recently held Powell Development Corporation meeting in which there was discussion on the budget, rebranding, new website and logo design.

X. CITY MANAGER'S REPORT/CITY CALENDAR

City Manager White provided the following updates and acknowledgements:

He acknowledged Deputy Chief Ron Sallows has accepted the role of Interim Chief and that they are working on recruitment, retention and expansion.

He discussed the need to look at the Right-of-Way Policy and will need more attention as we look at a uniformity of perimeter. He discussed the gap in the pathway between Liberty High School and the new library, which is outside the municipal jurisdiction. He spoke on looking at this area coming into the City and using the TIF Fund to help make the pavement connection.

There is a lot of interest in the City and there is an applicant looking at a vacant florist building which could transition into commercial/retail or commercial/restaurant. This interest has started the discussion on the DORA boundaries and staff is looking at the DORA boundaries to create uniformity.

Information was provided on the paving status.

The CSX crossing at SR750 is up for consideration for grade improvements. CSX would coordinate the work and do the work and provided an estimate for the work.

XI. OTHER COUNCIL MATTERS

Councilmember Christina Drummond provided information on the upcoming Fall Festival for Liberty Township and the opportunity to do a joint event and to let her know if any members of Council are able to participate.

Councilmember Ferzan Ahmed questioned if there was any movement to get a pedestrian crossing at the railroad on Liberty Road near library. City Manager White, informed Council that this is programmed in the CIP and the general concept is to provide for a safe corridor on the east side the road and have pedestrian crossing in a dedicated crosswalk south of the intersection. Public Service Director Grant Crawford also addressed that there are jurisdictional boundaries that will need to be crossed and will need coordination with Liberty Township and Delaware County. Councilmember Drummond noted the need for advanced signalization requirements, like a Hawk system, due to the crossing use by school-age children.

Councilmember Jon Bennehoof acknowledged Public Service Director Crawford and staff member Alex Stavrides on a productive meeting relating to the cemetery and the Boy Scouts.

Mayor Swartwout discussed the need for scheduling of special meetings of Council at the end of the month. Assistant City Manager Tyler provided that the plan is to have three separate meetings to interview the three developer candidates for the Village Green RFP. He expects the interviews to last an hour or hour and half.

XII. EXECUTIVE SESSION

**BUILDING DEPARTMENT REPORT
AUGUST 2023**



Issued Permits by Permit Type

08/01/2023 - 08/31/2023

Commercial Alteration	Permits Issued	Valuation	Fees Paid
Commercial Alteration	2		\$1,061.93
Subtotals:	2		\$1,061.93
Commercial One Stop	Permits Issued	Valuation	Fees Paid
A/C Furnace Permit - Commercial	1	\$22,035.00	\$618.00
Change of Use/Occupancy	1		\$203.00
Subtotals:	2	\$22,035.00	\$821.00

Engineering	Permits Issued	Valuation	Fees Paid
Driveway/Walkway Permit	4	\$3,000.00	\$190.00
Subtotals:	4	\$3,000.00	\$190.00
Residential Alteration	Permits Issued	Valuation	Fees Paid
Basement Remodel	2		\$1,890.47
Deck Permit	4		\$990.93
Residential Addition	2	\$90,000.00	\$1,051.47
Residential Alteration	4		\$1,860.53

Solar Voltaic Panels - Residential	3		\$1,682.22
Swimming Pool / Hot Tub - Residential	3		\$1,482.50
Subtotals:	18	\$90,000.00	\$8,958.12
Residential New	Permits Issued	Valuation	Fees Paid
1, 2, & 3 Family Dwelling	3		\$8,781.96
Subtotals:	3		\$8,781.96
Residential One Stop	Permits Issued	Valuation	Fees Paid
A/C Furnace Permit - Residential	20	\$179,948.82	\$2,727.00

Electrical Permit - Residential	2	\$2,600.00	\$277.75
Roof Alteration/Repair Permit - Residential	14	\$663,785.44	\$1,060.50
Subtotals:	36	\$846,334.26	\$4,065.25
Zoning	Permits Issued	Valuation	Fees Paid
Fence Permit	4	\$6,500.00	\$160.00
Patio	4		\$160.00
Sign	1		\$75.00

Utility - Work in ROW Permit	1		\$350.00
Subtotals:	10	\$6,500.00	\$745.00
Totals:	75	\$967,869.26	\$24,623.26

Jurisdiction Building Performance Report

POW - Powell

Date Range: 08/01/2023 - 08/31/2023

Inspection Activity	Residential				Commercial				One Stop	Other	Zoning	Total
	Residential New	Residential Alteration	Residential Miscellaneous	Residential One Stop	Commercial New	Commercial Alteration	Commercial Miscellaneous	Commercial One Stop				
	167	61	0	28	41	8	0	1	0	0	0	308

Conditional Occupancy Log				
Contractor Name	Address	Permit #	Date Sent	Expiration
PULTE	4325 HAROLD DR	21POW-RB00119	7/29/2022	1/12/2023
PULTE	4220 HAROLD DR	21POW-RB00157	8/1/2022	1/22/2023
PULTE	4311 HAROLD DRIVE	22POW-RB00005	8/30/2022	3/2/2023
R&H	9352 WATERFORD DRIVE	21POW-RB00116	8/31/2022	3/3/2023
PULTE	4285 SCOTTS WAY	22POW-RB00017	9/27/2022	3/27/2023
PULTE	4230 HAROLD DRIVE	22POW-RB00030	10/18/2022	4/18/2023
PULTE	4468 COYOTE CROSSING	22POW-RB00033	10/27/2022	4/27/2023
PULTE	8145 JERRY DRIVE	22POW-RB00036	10/27/2022	4/27/2023
PULTE	8143 JERRY DRIVE	22POW-RB00028	10/28/2022	4/28/2023
PULTE	4250 HAROLD DRIVE	22POW-RB00041	10/15/2022	5/15/2023
PULTE	4606 FOX TAIL CIRCLE	22POW-RB00039	12/1/2022	6/1/2023
PULTE	8142 JERRY DRIVE	22POW-RB00048	12/1/2022	6/1/2023
PULTE	8167 JERRY DRIVE	22POW-RB00057	12/12/2022	6/12/2023
PULTE	8163 JERRY DRIVE	22POW-RB00062	12/16/2022	6/15/2022
PULTE	8165 JERRY DRIVE	22POW-RB00060	12/16/2022	6/15/2022
PULTE	4560 COYOTE CROSSING	22POW-RB00066	12/27/2022	6/27/2023
PULTE	4654 FOX TAIL CIRCLE	22POW-RB00072	2/1/2023	8/1/2023
PULTE	4656 COYOTE CROSSING	22POW-RB00099	3/30/2023	9/30/2023
PULTE	8125 WOLF PATH DRIVE	22POW-RB00107	4/17/2023	10/17/2023
R&H	9268 ADVOCET DRIVE	22POW-RB00068	4/20/2023	10/20/2023
PULTE	8193 SMITHS CIRCLE	22POW-RB00119	5/11/2023	11/11/2023
PULTE	4538 RUPPERT TRAIL	22POW-RB00083	5/22/2023	11/22/2023
PULTE	8112 JOSHUA WAY	22POW-RB00118	6/15/2023	12/15/2023
PULTE	4518 COYOTE CROSSING	22POW-RB00126	6/26/2023	12/26/2023
PULTE	8138 JOSHUA WAY	22POW-RB00129	6/26/2023	12/26/2023
PULTE	8195 SMITHS CIRCLE	22POW-RB00130	7/13/2023	1/13/2024
PULTE	8184 SMITHS CIRCLE	22POW-RB00131	7/13/2023	1/13/2024
PULTE	8146 JOSHUA WAY	23POW-RB00025	9/1/2023	3/1/2024

Human Resources Department

August 2023 Monthly Report



Council Goal – Quality Customer Service: Improve access to services, functions and operations

Recruitment Update

Police Officer – We have a final candidate that is going through a psychological check the week of September 18th. We hope to make an offer by the end of September to have the applicant start with the City. We have another certified applicant that is starting a background check and one more uncertified applicant that is waiting to have their background check started.

We will likely have one more recruitment process this year for additional Police Officer positions.

Finance Clerk – We have two final interviews scheduled the week of September 11th with the Finance team.

Economic Development Administrator – We have 6 candidates scheduled to interview with Andrew White and Jeff Tyler the week of September 11th and September 18th. After the first round of interviews the top candidates will be identified to meet with members of City Council and the Powell Development Corporation.

Chief of Police – The Initial meeting with Management Advisory Group was Monday, September 11th. We are working with them to develop a brochure that will be used to recruit talent for the position. We hope to have this out in the next 3 weeks to start the process. We are still targeting a decision to be made by the end of the year.

Police Negotiations

We have started FOP negotiations with the Police and Sergeant group for the next 3 year contract. The focus of this contract is on retention, recruitment, and moving the Department forward. We are looking to wrap up the negotiations and present the package to Council soon



The City of Powell Police Department August 2023 Activity Report

Ron Sallows
Interim Chief of Police



STATISTICS: Council Goal 1-2, M1 & M4 Crime & Traffic Statistics

	Current Month	Last Month	Last Year	5 Years Ago
Calls for Service	1,700	2,051	2,053	1,860
Dispatched Calls	439	496	430	678
Police Reports	56	49	64	133*
Adult Arrests	4	1	8	15
Juvenile Arrests	0	0	0	3
Traffic Stops	104	92	158	147
Traffic Citations	9	9	16	13
Traffic Crashes	13	18	10	12
False Alarms	38	47	32	26
House Watches	41	96	36	36
Preventative Patrols	147	185	215	152
Stacked Calls	15	16	11	42

**We no longer count false alarms as Police Reports.*

NOTABLE CASES

Assist | A resident of Powell allegedly stabbed a woman in Columbus. He called police on the morning of August 29 to turn himself in.

Powell officers performed a felony stop on his vehicle and detained him for the Columbus Division of Police.

Powell Police did not question the man, but did obtain important physical evidence from him. Powell officers remained on the scene to be interviewed by Columbus homicide detectives. ♦



NATURE OF CALLS FOR SERVICE

INCIDENT TYPE	TIME ON CALLS	PERCENT OF TIME	CALLS	PERCENT OF CALLS
SPECIAL DETAIL	6717.2	23.3%	54	3.2%
BUSINESS / HOUSE CHECK	5153.8	17.9%	957	56.4%
ASSIST OTHER AGENCY / UNIT	3193.6	11.1%	74	4.4%
FOLLOW-UP / INVESTIGATION	2157.2	7.5%	71	4.2%
TRAFFIC CONTROL / DETAIL	1991.4	6.9%	107	6.3%
SUSPICIOUS ACTIVITY	1071.2	3.7%	45	2.7%
TRAFFIC STOP	1058.5	3.7%	106	6.2%
INVESTIGATE/COMPLAINT	1035.5	3.6%	48	2.8%
CRASHES	1001.0	3.5%	20	1.2%
ALARMS/911 HANGUP	996.8	3.5%	79	4.7%
COMMUNITY ENGAGEMENT	761.0	2.6%	27	1.6%
THEFT	726.8	2.5%	22	1.3%
STABBING	348.5	1.2%	1	0.1%
JUVENILE	308.9	1.1%	13	0.8%
ANIMAL CALL	304.3	1.1%	15	0.9%
WELL BEING CHECK	287.5	1.0%	8	0.5%
DOMESTIC	258.5	0.9%	5	0.3%
VANDALISM	235.6	0.8%	5	0.3%
PARKING COMPLAINT	208.6	0.7%	11	0.6%
STOLEN VEHICLE	182.8	0.6%	3	0.2%
LOCKOUT - VEHICLE/OTHER	141.5	0.5%	11	0.6%
MENTAL HEALTH CRISIS	139.7	0.5%	2	0.1%
HARASSMENT/THREATS	109.9	0.4%	4	0.2%
LOST AND FOUND	103.3	0.4%	4	0.2%
WARRANT	102.6	0.4%	1	0.1%
SUBSTANCE ABUSE	87.0	0.3%	2	0.1%
MISSING PERSON	63.2	0.2%	1	0.1%
ASSAULT	33.1	0.1%	1	0.1%
SHOOTING - SOUNDS OF SHOTS	11.6	0.0%	1	0.1%

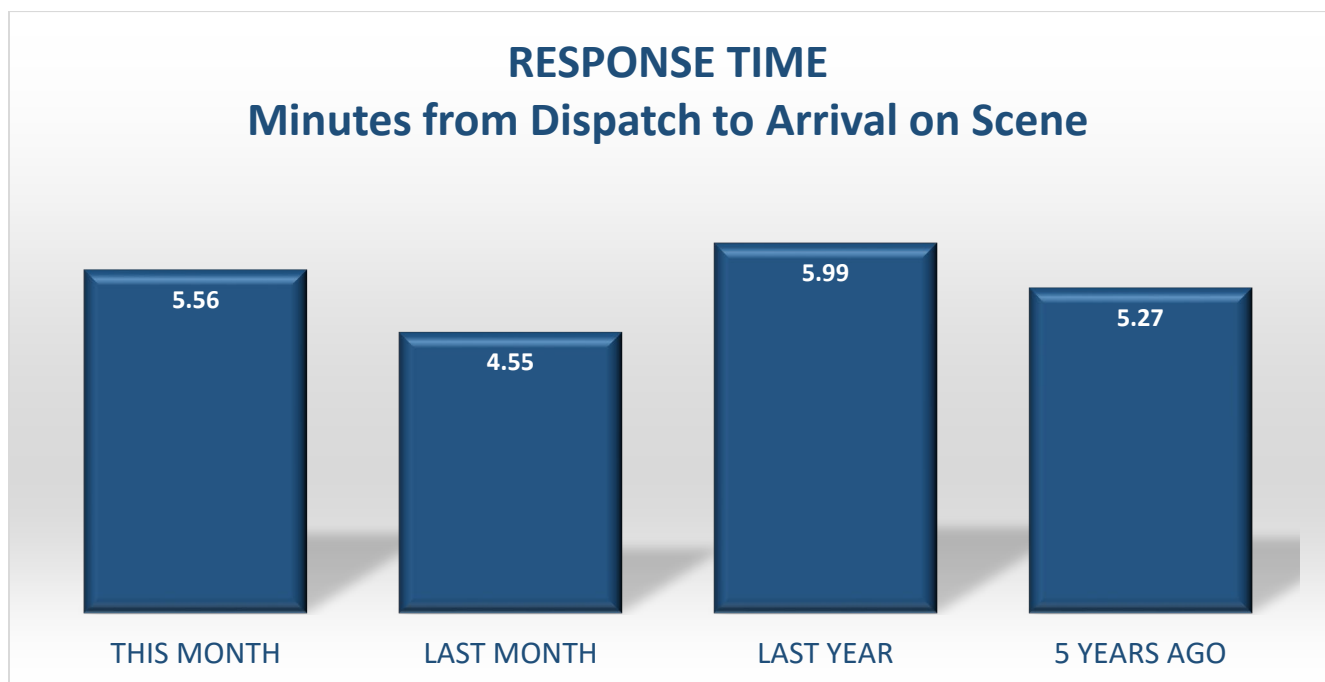
This is the nature of the call as originally reported by the dispatcher.

**Special Detail includes meetings, administrative tasks, maintenance, court runs, and special duty.*

STACKED CALLS



RESPONSE TIME



TRAINING

Council Goal 6-3, M1 Document Employee Training

In August the department completed 36.5 hours of total training. This consisted of Continuing Professional Training required by the State of Ohio, which included Distracted Driving, NIBIN, NIBIN II, and Safe at Home courses. The agency also completed Ethics Training and Delaware Municipal Court Search Warrant Process Update. ♦

USE OF FORCE

The Powell Police Department carefully tracks all uses of force by the agency. There was one use of force in August.

- ❖ Officers performed a felony stop, displaying firearms, on a subject who admitted to stabbing someone in Columbus. ♦

CRISIS INTERVENTION TEAM

Police respond to many calls that are not criminal in nature. Using a CIT (Crisis Intervention Team) disposition notifies HelpLine of Delaware and Morrow Counties that there is a need for further assistance. HelpLine reviews the call information and assigns follow up by agencies such as Maryhaven, SourcePoint, Syntero, or the Delaware County Board of Mental Health.

- ❖ In August, there were two CIT calls. ♦

COMMUNITY ORIENTED POLICING

Council Goal 1-2.11 Share Community Policing Activity with Community

Officer Audrey Wilt, Community Oriented Policing Officer:

- ❖ Started the 2023 Citizens Police Academy, Class 14;
- ❖ Conducted a Community Bike Ride for National Night Out;
- ❖ Attended Delaware's First Friday Cruiser Cruise-In;
- ❖ Gave two presentations on Walking/Biking Safety at Tyler Run Elementary;
- ❖ Inspected six golf carts; and Installed two child car seats.



Tyler Run Walker
Safety Talk

Badges and Buckets



TRAFFIC SURVEY (STEALTH STAT & SMART STAT)

Council Goal 1-2 M4 Maintain and Publish Traffic Statistics

The Police Department uses this data to assign officers for selective enforcement efforts.

Average Speed: The average speed of all vehicles registered by the StealthStat device.

85th Percentile: 85 percent of all vehicles were at this speed or slower.

Ten-Mile Pace: The range of speeds in which the majority of vehicles were traveling.

Vehicles per Hour: On busy streets, the device cannot accurately count vehicles in the far lane.

Presidential Parkway at Vinwood Lane August 16, 2023, Speed Limit 25

Direction	Average Speed	85 th Percentile	Ten-Mile Pace	Average Vehicles per Hour
Eastbound	24.03	27	20-29	11.13
Westbound	26.13	30	22-31	10.43

South Liberty Street at Bennett Parkway August 16, 2023, Speed Limit 25

Direction	Average Speed	85 th Percentile	Ten-Mile Pace	Average Vehicles per Hour
Northbound	19.63	37	26-35	148.07
Southbound	19.45	36	26-35	123.58

TRAFFIC CRASHES:

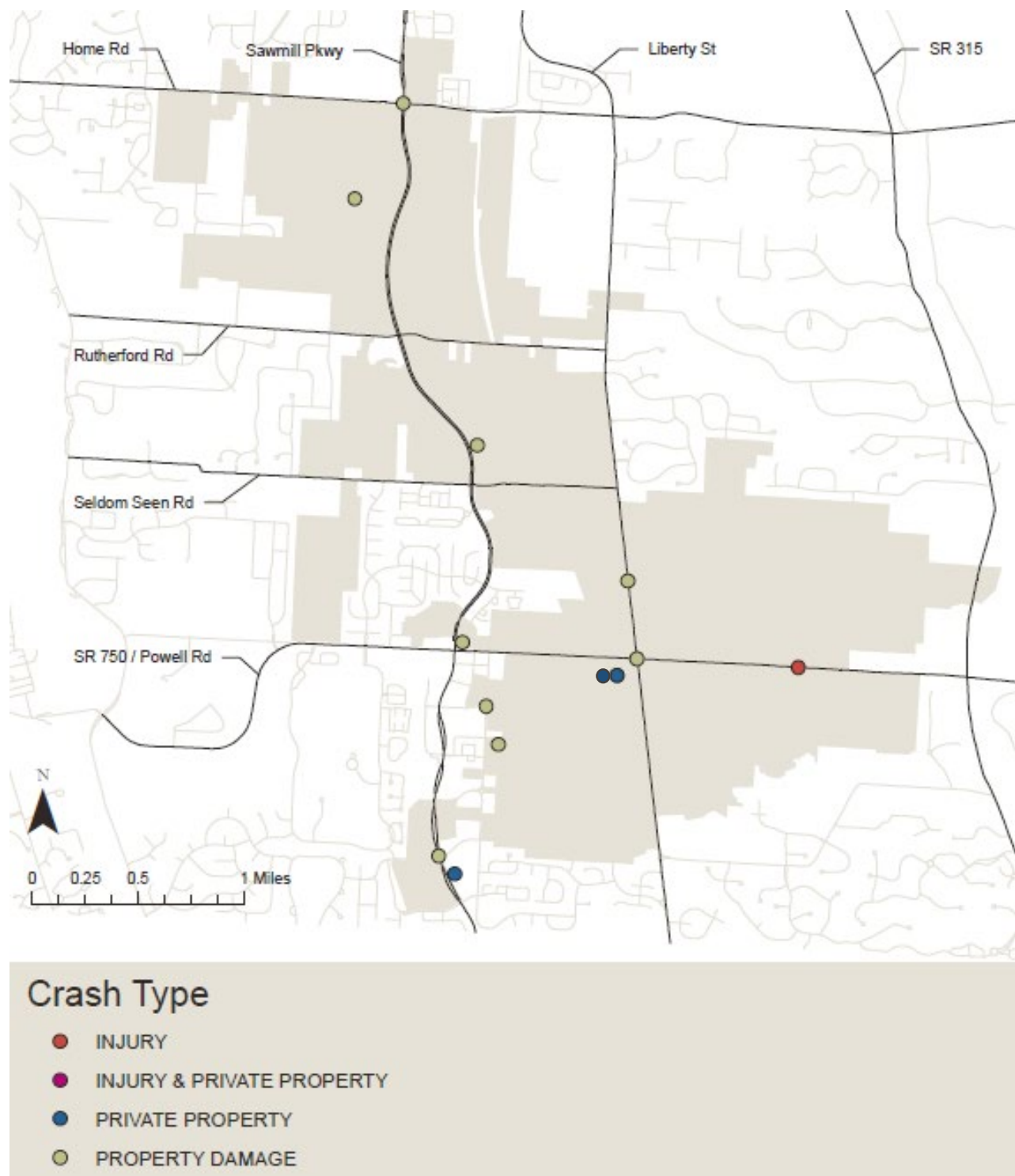
Council Goal 1-2 M4 Maintain and Publish Traffic Statistics

CASE	DATE	CAUSE	NARRATIVE
23-13662	8/1/2023	FAILURE TO YIELD	Unit 1 was northbound on Twp. Rd. 119 (Sawmill Rd.) when they turned left (west) onto Attucks Dr., failing to yield to southbound traffic. Unit 2 was southbound on Sawmill Rd. when they struck Unit 1 as Unit 1 turned in front of Unit 2.
23-13668	8/1/2023	DEER	Unit 1 was traveling north on Sawmill Pkwy when he stated he observed two deer run out in front of him from the east. Unit 1 did not have time to stop or avoid hitting the deer. Both deer were struck.
23-13875	8/5/2023	ACDA	While stopped in traffic facing northbound on Sawmill Parkway, Unit 2 was struck by Unit 1 while they were also slowing for stopped traffic. CITE
23-13900	8/5/2023	ACDA	Unit 2 was southbound on CR 9 (N. Liberty Rd.), stopped at a red traffic signal at SR 750 (E. Olentangy St.). Unit 1 was directly behind Unit 2. Unit 1 failed to stop for traffic ahead of them and struck Unit 2. CITE
23-14259	8/12/2023	BACKING	Unit 1 was searching for a parking space in the parking lot of 47 Hall St. Due to no parking spaces being available in this row, Unit 1 began to back up in the parking lot lane and struck Unit 2. This crash was caught on Powell Police Department security cameras.
23-14262	8/12/2023	ACDA	Unit 1 and Unit 2 were northbound on Sawmill Pkwy. Unit 2 slowed down to make a right hand turn into Raising Canes and was struck by Unit 1. CITE
23-14317	8/13/2023	YIELD Injury	Unit 1 was eastbound on Olentangy St. Unit 2 was stopped at Olentangy/Cressingham Ln. facing southbound on Bennett Pkwy. Unit 2 received a green light and proceeded south onto Bennett Pkwy. Unit 1 disobeyed the red light and struck Unit 2 as it was moving through the intersection. CITE

23-14586	8/18/2023	FAILURE TO YIELD	Unit 1 was northbound in the west lane of Sawmill Pkwy. Unit 2 was northbound in the east lane of Sawmill Pkwy. Unit 1 failed to exercise due care and attempted to change to the east (right) lane, striking Unit 2. CITE
23-14661	8/20/2023	ACDA	Units 1 and 2 were westbound on Grace Dr. Unit 1 stopped for the traffic signal. Unit 2 failed to stop and struck Unit 1. CITE
23-14668	8/20/2023	BACKING	Unit 2 was parked in a parking space and unoccupied in the parking lot of 47 Hall St. Unit 2 was backing into the parking space directly to the west of Unit 1, and struck Unit 1.
23-14797	8/22/2023	HIT-SKIP	While backing from a driveway on Village Club Dr., Unit 2 stopped backing and was then struck in the rear by Unit 1 who was traveling eastbound on Village Club Dr.
23-15000	8/26/2023	BACKING	Unit 2 was parked in a lot on Sawmill Pkwy. Unit 1 attempted to back from a parking space and backed into a bike rack attached to Unit 2.
23-15195	8/29/2023	BACKING	Unit 1 was northbound on Paynes Depot Ct. and reached the cul-de-sac to make turn around (due to construction on Presidential Pkwy.). As Unit 1 was turning around in the cul-de-sac, they struck the mailbox of 316 Paynes Depot Ct., causing damage to the mailbox.

The number of traffic crashes on page 1 represents all the calls officers were dispatched to, even if no report was taken. These are the crashes that required police reports.

MAP OF TRAFFIC CRASHES



Map by the City of Powell Development Department

RETIREMENT



Powell Police Chief Stephen Hrytzik retired after 32 years of service to the Powell community.

Chief Hrytzik started his law enforcement with the Village of Powell Police Department in 1991 working undercover. He was quickly promoted to Sergeant, then Lieutenant, and Deputy Chief. He was sworn in as Chief of Police in 2019.

Chief Hrytzik is a graduate of the Federal Bureau of Investigation National Academy, Session 221. In 2022, he was elected to serve as the Section IV Representative of the National Board of the FBINA Associates.

Hrytzik has been involved in many community service organizations in his time with the Powell Police Department. Some of his positions include:

- Vice chair of the Ohio Association of Chiefs of Police Advisory Services,
- Past President of the Ohio Chapter of the FBINA Associates,
- Board member of the Liberty Township/Powell YMCA,
- Past president of the Delaware County Criminal Justice Association,
- Chair of Delaware County Emergency Management,
- Chair of the Delaware County 911 Board, and
- Board member, Delaware County Department of Job and Family Services.

We thank Chief Hrytzik for his leadership, guidance, and the positive impact that he has made on the law enforcement community, especially his family here at the Powell Police Department. He continually demonstrates the department's core values - honesty, integrity, and dependability.

Though he is leaving Powell, Hrytzik will continue to support local law enforcement. He will be joining the Ohio Department of Public Safety as the Chief of Law Enforcement Accreditation. ♦

MONTHLY REPORT

Council goals for 2023

1. Assist Council and city departments with communicating different initiatives and programs to the community.
2. Maintain frequent interaction with senior leadership.
3. Continue outreach programs.
4. Position city public information as a trusted resource and community asset with predictable and expedient communications.

Third quarter areas of focus

1. Review new social media channels for appropriateness
2. Develop supporting communications for upcoming projects
3. Resume website redesign project
4. Complete drafting, design and dissemination of PAFR and annual report

Department updates

- Developed several community presentations for staff leaders to deliver.
- Wrapping up the administration of the 2023 Community Attitude Survey.
- Planning promotion for Fall Festival.
- Preparing project kick-off for 2024 website redesign and move to Granicus.



CODE ENFORCEMENT REPORT

There were four (4) zoning violations for the month of August.

Date: 8/1/2023

Address: 248 East Olentangy Street

Code Section: 557.01 – Tall Grass

Issue: Grass was exceeding seven inches

Status: Grass has been cut and compliance has been achieved.

Date: 8/7/2023

Address: 688 Old Pond Lane

Code Section: 557.01 – Tall Grass

Issue: Grass was exceeding seven inches

Status: Grass has been cut and compliance has been achieved.

Date: 8/9/2023

Address: 9158 Liberty Road

Code Section: 1135.02 Zoning Certificates Required

Issue: Unpermitted six-foot privacy fence built on western side of property.

Status: Staff has sent a violation letter to the property owner and is currently monitoring the situation.

Date: 8/11/2023

Address: 951 Retreat Lane

Code Section: 557.01 – Tall Grass

Issue: Grass was exceeding seven inches

Status: Grass has been cut and compliance has been achieved.

BOARD OF ZONING APPEALS

8/3/2023

VARIANCE REQUEST (2023-22V)

Applicant: Donald and Marlena Taynor

Location: 402 Ashmoore Circle East

Existing Zoning: PR - Planned Residence District

Request: Review and approval of a variance to Code Section 1147.06(b)(2) to reduce the required easement setbacks for swimming pools from twelve feet to two feet from the northern drainage easement.

Action: Motion approved, the variance was granted.

PLANNING AND ZONING COMMISSION

8/9/2023

SKETCH PLAN REVIEW (2023-19SP)

Applicant: Drew & Michele DiMaccio

Location: 150 West Case Avenue, Parcel Number 31942602003000

Existing Zoning: PC - Planned Commercial District

Request: Review and feedback of a Sketch Plan to construct a new carryout restaurant on a ±.403-acre site.

Action: Sketch Plan was reviewed and feedback was given

HISTORIC DOWNTOWN ADVISORY COMMISSION

August 2023: Meeting Cancelled



OFFICE OF THE CITY MANAGER

47 Hall Street | Powell, OH 43065 | 614.885.5380 | cityofpowell.us

MEMO

From: Andrew D. White, City Manager

To: Members of the City Council

Initiated By: C. Aaron Stanford, P.E., City Engineer

Re: Ordinance 2023-24– AN ORDINANCE REPEALING THE EXISTING CHAPTER 1305 OF THE CODIFIED ORDINANCES REGARDING GENERAL PROVISIONS FOR SPECIAL FLOOD HAZARD AREAS, ADOPTING THE NEW CHAPTER 1305 OF THE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

Date: September 19, 2023

Summary:

Ordinance 2023-24 is a request for review and approval to repeal existing Chapter 1305 – Flood Control and the adoption of the new Chapter 1305 – Flood Hazard Reduction.

The Federal Emergency Management Agency (FEMA) has recently updated the flood zone maps for the area and as such an update of our code is required.

As a requirement of the National Flood Insurance Program (NFIP), local municipalities are to have a compliant ordinance in place and effective prior to the effective date of the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS). This Ordinance is required to be in effect no later than December 21, 2023.

The staff has met with the Ohio Department of Natural Resources (ODNR) to review the updated code, which is a model standard preapproved by FEMA, and has approval from ODNR for this code update to be adopted by the City of Powell.

Approving this ordinance will ensure that the City is meeting the requirements of the NFIP and FEMA regulations.

Legal Review:

The Law Director's office has reviewed the ordinance.

Financial Review:

The Finance Director has reviewed the Ordinance and is in support of the recommended action.

Recommendation:

Staff recommends approval of Ordinance 2023-24



30

CHAPTER 1305 – FLOOD DAMAGE REDUCTION

1305.01 – GENERAL PROVISIONS

- (a) *Statutory Authorization City of Powell.* Article XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the City Council of P, State of Ohio, does ordain as follows:
- (b) *Findings of Fact.* The City of Powell has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.
- (c) *Statement of Purpose.* It is the purpose of these regulations to promote the public health, safety and general welfare, and to:
 - (1) Protect human life and health;
 - (2) Minimize expenditure of public money for costly flood control projects;
 - (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (4) Minimize prolonged business interruptions;
 - (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in areas of special flood hazard;
 - (6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
 - (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
 - (8) Minimize the impact of development on adjacent properties within and near flood-prone areas;
 - (9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
 - (10) Minimize the impact of development on the natural, beneficial values of the floodplain;
 - (11) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
 - (12) Meet community participation requirements of the National Flood Insurance Program.
- (d) *Methods of Reducing Flood Loss.* In order to accomplish its purposes, these regulations include methods and provisions for:
 - (1) Restricting or prohibiting uses that are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
 - (2) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
 - (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
 - (4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,

- (5) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.
- (e) *Lands to Which These Regulations Apply.* These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Powell as identified in Section 1305.01(f), including any additional areas of special flood hazard annexed by City of Powell.
- (f) *Basis for Establishing the Areas of Special Flood Hazard.* For the purposes of these regulations, the following studies and/or maps are adopted:
- (1) Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) for Delaware County, Ohio and Incorporated Areas, both effective December 21, 2023
 - (2) Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.
 - (3) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Powell as required by Section 1305.04(c) Subdivisions and Other New Developments.

Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the City of Powell Municipal Building, located at the City of Powell Municipal Building, located at 47 Hall Street, Powell, Ohio 43065

- (g) *Abrogation and Greater Restrictions.* These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinances, the more restrictive shall be followed. These regulations are not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (h) *Interpretation.* In the interpretation and application of these regulations, all provisions shall be:
- (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body; and,
 - (3) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.
- (i) *Warning and Disclaimer of Liability.* The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Powell any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

- (j) *Severability*. Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

1305.02 – DEFINITIONS

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

Accessory Structure - A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Appeal - A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

Base Flood - The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.

Base (100-Year) Flood Elevation (BFE) - The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the lowest adjacent natural grade elevation plus the depth number (from 1 to 3 feet).

Basement - Any area of the building having its floor subgrade (below ground level) on all sides.

Development - Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Enclosure Below the Lowest Floor - See "Lowest Floor."

Executive Order 11988 (Floodplain Management) - Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

Federal Emergency Management Agency (FEMA) - The agency with the overall responsibility for administering the National Flood Insurance Program.

Fill - A deposit of earth material placed by artificial means.

Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters, and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM) - Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

Flood Insurance Rate Map (FIRM) - An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

Flood Insurance Risk Zones - Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

Zone A:

Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are not determined.

Zones A1-30 and Zone AE:

Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are determined.

Zone AO:

Special flood hazard areas inundated by the 100-year flood in any given year; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.

Zone AH:

Special flood hazard areas inundated by the 100-year flood in any given year; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

Zone A99:

Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.

Zone B and Zone X (shaded):

Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

Zone C and Zone X (unshaded):

Areas determined to be outside the 500-year floodplain.

Flood Insurance Study (FIS) - The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

Floodproofing - Any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water, and sanitary facilities, structures, and their contents.

Flood Protection Elevation - The Flood Protection Elevation, or FPE, is the base flood elevation plus 1 foot of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

Floodway - A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high-velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

Freeboard - A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

Historic structure - Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
3. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.

Hydrologic and hydraulic engineering analysis - An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

Letter of Map Change (LOMC) - A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

Letter of Map Amendment (LOMA)

A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

Letter of Map Revision (LOMR)

A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

Conditional Letter of Map Revision (CLOMR)

A comment by FEMA regarding a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

Lowest floor - The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 4781 of the Ohio Revised Code.

Manufactured home park - As specified in the Ohio Adm. Code 4781-12-01(K), a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.

Mean sea level - For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

National Flood Insurance Program (NFIP) - The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance

is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

New construction - Structures for which the "start of construction" commenced on or after the effective date of a floodplain regulation adopted by City of Powell and includes any subsequent improvements to such structures.

For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM March 4, 1985, and includes any subsequent improvements to such structures.

Person - Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Rev. Code §111.15(A)(2) as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

Recreational vehicle - A vehicle that is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light-duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Registered Professional Architect - A person registered to engage in the practice of architecture pursuant to Ohio Rev. Code §4703.01 and 4703.19.

Registered Professional Engineer - A person registered as a professional engineer pursuant to Ohio Rev. Code Chapter 4733.

Registered Professional Surveyor - A person registered as a professional surveyor pursuant to Ohio Rev. Code Chapter 4733.

Special Flood Hazard Area - Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, or A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood-prone soils associated with a watercourse.

Start of construction - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a

structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

Structure - A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to the 'before damaged' condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
- or
2. Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

Variance - A grant of relief from the standards of these regulations.

Violation - The failure of a structure or other development to be fully compliant with these regulations.

1305.03 – ADMINISTRATION

- (a) *Designation of the Floodplain Administrator.* The City Engineer or their designee is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.
- (b) *Duties and Responsibilities of the Floodplain Administrator.* The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:
 - (1) Evaluate applications for permits to develop in special flood hazard areas.
 - (2) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.

- (3) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
 - (4) Inspect buildings and lands to determine whether any violations of these regulations have been committed.
 - (5) Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, floodproofing certificates, variances, and records of enforcement actions taken for violations of these regulations.
 - (6) Enforce the provisions of these regulations.
 - (7) Provide information, testimony, or other evidence as needed during variance hearings.
 - (8) Coordinate map maintenance activities and FEMA follow-up.
 - (9) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.
- (c) *Floodplain Development Permits.* It shall be unlawful for any person to begin construction or other development activity including but not limited to filling, grading, construction, alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1305.01(f), until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.
- (d) *Application Required.* An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:
- (1) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
 - (2) Elevation of the existing, natural ground where structures are proposed.
 - (3) Elevation of the lowest floor, including the basement, of all proposed structures.
 - (4) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
 - (5) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:

- i. Floodproofing certification for non-residential floodproofed structures as required in Section 1305.04(e).
 - ii. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1305.04(d)(5) are designed to automatically equalize hydrostatic flood forces.
 - iii. Description of any watercourse alteration or relocation that the flood-carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1305.04(i)(3).
 - iv. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1305.04(i)(2).
 - v. A hydrologic and hydraulic engineering analysis showing the impact of any development on flood heights in an identified floodway as required by Section 1305.04(i)(1).
 - vi. Generation of base flood elevation(s) for subdivision and other new developments as required by Section 1305.04(c).
 - (6) A Floodplain Development Permit Application Fee set by the current Schedule of Fees adopted annually by the City Council.
- (e) Review and Approval of a Floodplain Development Permit Application*
- (1) Review
 - i. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 1305.03(d) has been received by the Floodplain Administrator.
 - ii. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.
 - (2) Approval. Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If the Floodplain Administrator is satisfied that the development proposed in the floodplain development application conforms to the requirements of this ordinance, the Floodplain Administrator shall issue the permit. All floodplain development permits shall be conditional upon the commencement of work within 180 days. A floodplain development permit shall expire 180 days after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

- (f) *Inspections.* The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.
- (g) *Post-Construction Certifications Required.* The following as-built certifications are required after a floodplain development permit has been issued:
 - (1) For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered professional surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
 - (2) For all development activities subject to the standards of Section 1305.03(k)(1), a Letter of Map Revision.
 - (3) For new or substantially improved nonresidential structures that have been floodproofed in lieu of elevation, where allowed, the applicant shall supply a completed Floodproofing Certificate for Non-Residential Structures completed by a registered professional engineer or architect together with associated documentation.
- (h) *Revoking a Floodplain Development Permit.* A floodplain development permit shall be revocable if, among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section 1305.05 of these regulations.
- (i) *Exemption from Filing a Development Permit.* An application for a floodplain development permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$2500.
- (j) *State and Federal Development.*
 - (1) Development that is funded, financed, undertaken, or preempted by state agencies shall comply with minimum NFIP criteria.
 - (2) Before awarding funding or financing or granting a license, permit, or other authorization for a development that is or is to be located within a 100-year floodplain, a state agency shall require the applicant to demonstrate to the satisfaction of the agency that the development will comply with minimum NFIP criteria and any applicable local floodplain management resolution or ordinance as required by Ohio Revised Code Section 1521.13. This includes, but is not limited to:
 - i. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Commerce and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 4781-12.
 - ii. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
 - iii. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
 - (3) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.

- i. Each federal agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget request reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements of EO 11988.
- (k) *Map Maintenance Activities.* To meet the National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the City of Powell's flood maps, studies and other data identified in Section 1305.01(f) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:
 - (1) Requirement to Submit New Technical Data
 - i. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 - 1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - 2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - 3. Alteration of watercourses that result in relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - 4. Subdivision or other new development proposals requiring the establishment of base flood elevations in accordance with Section 1305.04(c).
 - ii. It is the responsibility of the applicant to have technical data, required in accordance with Section 1305.03(k)(1) prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
 - iii. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - 1. Proposed floodway encroachments that increase the base flood elevation; and
 - 2. Proposed development that increases the base flood elevation by more than one foot in riverine areas where FEMA has provided base flood elevations but no floodway.
 - iv. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1305.03(k)(1).
 - (2) Right to Submit New Technical Data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such submission shall include appropriate supporting documentation made in writing by the City Manager of Powell and may be submitted at any time.

- (3) Annexation / Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Powell have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Powell's Flood Insurance Rate Map accurately represent the City of Powell boundaries, include within such notification a copy of a map of the City of Powell suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Powell has assumed or relinquished floodplain management regulatory authority.
- (l) *Data Use and Flood Map Interpretation.* The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:
 - (1) In areas where FEMA has not identified special flood hazard areas, or in FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
 - (2) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflects a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
 - (3) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1305.05, Appeals and Variances.
 - (4) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.
- (m) *Use of Preliminary Flood Insurance Rate Map and/or Flood Insurance Study Data.*
 - (1) Zone A:
 - i. *Within Zone A areas designated on an effective FIRM, data from the preliminary FIRM and/or FIS shall be reasonably utilized as the best available data.*
 - ii. *When all appeals have been resolved and a notice of final flood elevation determination has been provided in a Letter of Final Determination (LFD), BFE and floodway data from the preliminary FIRM and/or FIS shall be used for regulating development.*
 - (2) Zones AE, A1-30, AH, and AO:
 - i. *BFE and floodway data from a preliminary FIS or FIRM restudy are not required to be used in lieu of BFE and floodway data contained in an existing effective FIS and FIRM. However,*

1. *Where BFEs increase in a restudied area, communities have the responsibility to ensure that new or substantially improved structures are protected. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data in instances where BFEs increase and floodways are revised to ensure that the health, safety, and property of their citizens are protected.*
2. *Where BFEs decrease, preliminary FIS or FIRM data should not be used to regulate floodplain development until the LFD has been issued or until all appeals have been resolved.*
- ii. *If a preliminary FIRM or FIS has designated floodways where none had previously existed, communities should reasonably utilize this data in lieu of applying the encroachment performance standard of Section 1305.04(i)(2) since the data in the draft or preliminary FIS represents the best data available.*
- (3) *Zones B, C, and X:*
 - i. *Use of BFE and floodway data from a preliminary FIRM or FIS are not required for areas designated as Zone B, C, or X on the effective FIRM which are being revised to Zone AE, A1-30, AH, or AO. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data to ensure that the health, safety, and property of their citizens are protected.*
- (n) *Substantial Damage Determinations. Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:*
 - (1) *Determine whether damaged structures are located in special flood hazard areas;*
 - (2) *Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and*
 - (3) *Require owners of substantially damaged structures to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.*

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

1305.04 – USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1305.01(f), 1305.03(l)(1), or 1305.03(m):

- (a) *Use Regulations*

- (1) *Permitted Uses.* All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the City of Powell are allowed provided they meet the provisions of these regulations.
- (b) *Water and Wastewater Systems.* The following standards apply to all water supply, sanitary sewerage and waste disposal systems in the absence of any more restrictive standard provided under the Ohio Revised Code or applicable state rules:
 - (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
 - (2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
 - (3) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.
- (c) *Subdivisions and Other New Developments*
 - (1) All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
 - (2) All subdivision proposals and all other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
 - (3) All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and
 - (4) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
 - (5) The applicant shall meet the requirement to submit technical data to FEMA in Section 1305.03(1)(i)(4) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1305.01(c)(4).
- (d) *Residential Structures.* The requirements of Section 1305.04(d) apply to new construction of residential structures and to substantial improvements of residential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1305.03(m).
 - (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (1305.04(d)(1)) and construction materials resistant to flood damage (1305.04(d)(2)) are satisfied.
 - (2) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
 - (3) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service

- facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (4) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. Where flood protection elevation data are not available the structure shall have the lowest floor, including basement, elevated at least one foot above the highest adjacent natural grade.
 - (5) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings to allow the automatic equalization of hydrostatic pressure may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - (i) Be used only for the parking of vehicles, building access, or storage; and
 - (ii) Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - (iii) Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (6) Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors.
 - (7) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 1305.04(d).
- (e) *Nonresidential Structures.* The requirements of Section 1305.04(e) apply to new construction and to substantial improvements of nonresidential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1305.03(m).
- (1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1305.04(f)(1)-(3) and (5) – (7).
 - (2) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:

- (i) Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 - (ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - (iii) Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 1305.04(e)(2)(i) and(ii).
- (3) Where flood protection elevation data are not available the structure shall have the lowest floor, including basement, elevated at least one foot above the highest adjacent natural grade.
- (f) *Accessory Structures*. Structures that are 600 square feet or less which are used for parking and storage only are exempt from elevation or dry floodproofing standards within zones A, A1-30, AE, AO, and AH designated on the community's FIRM. Such structures must meet the following standards:
 - (1) They shall not be used for human habitation;
 - (2) They shall be constructed of flood-resistant materials;
 - (3) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
 - (4) They shall be firmly anchored to prevent flotation;
 - (5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
 - (6) They shall meet the opening requirements of Section 1305.04(d)(6)(iii);
- (g) *Recreational Vehicles*. Recreational vehicles on sites within zones A, A1-A30, AE, AO, or AH must meet at least one of the following standards:
 - (1) They shall not be located on sites in special flood hazard areas for more than 180 days, or
 - (2) They must be fully licensed and ready for highway use, or
 - (3) They must be placed on the site pursuant to a floodplain development permit issued under Sections 1305.03(c) and 1305.03(d), and meet all standards of Section 1305.04(d).
- (h) *Gas or Liquid Storage Tanks*
 - (1) Within zone A, A1-A30, AE, AO, or AH, new or substantially improved above-ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.
- (i) *Assurance of Flood Carrying Capacity*. Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood-carrying capacity of watercourses is minimized:
 - (1) Development in Floodways
 - (i) In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that

- the proposed development would not result in any increase in the base flood elevation; or
- (ii) Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - 1. Meet the requirements to submit technical data in Section 1305.03(k)(1);
 - 2. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation of why these alternatives are not feasible;
 - 3. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
 - 4. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
 - 5. Concurrence of the City Manager of the City of Powell.
- (2) Development in Riverine Areas with Base Flood Elevations but No Floodways
- (i) In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
 - (ii) Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one-foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - 1. An evaluation of alternatives that would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
 - 2. Section 1305.04 (i)(1)(ii), items (1) and (3)-(5).
- (3) *Alterations of a Watercourse.* For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the “bankfull stage.” The field determination of “bankfull stage” shall be based on methods presented in Chapter 7 of the USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique, or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:
- (i) The bankfull flood-carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed

- development, and certification by a registered professional engineer that the bankfull flood-carrying capacity of the watercourse will not be diminished.
- (ii) Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
 - (iii) The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood-carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the City of Powell specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
 - (iv) The applicant shall meet the requirements to submit technical data in Section 1305.03(k)(1)(i)(3) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

1305.5 – APPEALS AND VARIANCES

(a) Appeals Board Established

- (1) The City of Powell Board of Zoning Appeals is hereby appointed to serve as the Appeals Board for these regulations as established by City of Powell code Section 1305.07."
- (2) Records of the Appeals Board shall be kept and filed in the City of Powell Municipal Building, located at 47 Hall Street, Powell, Ohio 43065

(b) Powers and Duties

- (1) The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
- (2) Authorize variances in accordance with Section 1305.05(d) of these regulations.

- (c) *Appeals.* Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within 20 calendar days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

- (d) *Variances.* Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these

regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

(1) Application for a Variance

- (i) Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.
- (ii) Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.
- (iii) The Council shall establish the fee to be deposited with each application for a Variance and for Appeals. Such fees shall be required generally for each application to defray the costs of advertising, mailing, and other expenses. The costs associated with the Records of Hearings as stated in code section 1127.12 shall be in addition to these fees.

(2) *Public Hearing.* At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

- (i) The danger that materials may be swept onto other lands to the injury of others.
- (ii) The danger to life and property due to flooding or erosion damage.
- (iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (iv) The importance of the services provided by the proposed facility to the community.
- (v) The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
- (vi) The necessity to the facility of a waterfront location, where applicable.
- (vii) The compatibility of the proposed use with existing and anticipated development.
- (viii) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- (ix) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (x) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- (xi) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Variances shall only be issued upon:

- (i) A showing of good and sufficient cause.
- (ii) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
- (iii) A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
- (iv) A determination that the structure or other development is protected by methods to minimize flood damages.
- (v) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

(3) Other Conditions for Variances

- (i) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (ii) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 1305.05(d)(2)(i) to (xi) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- (iii) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(e) Procedure at Hearings

- (1) All testimony shall be given under oath.
- (2) A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
- (3) The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
- (4) The administrator may present evidence or testimony in opposition to the appeal or variance.
- (5) All witnesses shall be subject to cross-examination by the adverse party or their counsel.
- (6) Evidence that is not admitted may be proffered and shall become part of the record for appeal.

- (7) The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
- (8) The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.
- (f) *Appeal to the Court.* Those aggrieved by the decision of the Appeals Board may appeal such decision to the DELAWARE COUNTY Court of Common Pleas, pursuant to Ohio Rev. Code Chapter 2506.

1305.6– ENFORCEMENT

(a) Compliance Required

- (1) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 1305.03(i)
- (2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 1305.06(c)
- (3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 1305.06(c)

(b) Notice of Violation. Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, they shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- (1) Be put in writing on an appropriate form;
- (2) Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will affect compliance with the provisions of these regulations;
- (3) Specify a reasonable time for performance;
- (4) Advise the owner, operator, or occupant of the right to appeal;
- (5) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

(c) Violations and Penalties. Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a 4th degree misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the

laws of the City of Powell. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Powell from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Powell shall prosecute any violation of these regulations in accordance with the penalties stated herein.



OFFICE OF THE CITY MANAGER

47 Hall Street | Powell, OH 43065 | 614.885.5380 | cityofpowell.us

MEMO

From: Andrew D. White, City Manager

To: Powell City Council

Initiated By: Rosa Ocheltree, Finance Director

Re: Ordinance 2023-25 – An Ordinance Adopting the 2024-2028 Five-Year Capital Improvements Program

Date: October 4, 2022

Summary:

Ordinance 2023-25 represents the Administration's proposed 2024-2028 Capital Improvements Program (CIP) for City Council's consideration. The CIP is a critical document prepared annually and supported by the CIP funding policy adopted by City Council in 2022. The five-year CIP is a planning instrument used by the City of Powell to identify needed capital projects and to coordinate the financing and timing improvements in a way that maximizes the return to the public.

The Program is a guide for identifying current and future fiscal year requirements and becomes the basis for determining the annual Capital Budget.

Approval of the Capital Improvement Program does not appropriate funds. The Capital Budget is incorporated in the Annual Budget, which appropriates funds for specific facilities and improvements. Projects slated for subsequent years in the Program are approved on a planning basis and do not receive ultimate expenditure authority until they are incorporated into a Capital Budget. Each year when the CIP is reviewed, the program is moved forward one year, and the previous second year of the CIP, as modified after review, becomes the Capital Budget.

The 2024-2028 Five Year CIP builds off the original plan established by the City Council in 2022. This version was presented to the Finance Committee at its August 29, 2023 meeting and recommended for referral to the Council for discussion and adoption. The plan, as proposed, provide an appropriate balance of funding for maintenance of the City's existing assets and funding for new assets and infrastructure, both of which are vital to the City's economic development efforts.

Staff will present the aggregate program, supporting resources and general overview of this year's CIP. Additional detailed information is available for review in the Budget Book attachment and staff will be prepared to discuss this as well.

Legal Review:

No legal review necessary.

Financial Review:

The Finance Committee reviewed the proposed plan and recommends adoption of the 2024-2028 Capital Improvements Program. The CIP represents an estimated \$49 million investment in necessary capital infrastructure.

Recommendation:

Staff recommends approval of Ordinance 2023-25 at the second reading on October 3, 2023.



ORDINANCE 2023-25

AN ORDINANCE ADOPTING THE 2024-2028 FIVE-YEAR CAPITAL IMPROVEMENTS PROGRAM.

WHEREAS, on May 4, 2021 the Powell citizens approved an income tax restructuring ballot issue; and

WHEREAS, Ordinance 2021-01 dedicated a portion of the new revenues to be realized from the income tax restructuring ballot issue to be dedicated to necessary capital infrastructure; and

WHEREAS, City Council established a comprehensive list of specific capital infrastructure projects subsequent to the successful adoption of the income tax restructuring ballot issue; and

WHEREAS, City Council has received and reviewed a specific prioritization of projects to be completed within the Five-Year Capital Improvements Program (CIP) for the years 2024-2028; and

WHEREAS, the CIP represents a long-term financial plan which establishes priorities, identifies project costs and phasing, identifies funding sources, and serves as a planning document for capital improvements.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, COUNTY OF DELAWARE, STATE OF OHIO AS FOLLOWS:

Section 1: City Council hereby adopts the CIP as presented in Exhibit B.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

Section 3: This Ordinance shall take effect and be in force on the earliest date permitted by law.

Daniel Swartwout Mayor	Date
---------------------------	------

Elaine McCloskey	Date
City Clerk	

EFFECTIVE DATE: November 3, 2023

This legislation has been posted in accordance with
the City Charter on this date _____ City
Clerk _____

City Council
Daniel Swartwout, Mayor

Ferzan Ahmed Jon C. Bennehoof Tom Counts Christina Drummond Heather Karr David Lester



2024-2028 Capital Improvement Program

Ord. 2023-25

Finance Department
9/19/2023

Capital Improvement Program (CIP)

Capital Improvement Program is a **long-term financial plan** used to improve coordination in the timing and financing of major projects, plan for capital replacement, and major maintenance expenditures.

The 5-Year CIP does not appropriate funds. Appropriations in support of the CIP are presented as part of the annual operating budget.

The CIP is reviewed and updated annually to support planning activities and preparation for the Operating Budget cycle.

Next Evolution of the CIP: Continuous Improvement

FY 23-27

- Aligned priorities with strategic goals
- Adopted the CIP funding policy
- Conducted Council-led workshops to prioritize capital projects
- Created the 1st 5-year CIP for Capital Projects under the new tax structure
- Allocated \$2.4M in 2023 to Capital Projects (\$4.4M across all types); \$18.8M across all years



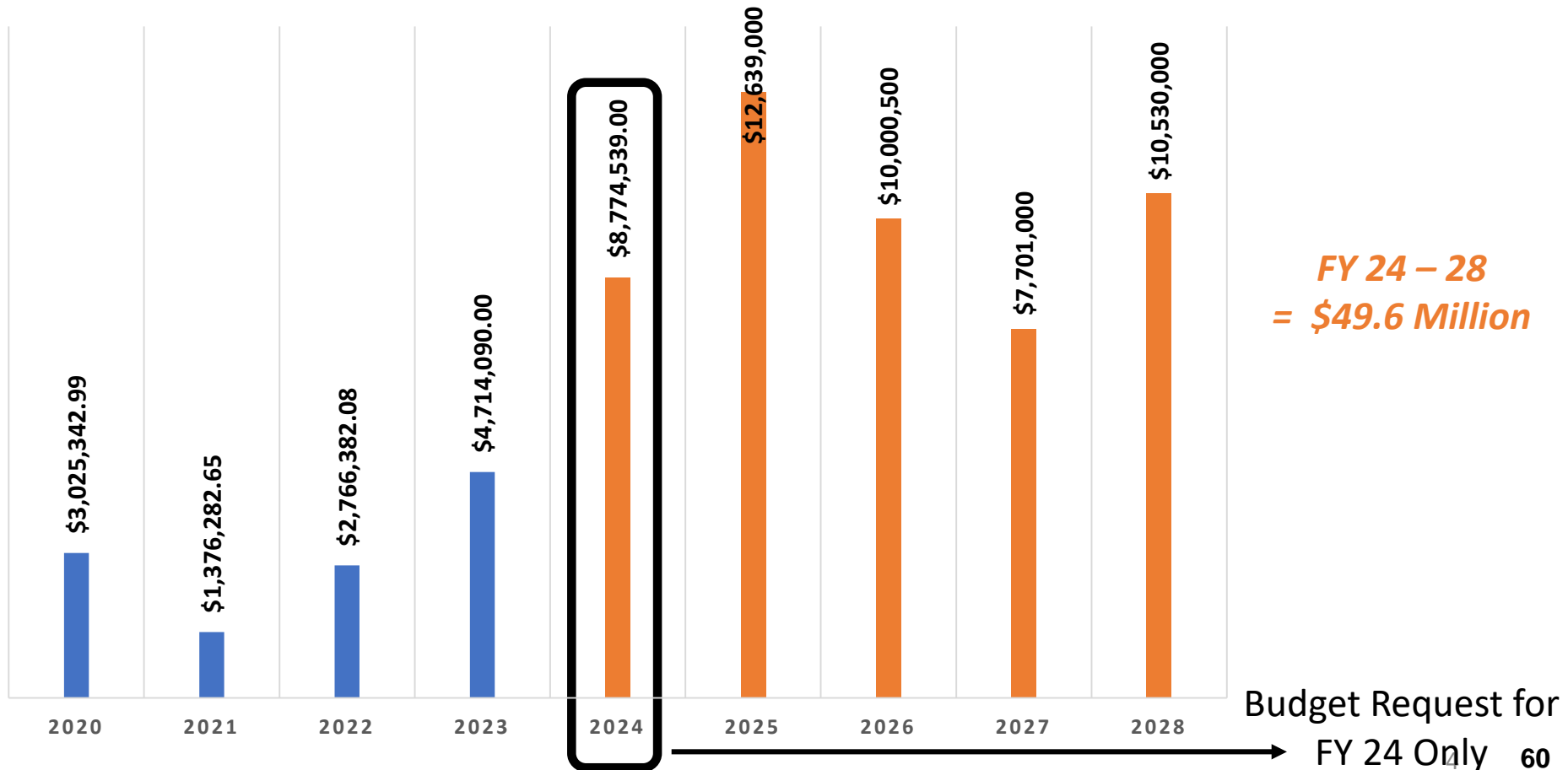
FY 24-28

- 5-year CIP includes new capital projects and all major capital investments
- Staff identified grant opportunities in support of various proposed projects
- Various studies completed and in-progress will help refine the CIP: Fleet Assessment, Park & Facilities Master Plan, and Village Green Development proposals
- Allocated \$8.4M in 2024 to Capital Investments; \$48.9M across all years



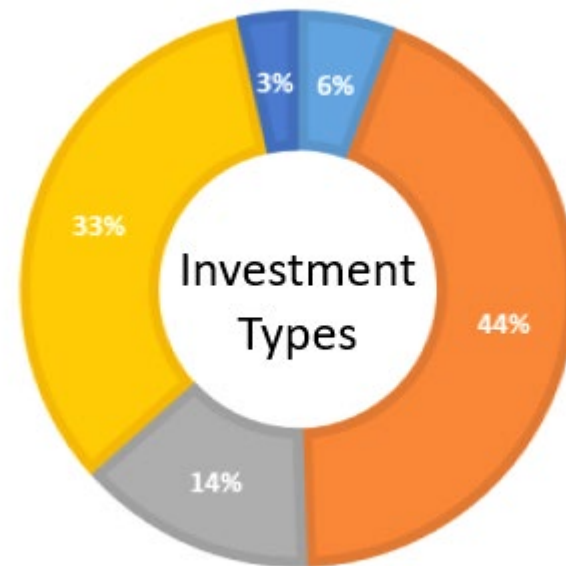
Capital Resources – Investing in the Community

Allocation of capital resources has increased by **178%** since 2020, with a projected increase of **248%** by 2028. These investments support public safety, economic development, quality of life, and fiscal responsibility.



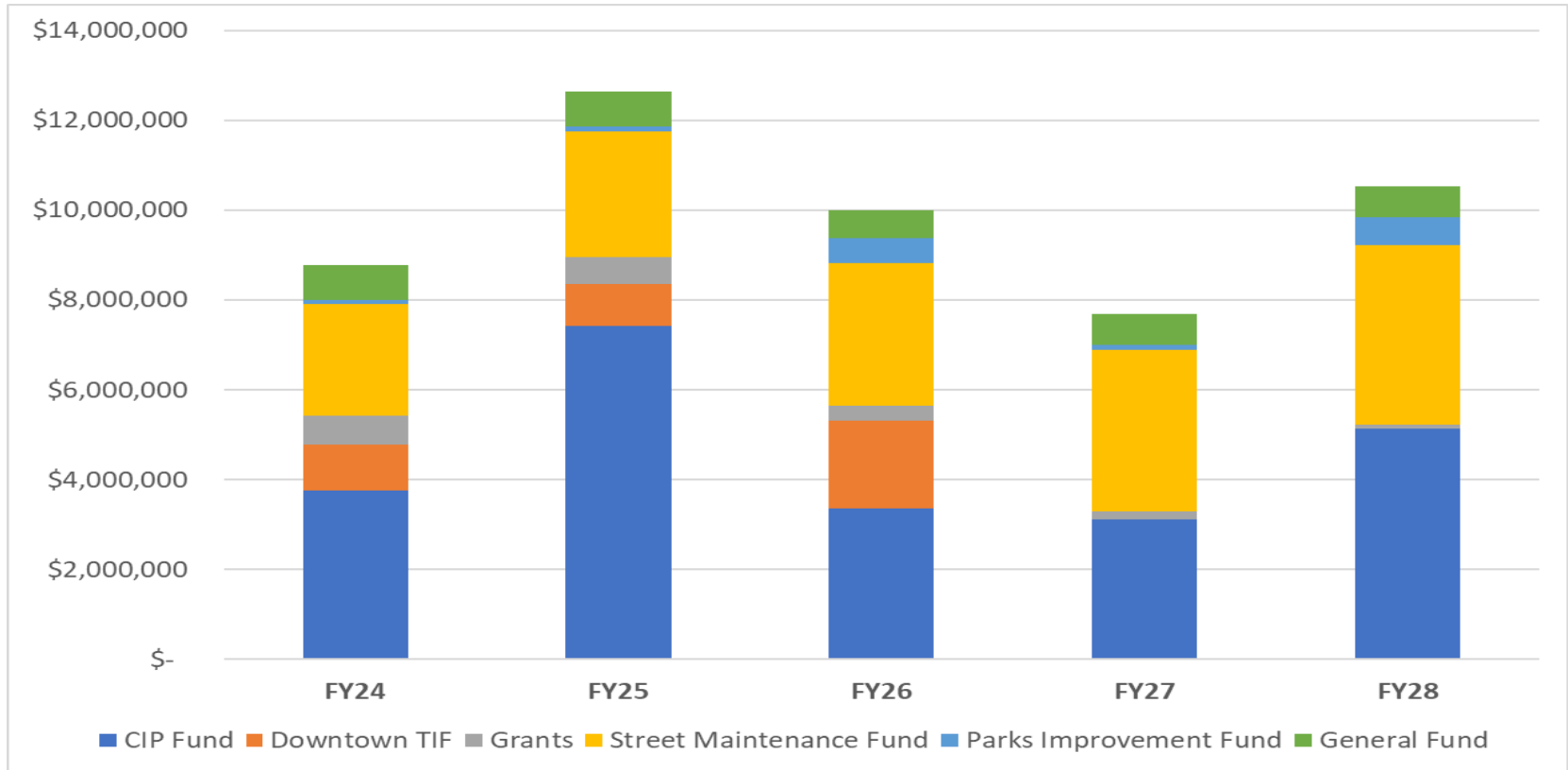
5-Year CIP Budget – At A Glance

- \$49M+ budget
- Five asset/investment types
 - New - \$21.7M
 - Improvement/Enhancement - \$6.9M
 - Maintenance - \$16.4M
 - Economic Development - \$2.9M
 - Contingency - \$1.8M



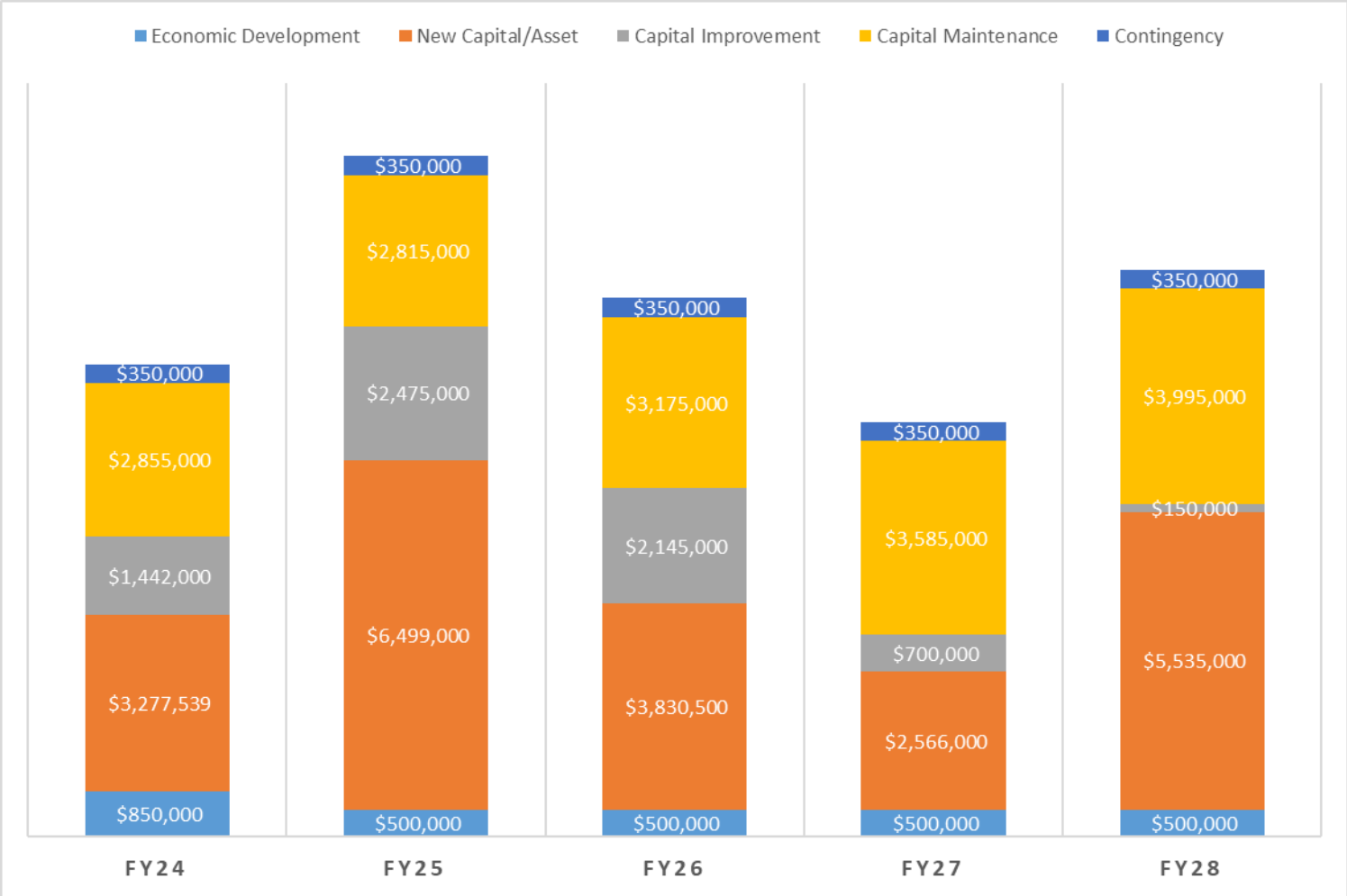
- Six Funding Sources
 - Capital Projects Fund - \$22.8M
 - Downtown TIF - \$3.9M
 - Street Maintenance Fund - \$16.1M
 - Parks Improvement Fund - \$1.5M
 - General Fund - \$3.5M
 - Grants - \$1.8M

FY24 – 28 CIP: Funding Sources



Funding Source	FY24	FY25	FY26	FY27	FY28	FY24-28
CIP Fund	\$ 3,760,000	\$ 7,425,000	\$ 3,370,000	\$ 3,125,000	\$ 5,135,000	\$ 22,815,000
Downtown TIF	\$ 1,030,039	\$ 925,000	\$ 1,935,000	\$ -	\$ -	\$ 3,890,039
Grants	\$ 632,000	\$ 600,000	\$ 340,000	\$ 175,000	\$ 100,000	\$ 1,847,000
Street Maintenance Fund	\$ 2,500,000	\$ 2,815,000	\$ 3,175,000	\$ 3,585,000	\$ 3,995,000	\$ 16,070,000
Parks Improvement Fund	\$ 85,000	\$ 105,000	\$ 560,000	\$ 120,000	\$ 625,000	\$ 1,495,000
General Fund	\$ 767,500	\$ 769,000	\$ 620,500	\$ 696,000	\$ 675,000	\$ 3,528,000
Total	\$ 8,774,539	\$ 12,639,000	\$ 10,000,500	\$ 7,701,000	\$ 10,530,000	\$ 49,645,039

FY24 – 28 CIP: Allocation by Asset/Investment Type



	FY24	FY25	FY26	FY27	FY28	FY24 - 28
Economic Development	\$ 850,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 2,850,000
New Capital/Asset	\$ 3,277,539	\$ 6,499,000	\$ 3,830,500	\$ 2,566,000	\$ 5,535,000	\$ 21,708,039
Capital Improvement	\$ 1,442,000	\$ 2,475,000	\$ 2,145,000	\$ 700,000	\$ 150,000	\$ 6,912,000
Capital Maintenance	\$ 2,855,000	\$ 2,815,000	\$ 3,175,000	\$ 3,585,000	\$ 3,995,000	\$ 16,425,000
Contingency	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 1,750,000
Total	\$ 8,774,539	\$ 12,639,000	\$ 10,000,500	\$ 7,701,000	\$ 10,530,000	\$ 49,645,039

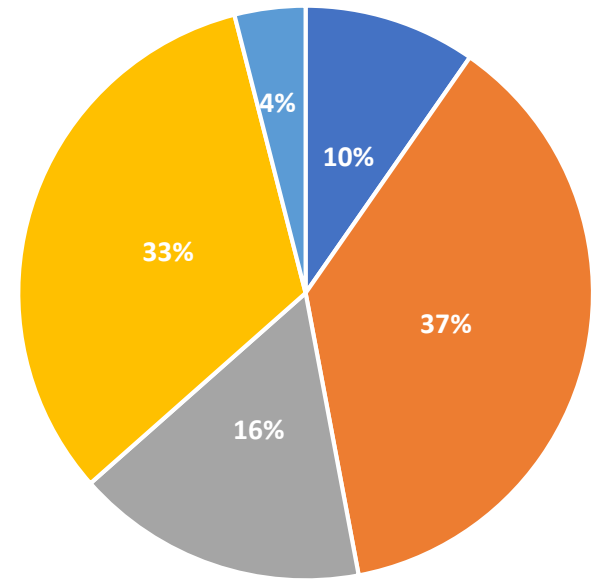
FY23 - 27 CIP Update

CIP - 2023 to 2027									
Project	Status	2023 Capital Cost	FY2023 Capital Cost	FY2024 Capital Costs	FY2025 Capital Costs	FY2026 Capital Costs	FY2027 Capital Costs	23-27 Capital Costs	
Adventure Park CSX Tunnel	In Progress	\$86,293	\$85,000	\$355,000				\$440,000	
Signage and Wayfinding Plan Implementation	In Progress (Extended)		\$168,000					\$168,000	
North Depot Street Reconstruction	In Progress/Timeline Revised		\$336,090	\$854,360				\$1,190,450	
Scioto Street Extension*	Estimate Revised		\$100,000	\$579,000	\$2,048,000			\$2,727,000	
Village Green Amphitheater Improvements	On-Hold		\$75,000					\$75,000	
South Depot Street Connection	Timeline Revised		\$200,000	\$1,800,000				\$2,000,000	
Pickle Ball Courts	In Progress/Revised		\$300,000					\$300,000	
Scioto Street Reconstruction	Revised					\$1,055,000		\$1,055,000	
Liberty Road Multi-Use Path	Revised			\$280,000	\$757,000			\$1,037,000	
Hall Street Reconstruction	On-Hold				\$255,000	\$480,000		\$735,000	
Northeast Quadrant Parking	Revised				\$1,475,000	\$1,735,000		\$3,210,000	
Lechler Building Remodel/Reuse	In Progress		\$200,000	\$800,000				\$1,000,000	
Contingency	Revised		\$300,000	\$300,000	\$300,000	\$300,000	\$300,000	\$1,500,000	
CIC Transfer/Strategic Land Acquisition*	Revised	\$312,068	\$650,000	\$663,000	\$676,260	\$689,785	\$703,581	\$3,382,626	
CIP Total		\$398,361	\$2,414,090	\$5,631,360	\$5,511,260	\$4,259,785	\$1,003,581	\$18,820,076	
Other Capital Improvement Projects - Funded Through General Fund and Special Revenue Funds									
Snow Plow Replacement	In Progress	Public Service Dept.	\$150,000					\$150,000	
Park Master Plan	In Progress	Parks & Rec.	\$100,000					\$100,000	
Park Improvements	On-Hold	Parks & Rec.	\$400,000					\$400,000	
Street Maintenance Program	In Progress	Engineering	\$1,500,000					\$1,500,000	
Bikepath Repaving/Construction	In Progress	Engineering	\$150,000					\$150,000	
Other Total			\$2,300,000	\$0	\$0	\$0	\$0	\$2,300,000	
Grand Total (CIP + Other)		\$398,361	\$4,714,090	\$5,631,360	\$5,511,260	\$4,259,785	\$1,003,581	\$21,120,076	

Status column shows how the project rolled into the proposed 24-28 CIP.

FY 24-28 CIP Highlights

- \$8.8M+ budget
- Five asset/investment types
 - New - \$3,277,539
 - Improvement/Enhancement - \$1,442,000
 - Maintenance - \$2,855,000
 - Economic Development - \$850,000
 - Contingency - \$350,000
- New Projects Proposed by Staff
 - Downtown Street Improvements - \$970,000 *
 - Shared Use Path Additions - \$1,685,000 *
 - Crosswalk Improvements on Olentangy Street - \$282,000 **
 - South Depot Street Connection (supports Village Green Development) - \$4,635,000
 - At Grade Railroad Crossing Upgrades - \$700,000 **



* Partially Grant Funded

** 100% Grant Funded



CIP Detailed Project Review (Turn to Binder/Exhibit B)

Thank you!



City of Powell

FY2024-2028 Capital Improvement Plan



Ord. 2023-25



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 PARKS & RECREATION Requests 68

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Funding Summary **76**

CAPITAL IMPROVEMENTS

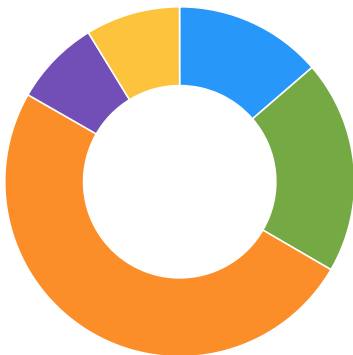
Capital Improvements: One-year Plan (2024)

Total Capital Requested

8,774,539

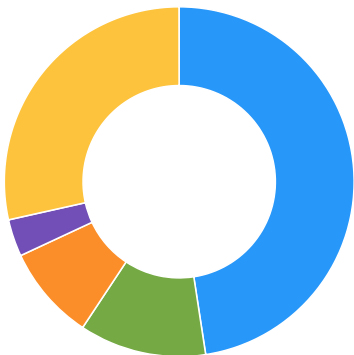
14 Capital Improvement Projects

Total Funding Requested by Department



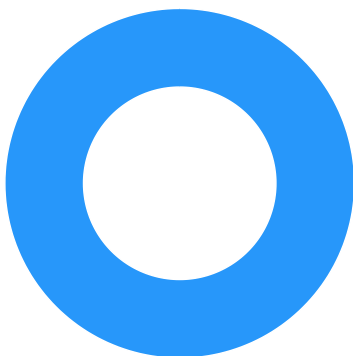
ADMINISTRATION DEPARTMENT (14%)	\$1,200,000.00
DEVELOPMENT DEPARTMENT (20%)	\$1,730,039.00
ENGINEERING DEPARTMENT (50%)	\$4,377,000.00
PARKS & RECREATION (8%)	\$700,000.00
PUBLIC SERVICE DEPARTMENT (9%)	\$767,500.00
TOTAL	\$8,774,539.00

Total Funding Requested by Source



CIP Fund (48%)	\$4,175,000.00
Downtown TIF (12%)	\$1,030,039.00
General Fund (9%)	\$767,500.00
Grant (3%)	\$302,000.00
Street Maintenance Fund (28%)	\$2,500,000.00
TOTAL	\$8,774,539.00

Capital Costs Breakdown



Capital Costs (100%)	\$8,774,539.00
TOTAL	\$8,774,539.00

Cost Savings & Revenue Breakdown

There's no data for building chart

ADMINISTRATION DEPARTMENT Requests

Itemized Requests for 2024

Allocation to the Powell Development Corporation (PDC)

\$850,000

Per the CIP funding policy, a discretionary 5% of the city's prior-year municipal income tax revenue will be available to fund economic development activities, including land acquisition, through the PDC.

Contingencies

\$350,000

This allocation is utilized for minor projects that were unanticipated or to support change orders related to in-progress projects. The use of this allocation is directed by the City Manager.

Total: \$1,200,000

DEVELOPMENT DEPARTMENT Requests

Itemized Requests for 2024

Depot Street Construction - Encore TIF Agreement

\$980,039

Economic Development Agreement (EDA) with Grand Communities, LLC, relative to the Encore Park of Powell development (Ord. 2023-15) for the construction of a connection from downtown Powell to Adventure Park by extending Depot Street. The...

Lechler Building Remodel/Reuse

\$700,000

The site is a highly visible "gateway" to the community. Reappointment and redesign of the site and building provides an exciting opportunity to enhance this community entrance for public use. The plan for the Lechler building...

Public Infrastructure TIF Agreement - COHatch Development

\$50,000

The completed development resulting from this legislation is anticipated to aid in the resolution of downtown parking issues, benefit economic development for the downtown, generate new revenues, support needed capital infrastructure, revitalize...

Total: \$1,730,039

ENGINEERING DEPARTMENT Requests

Itemized Requests for 2024

Adventure Park CSX Tunnel

\$355,000

This project consists of designing and permitting the rehabilitation of the existing tunnel under the CSX railroad located approximately 650' northwest of Adventure Park Drive in Powell, Ohio. The disintegrating and delaminating...

Annual Street Maintenance and Repair Program

\$2,500,000

The annual street maintenance and repair program will provide for investments each year in keeping our streets and associated pedestrian and shared-use paths well-maintained, functional, and safe. These improvements include roadway resurfacing and...

At Grade Railroad Crossing Upgrades

\$350,000

This project will provide for the improvement of the at-grade railroad crossings at Seldom Seen Road and the crossing north of Murphy Parkway. The railroad crossing improvements will be designed and completed by the railroad (CSX) and then...

Crosswalk Improvements on Olentangy Street

\$282,000

This project would construct three new and/or improved pedestrian crossing locations along the SR 750 corridor through the downtown area of the City of Powell. See the attached proposed improvement exhibits for additional details. A detailed...

North Depot Street Reconstruction

\$110,000

This project consists of reconstructing the existing North Depot Street from Olentangy Street (State Route 750) north to Case Ave. The existing roadway consists of an approximately 20' wide section of asphalt pavement that facilitates one...

Scioto Street Extension

\$695,000

This project will extend Scioto Street east from its current terminus at Liberty Street to Grace Drive. This includes a new structure (bridge or culvert) over Bartholomew Run which will be heavily influenced by the existing FEMA floodplain....

Shared Use Path Additions

\$85,000

This project will provide for the identification, planning, design, and construction of new shared-use paths with the City of Powell, both along public roadways and in City-owned parks and open spaces. The program will first identify areas that...

Total: \$4,377,000

PUBLIC SERVICE DEPARTMENT Requests

Itemized Requests for 2024

Fleet & Equipment Replacement

\$767,500

The City's Asset Replacement Policy outlines the criteria for effective vehicle replacement. All factors of a vehicle's mission, purpose, age, mileage, and cost of ownership will be assessed to create a benchmark for...

Total: \$767,500

PARKS & RECREATION Requests

Itemized Requests for 2024	
Adventure Park Pickleball Courts	\$700,000
Design and construct 8 pickleball courts located on a current greenfield in the northwest corner of Adventure Park. Construction includes excavation, hauling and removal, grading, drainage, court surface, coating, fencing, lighting, seeding...	
Total: \$700,000	

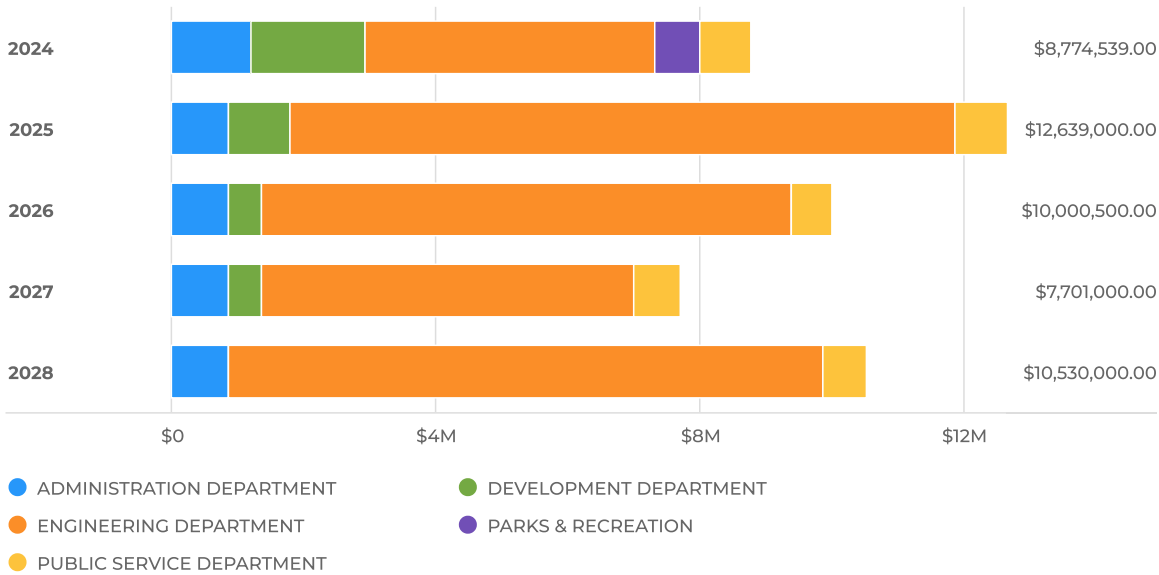
Capital Improvements: Multi-year Plan (2024 - 2028)

Total Capital Requested

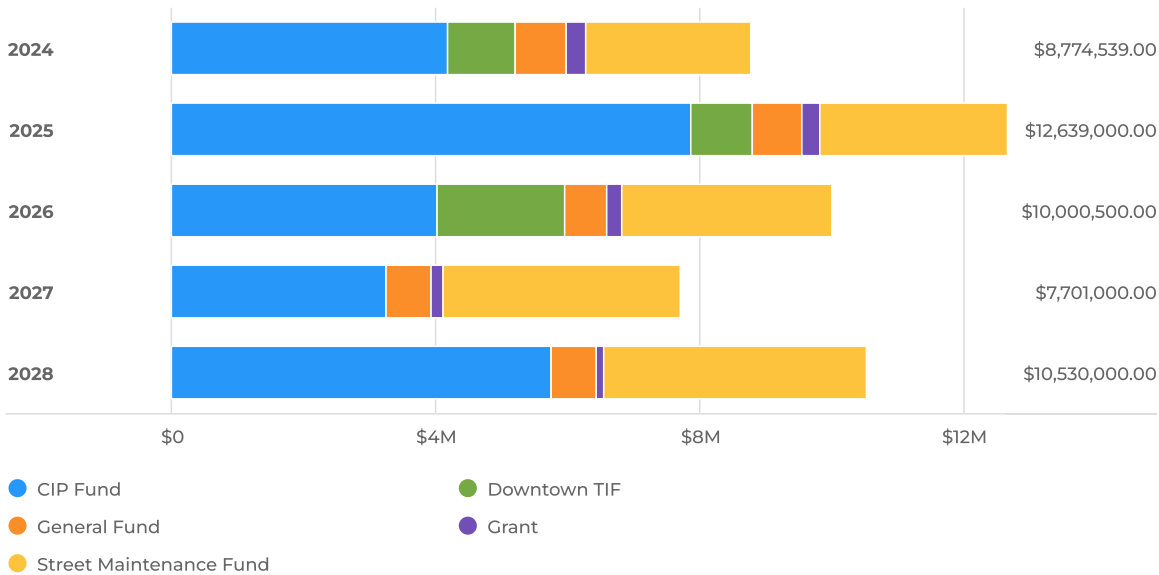
49,645,039

20 Capital Improvement Projects

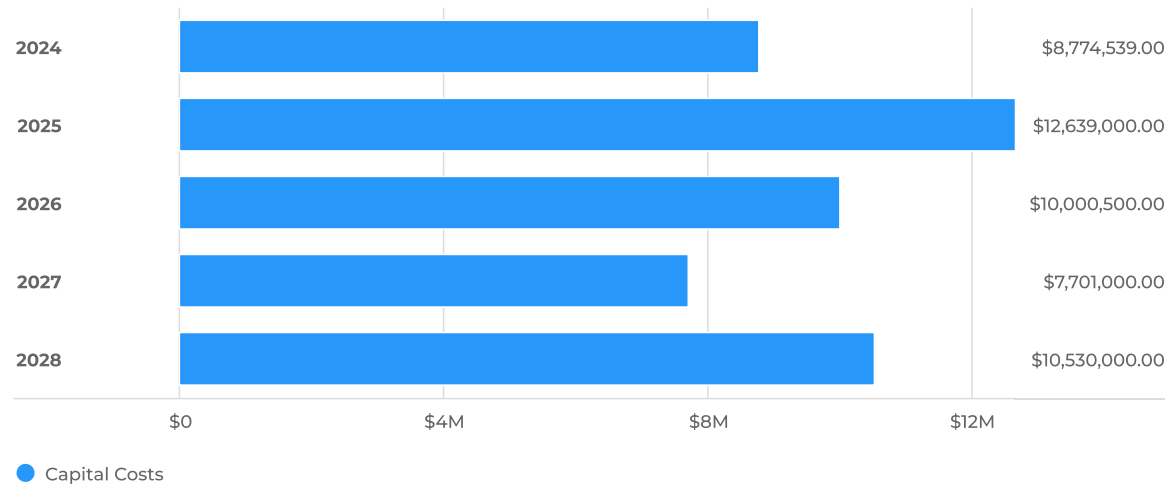
Total Funding Requested by Department



Total Funding Requested by Source



Capital Costs Breakdown



Cost Savings & Revenues

There's no data for building chart

ADMINISTRATION DEPARTMENT Requests

Itemized Requests for 2024-2029

Allocation to the Powell Development Corporation (PDC)

\$2,850,000

Per the CIP funding policy, a discretionary 5% of the city's prior-year municipal income tax revenue will be available to fund economic development activities, including land acquisition, through the PDC.

Contingencies

\$1,750,000

This allocation is utilized for minor projects that were unanticipated or to support change orders related to in-progress projects. The use of this allocation is directed by the City Manager.

Total: \$4,600,000

DEVELOPMENT DEPARTMENT Requests

Itemized Requests for 2024-2029

Depot Street Construction - Encore TIF Agreement**\$980,039**

Economic Development Agreement (EDA) with Grand Communities, LLC, relative to the Encore Park of Powell development (Ord. 2023-15) for the construction of a connection from downtown Powell to Adventure Park by extending Depot Street. The...

Lechler Building Remodel/Reuse**\$700,000**

The site is a highly visible "gateway" to the community. Reappointment and redesign of the site and building provides an exciting opportunity to enhance this community entrance for public use. The plan for the lecher building...

Public Infrastructure TIF Agreement - COHatch Development**\$500,000**

The completed development resulting from this legislation is anticipated to aid in the resolution of downtown parking issues, benefit economic development for the downtown, generate new revenues, support needed capital infrastructure, revitalize...

Signage and Wayfinding Plan Implementation**\$1,500,000**

This project guides completing a Signage and Wayfinding Master Plan as well as installing wayfinding signage throughout the City of Powell to motorist and non-motorist through the city, define edges and gateways, and elevate the city's brand....

Total: \$3,680,039

ENGINEERING DEPARTMENT Requests

Itemized Requests for 2024-2029

Adventure Park CSX Tunnel

\$355,000

This project consists of designing and permitting the rehabilitation of the existing tunnel under the CSX railroad located approximately 650' northwest of Adventure Park Drive in Powell, Ohio. The disintegrating and delaminating...

Annual Street Maintenance and Repair Program

\$16,070,000

The annual street maintenance and repair program will provide for investments each year in keeping our streets and associated pedestrian and shared-use paths well-maintained, functional, and safe. These improvements include roadway resurfacing and...

At Grade Railroad Crossing Upgrades

\$700,000

This project will provide for the improvement of the at-grade railroad crossings at Seldom Seen Road and the crossing north of Murphy Parkway. The railroad crossing improvements will be designed and completed by the railroad (CSX) and then...

Crosswalk Improvements on Olentangy Street

\$282,000

This project would construct three new and/or improved pedestrian crossing locations along the SR 750 corridor through the downtown area of the City of Powell. See the attached proposed improvement exhibits for additional details. A detailed...

Downtown Streetscape Improvements

\$970,000

The Downtown Streetscape Improvements project will review and prepare design documents for the resurfacing, maintenance, and repair of the existing sidewalks and other streetscape elements in certain areas of downtown Powell. The area reviewed...

Liberty Road Multi-Use Path (Library Park to Murphy Pwky)

\$875,000

This project consists of connecting the existing shared-use path on the east side of Liberty Road at the CSX railroad crossing to the existing shared-use path on the west side of Murphy Parkway. The shared-use path will follow Liberty Road out of...

North Depot Street Reconstruction

\$2,235,000

This project consists of reconstructing the existing North Depot Street from Olentangy Street (State Route 750) north to Case Ave. The existing roadway consists of an approximately 20' wide section of asphalt pavement that facilitates one...

Northeast Quadrant Parking

\$2,410,000

The primary purpose of this project is to create safe and efficient traffic flow for the ingress and egress to existing businesses in the NE quadrant of the Four Corners intersection. This project consists of the construction of a larger...

Scioto Street Extension

\$4,895,000

This project will extend Scioto Street east from its current terminus at Liberty Street to Grace Drive. This includes a new structure (bridge or culvert) over Bartholomew Run which will be heavily influenced by the existing FEMA floodplain....

Scioto Street Reconstruction

\$2,025,000

The Scioto Street Reconstruction will reconstruct Scioto Street from the western terminus at North Depot Street to Liberty Street. The project will include pavement replacement, new storm sewer facilities, and new street lighting, and will remove...

Shared Use Path Additions

\$1,685,000

This project will provide for the identification, planning, design, and construction of new shared-use paths with the City of Powell, both along public roadways and in City-owned parks and open spaces. The program will first identify areas that...

South Depot Street Connection**\$4,635,000**

This project will extend South Depot Street from Olentangy Street to a point on Liberty Street approximately 100 feet north of the entrance to Library Park. Improvements would include new roadways with associated drainage improvements, pedestrian...

Total: \$37,137,000

PUBLIC SERVICE DEPARTMENT Requests

Itemized Requests for 2024-2029

Fleet & Equipment Replacement**\$3,528,000**

The City's Asset Replacement Policy outlines the criteria for effective vehicle replacement. All factors of a vehicle's mission, purpose, age, mileage, and cost of ownership will be assessed to create a benchmark for...

Total: \$3,528,000

PARKS & RECREATION Requests

Itemized Requests for 2024-2029

Adventure Park Pickleball Courts**\$700,000**

Design and construct 8 pickleball courts located on a current greenfield in the northwest corner of Adventure Park. Construction includes excavation, hauling and removal, grading, drainage, court surface, coating, fencing, lighting, seeding...

Total: \$700,000

APPENDIX

ADMINISTRATION DEPARTMENT REQUESTS

Allocation to the Powell Development Corporation (PDC)

Overview

Request Owner	Rosa Ocheltree, Finance Director
Est. Start Date	08/01/2022
Est. Completion Date	12/31/2025
Department	ADMINISTRATION DEPARTMENT
Type	Other

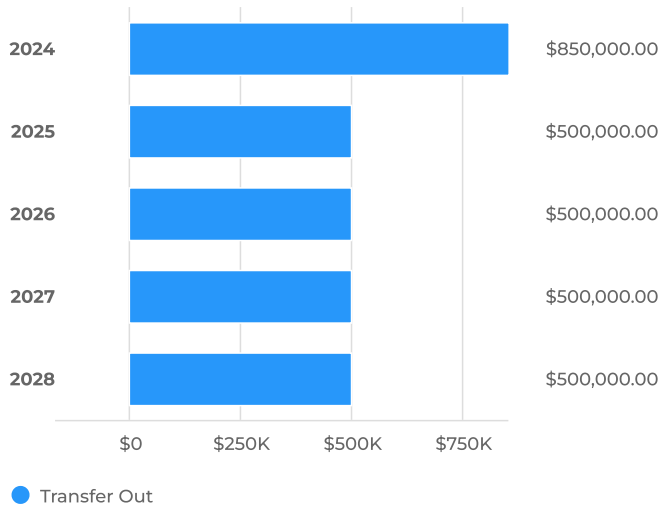
Description

Per the CIP funding policy, a discretionary 5% of the city's prior-year municipal income tax revenue will be available to fund economic development activities, including land acquisition, through the PDC.

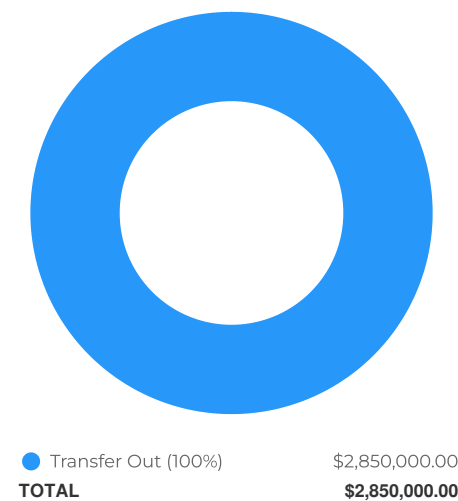
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
\$850,000	\$2.85M	\$2.85M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

Capital Cost	FY2024	FY2025	FY2026	FY2027	FY2028	Total
Transfer Out	\$850,000	\$500,000	\$500,000	\$500,000	\$500,000	\$2,850,000
Total	\$850,000	\$500,000	\$500,000	\$500,000	\$500,000	\$2,850,000

Funding Sources

FY2024 Budget

\$850,000

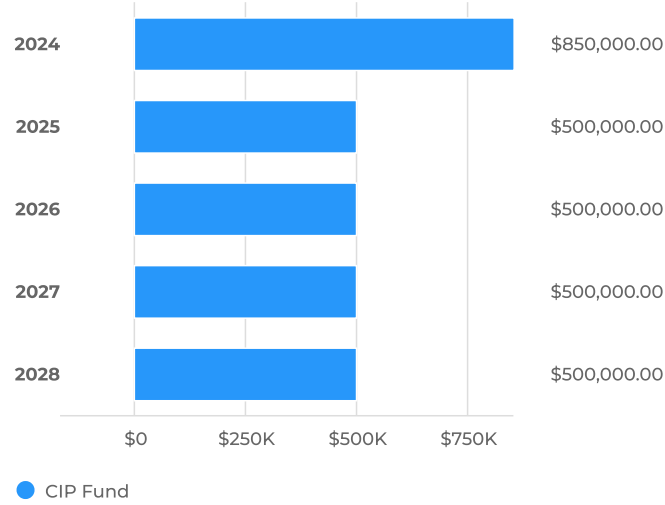
Total Budget (all years)

\$2.85M

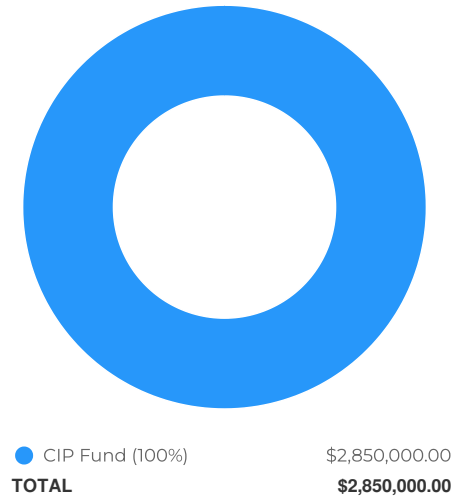
Project Total

\$2.85M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	FY2025	FY2026	FY2027	FY2028	Total
CIP Fund	\$850,000	\$500,000	\$500,000	\$500,000	\$500,000	\$2,850,000
Total	\$850,000	\$500,000	\$500,000	\$500,000	\$500,000	\$2,850,000

Contingencies

Overview

Request Owner	Rosa Ocheltree, Finance Director
Department	ADMINISTRATION DEPARTMENT
Type	Other

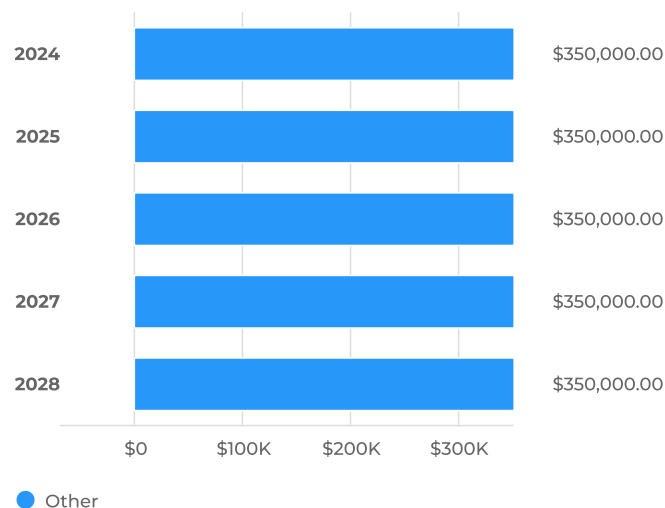
Description

This allocation is utilized for minor projects that were unanticipated or to support change orders related to in-progress projects. The use of this allocation is directed by the City Manager.

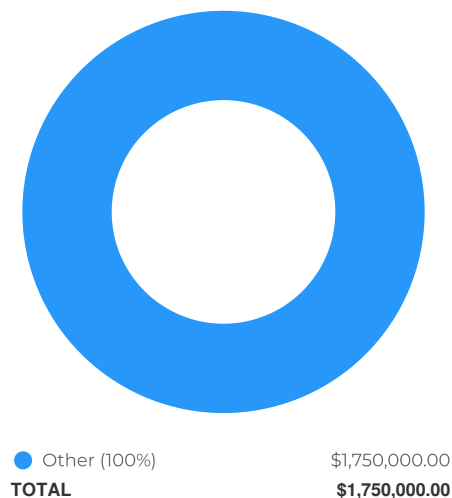
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
\$350,000	\$1.75M	\$1.75M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

Capital Cost	FY2024	FY2025	FY2026	FY2027	FY2028	Total
Other	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$1,750,000
Total	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$1,750,000

Funding Sources

FY2024 Budget

\$350,000

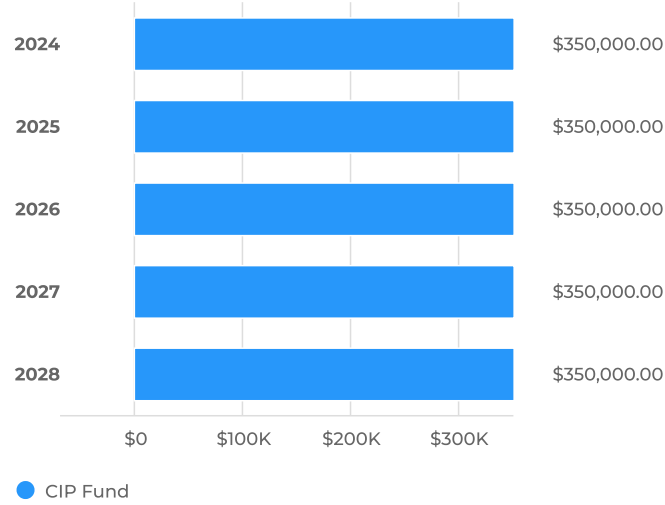
Total Budget (all years)

\$1.75M

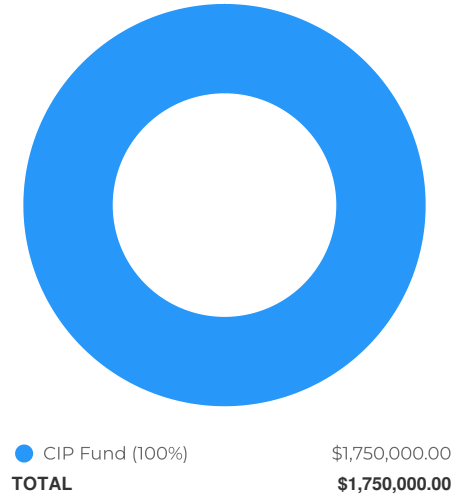
Project Total

\$1.75M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	FY2025	FY2026	FY2027	FY2028	Total
CIP Fund	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$1,750,000
Total	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$1,750,000

DEVELOPMENT DEPARTMENT REQUESTS

Depot Street Construction - Encore TIF Agreement

Overview

Request Owner	Rosa Ocheltree, Finance Director
Department	DEVELOPMENT DEPARTMENT
Type	Capital Improvement

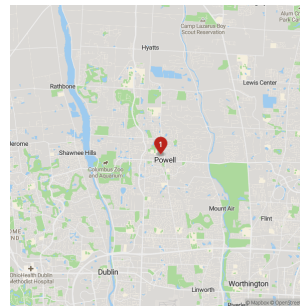
Description

Economic Development Agreement (EDA) with Grand Communities, LLC, relative to the Encore Park of Powell development (Ord. 2023-15) for the construction of a connection from downtown Powell to Adventure Park by extending Depot Street. The scope includes the proposed roadway extension, concrete curb, sidewalk, storm sewer, sanitary sewer, water, street lighting, traffic control, streetscape, and associated updates to provide a neighborhood street connection in the Northwest Quadrant. In addition, the work will correct the Morris Station detention basin that will assist the Encore development and Morris Station development to provide adequate stormwater management for both developments, including the public improvements.

Details

Type of Project	New Road
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Location



Supplemental Attachments

 [Encore - Depot Street Construction Estimate\(/resource/cleargov-prod/projects/documents/be72636e6eef59e70193.pdf\)](/resource/cleargov-prod/projects/documents/be72636e6eef59e70193.pdf)

Benefit to Community

In 2021, City Council received a study that helped to establish the City's first Capital Improvement Program (CIP). That program document also identified the North Depot Street Extension as a project worthy of consideration to be included in the final CIP adoption. The scope included the proposed roadway extension, concrete curb, sidewalk, storm sewer, sanitary sewer, water, street lighting, traffic control, streetscape and associated updates to provide a neighborhood street connection in the Northwest Quadrant.

As part of the Encore Economic Development Agreement, the City will reimburse the developer for the construction of the extension of Depot Street from its current northern terminus at Case Avenue to the southern terminus of Depot Street south of Morris Court. These improvements include public street construction with on-street parking, shared use paths, curb ramps, signs, storm structure and storm sewer mains, pavement marking, street lighting, and other necessary items. Additionally, there will be improvements made to the existing basin located east of Morris Station that Encore Park and proposed Depot Street will drain into after being treated and detained within the proposed underground stormwater detention basins.

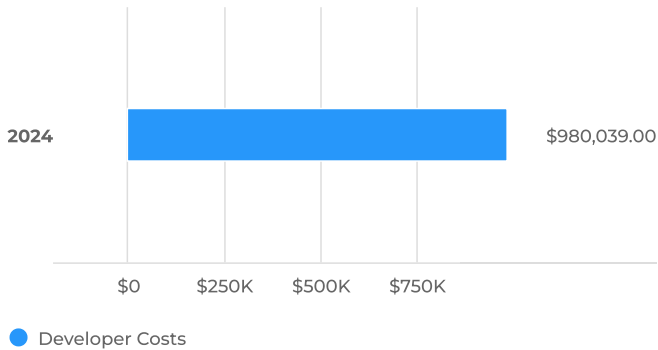
Capital Cost

FY2024 Budget
\$980,039

Total Budget (all years)
\$980.039K

Project Total
\$980.039K

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown		
Capital Cost	FY2024	Total
Developer Costs	\$980,039	\$980,039
Total	\$980,039	\$980,039

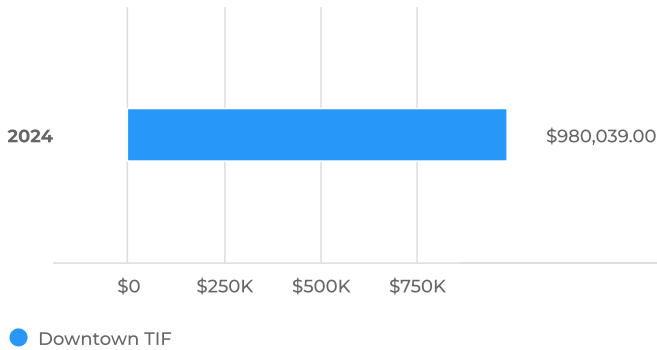
Funding Sources

FY2024 Budget
\$980,039

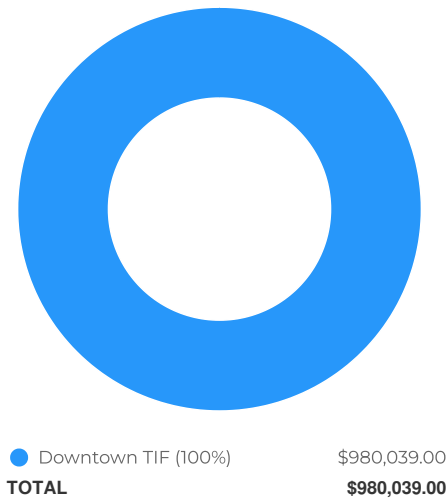
Total Budget (all years)
\$980.039K

Project Total
\$980.039K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown		
Funding Sources	FY2024	Total
Downtown TIF	\$980,039	\$980,039
Total	\$980,039	\$980,039

Lechler Building Remodel/Reuse

Overview

Request Owner	Jeff Tyler, Development Director
Est. Completion Date	12/31/2024
Department	DEVELOPMENT DEPARTMENT
Type	Capital Improvement

Description

The site is a highly visible "gateway" to the community. Reappointment and redesign of the site and building provides an exciting opportunity to enhance this community entrance for public use. The plan for the Lechler building include:

1. The condition assessment, design and renovation of the existing building located at 453 Murphy Parkway. The existing building is currently being used to store several City assets, including Public Services vehicles and equipment. The project will need to continue to serve those storage functions until an alternative location can be found. Renovation shall include exterior modifications and the possibility of a tear down and re-build of a shed roofed addition to the existing building;
2. The design and renovation of the site to be treated as a "gateway" into the City of Powell's incorporated limits. Some thought should be taken in addressing the site needs while the facility is being used for the City's storage of assets (i.e. Snow Plow Trucks, Equipment, and other cold storage). The successful candidate will assist the City in understanding how to phase the site and building improvements.
3. The design of a "connection" to other City parks and facilities. This connection does not have to be physical. However, the design should begin to establish a City brand that can be replicated in other City facilities for future reference.

Images



Area Map



Building Photo 1

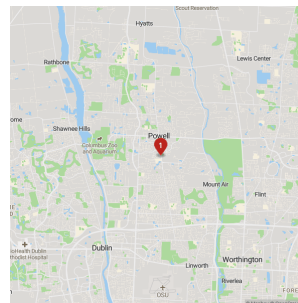


Building Photo 2

Details

Type of Project	Refurbishment
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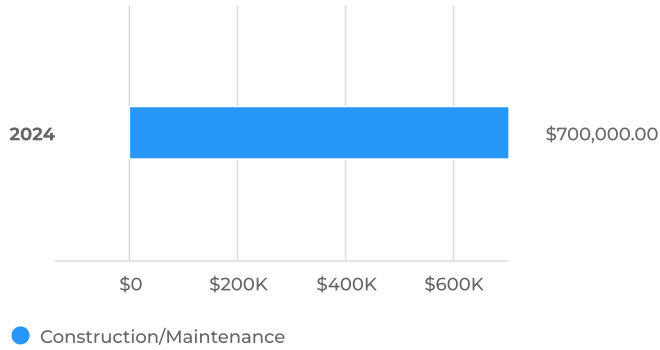
Location



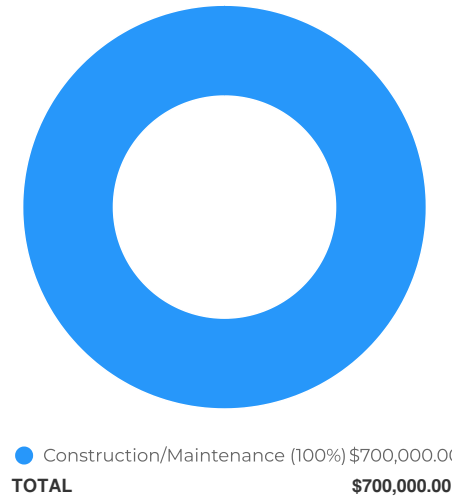
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
\$700,000	\$700K	\$700K

Capital Cost by Year



Capital Cost for Budgeted Years



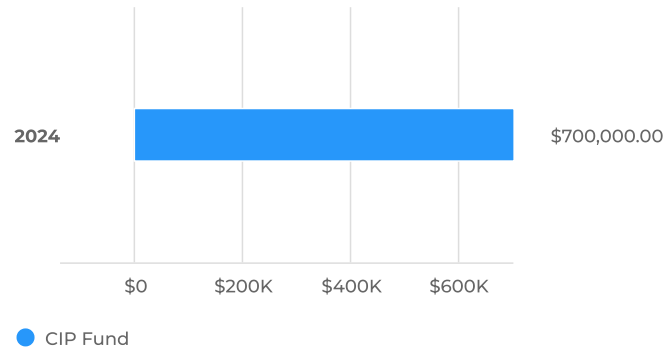
Capital Cost Breakdown

Capital Cost	FY2024	Total
Construction/Maintenance	\$700,000	\$700,000
Total	\$700,000	\$700,000

Funding Sources

FY2024 Budget	Total Budget (all years)	Project Total
\$700,000	\$700K	\$700K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	Total
CIP Fund	\$700,000	\$700,000
Total	\$700,000	\$700,000

Public Infrastructure TIF Agreement - COHatch Development

Overview

Request Owner	Rosa Ocheltree, Finance Director
Department	DEVELOPMENT DEPARTMENT
Type	Other

Description

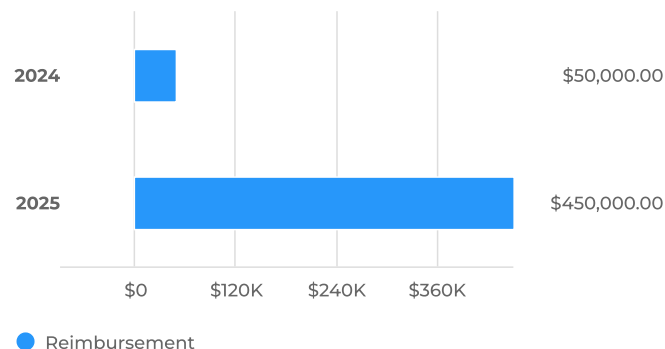
The completed development resulting from this legislation is anticipated to aid in the resolution of downtown parking issues, benefit economic development for the downtown, generate new revenues, support needed capital infrastructure, revitalize vacant properties, present citizens with new retail options and attract residual development.

The City will reimburse COhatch, a not to exceed sum of \$450,000 dollars, to demolish the existing building located at 50 E. Olentangy Street and to reconstruct the parking lot at the same location as part of the improvement of the site.

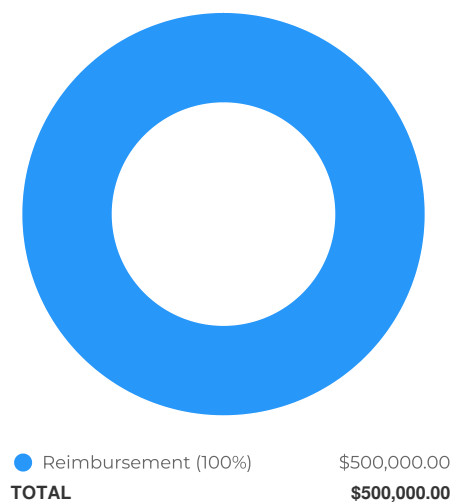
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
\$50,000	\$500K	\$500K

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

Capital Cost	FY2024	FY2025	Total
Reimbursement	\$50,000	\$450,000	\$500,000
Total	\$50,000	\$450,000	\$500,000

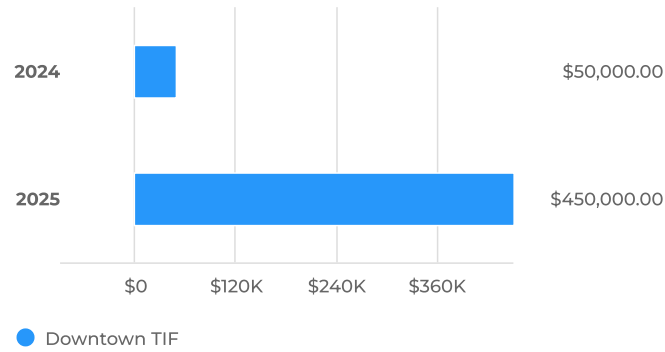
Funding Sources

FY2024 Budget
\$50,000

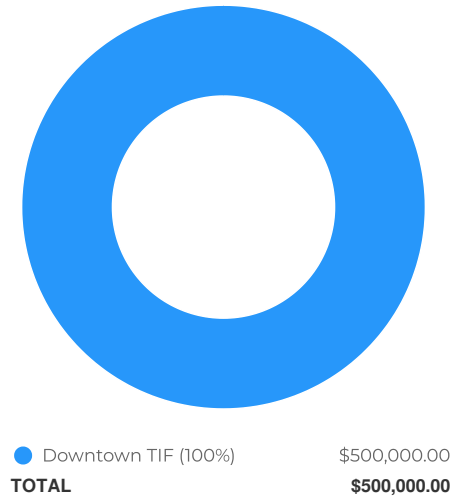
Total Budget (all years)
\$500K

Project Total
\$500K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	FY2025	Total
Downtown TIF	\$50,000	\$450,000	\$500,000
Total	\$50,000	\$450,000	\$500,000

Signage and Wayfinding Plan Implementation

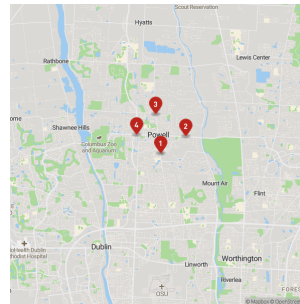
Overview

Request Owner	Rosa Ocheltree, Finance Director
Est. Start Date	08/01/2023
Est. Completion Date	12/31/2027
Department	DEVELOPMENT DEPARTMENT
Type	Capital Improvement

Description

This project guides completing a Signage and Wayfinding Master Plan as well as installing wayfinding signage throughout the City of Powell to motorist and non-motorist through the city, define edges and gateways, and elevate the city's brand. The signage can help to improve downtown traffic flow by alerting drivers to destinations and parking within the area. Also, with the reconstruction of existing roadways and construction of new roadways near the Four Corners intersection, it will be necessary to upgrade the wayfinding signage in the downtown area to educate the public on enhanced connectivity. Potential wayfinding signage locations may include the intersections of Powell Road/Murphy Parkway, Liberty Street/Murphy Parkway, Liberty Street/Bennet Parkway, Powell Road/Bennett Parkway, Olentangy Street/Grace Drive, and Liberty Street/Grace Drive.

Location

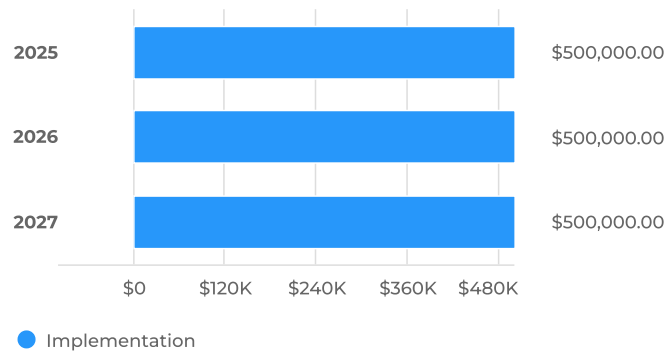


Capital Cost

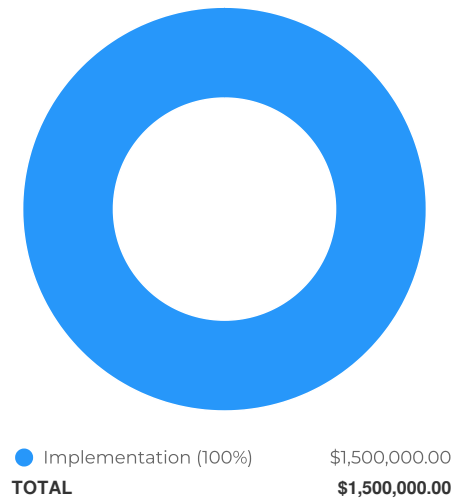
Total Budget (all years)
\$1.5M

Project Total
\$1.5M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

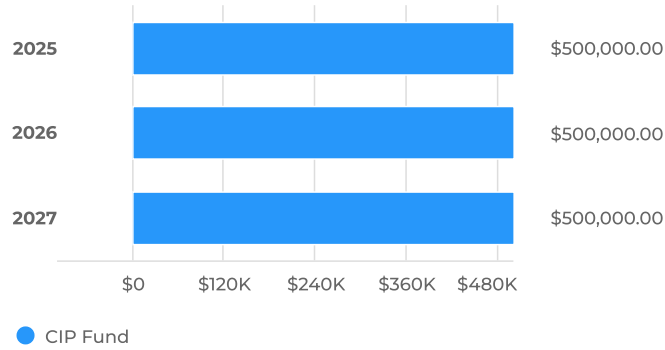
Capital Cost	FY2025	FY2026	FY2027	Total
Implementation	\$500,000	\$500,000	\$500,000	\$1,500,000
Total	\$500,000	\$500,000	\$500,000	\$1,500,000

Funding Sources

Total Budget (all years)
\$1.5M

Project Total
\$1.5M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2025	FY2026	FY2027	Total
CIP Fund	\$500,000	\$500,000	\$500,000	\$1,500,000
Total	\$500,000	\$500,000	\$500,000	\$1,500,000

ENGINEERING DEPARTMENT REQUESTS

Adventure Park CSX Tunnel

Overview

Request Owner	Aaron Stanford, City Engineer
Est. Start Date	06/13/2022
Est. Completion Date	10/30/2024
Department	ENGINEERING DEPARTMENT
Type	Capital Improvement
Project Number	ENG-001

Description

This project consists of designing and permitting the rehabilitation of the existing tunnel under the CSX railroad located approximately 650' northwest of Adventure Park Drive in Powell, Ohio. The disintegrating and delaminating concrete within this tunnel has begun to pose a threat to pedestrian safety. Spalling and deterioration are also present on the faces of the tunnel's headwalls and wing walls. CSX's inspections and monitoring of track deflection have confirmed that the culvert's structural integrity is not in question. Water intrusion into the tunnel has been an ongoing issue since its opening. The primary reasons for the water intrusion are that the tunnel is in a low-lying area and drainage through the stone ballast of the rail line above seeps through the ceiling of the tunnel in numerous locations. The project will rehabilitate the culvert via re-lining/slip-lining the interior walls of the culvert, incorporating drainage improvements, and restoring the headwalls' concrete surfaces. The culvert rehabilitation should seek to maximize vertical and horizontal clearance within the tunnel and achieve a safe, aesthetically pleasing product in congruence with nearby parks and other common community areas.

The budget listed is a carry-over from last year and has not been updated. The costs will be updated after the completion of the engineering analysis.

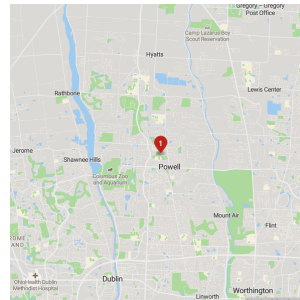
Images



Details

Type of Project Other

Location



Capital Cost

FY2024 Budget

\$355,000

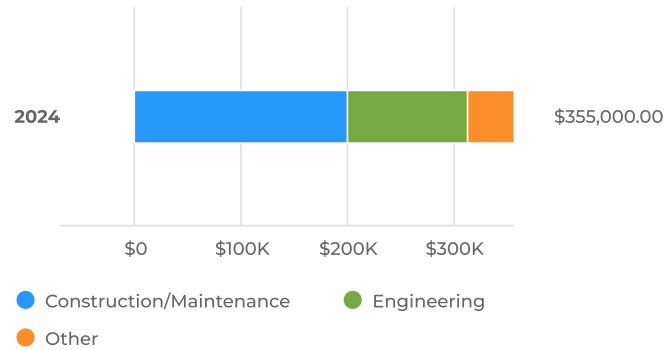
Total Budget (all years)

\$355K

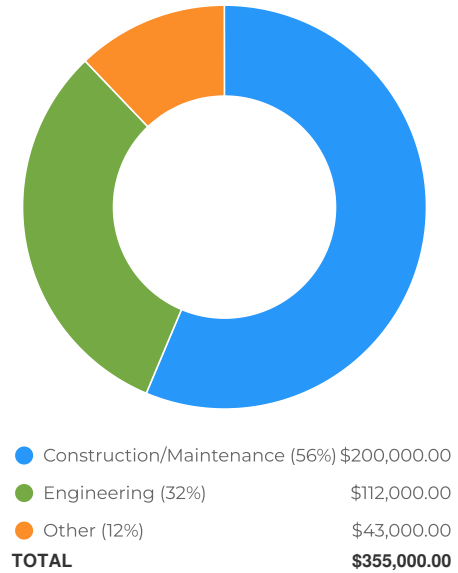
Project Total

\$355K

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

Capital Cost	FY2024	Total
Engineering	\$112,000	\$112,000
Construction/Maintenance	\$200,000	\$200,000
Other	\$43,000	\$43,000
Total	\$355,000	\$355,000

Funding Sources

FY2024 Budget

\$355,000

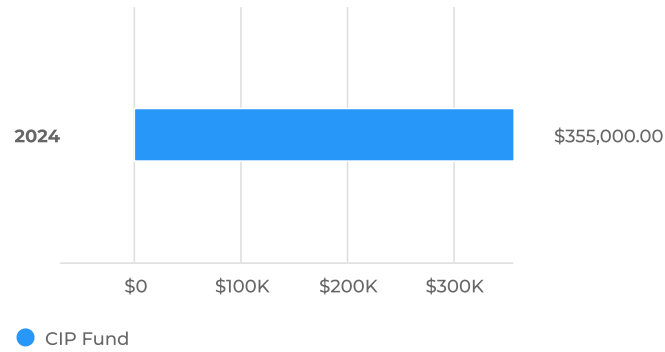
Total Budget (all years)

\$355K

Project Total

\$355K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	Total
CIP Fund	\$355,000	\$355,000
Total	\$355,000	\$355,000

Annual Street Maintenance and Repair Program

Overview

Request Owner	Aaron Stanford, City Engineer
Est. Start Date	01/01/2024
Est. Completion Date	12/31/2028
Department	ENGINEERING DEPARTMENT
Type	Capital Improvement

Description

The annual street maintenance and repair program will provide for investments each year in keeping our streets and associated pedestrian and shared-use paths well-maintained, functional, and safe. These improvements include roadway resurfacing and reconstruction, roadway base stabilization, roadway spot repair, curb and gutter replacement, installation of ADA-compliant curb ramps, pavement markings, and other associated work. The maintenance of public sidewalks will now be included on streets that are being addressed through the program.

The City has obtained Pavement Condition Index ratings for all public roadways and shared-use paths from analysis performed by Pavement Management Group (PMG). These pavement condition ratings are scored on a scale from 0-100, with an index of 100 representing a new road in excellent condition. The City's goal is to maintain a minimum PCI rating of 65 for local streets, and 70 for all other streets, along with an overall average rating of 75 for the entire roadway network. An accelerated funding schedule is needed to achieve this pavement rating goal in five years. The first year (2024) will be a transition year as the program is accelerated to achieve the 7-year pavement rating goal.

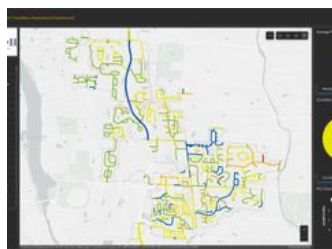
The factors used to prioritize and select streets for inclusion in the program include:

- Existing pavement condition index
- Type and severity of deterioration
- Functional classification of the street
- Average daily traffic
- Expected economy of grouping streets by location to gain efficiency and minimize neighborhood disruptions

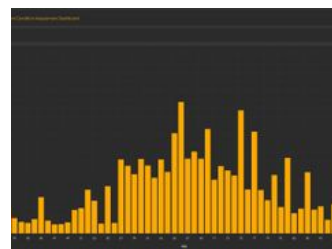
Images



2022 Roadway Conditions Map



Road Insights Dashboard



PCI Rating Distribution

Details


Type of Project	Resurface/Maintain Current Road
-----------------	---------------------------------


Supplemental Attachments

[2022 Roadway Conditions Map\(/resource/cleargov-prod/projects/documents/84f77cc27f74bb5c6aae.pdf\)](/resource/cleargov-prod/projects/documents/84f77cc27f74bb5c6aae.pdf)

Roadway Condition Map from 2022 evaluation from Pavement Management Group

[Road Insights Dashboard\(/resource/cleargov-prod/projects/documents/6760015501a238771a1\)](/resource/cleargov-prod/projects/documents/6760015501a238771a1)

 [Road Insights Dashboard\(/resource/cleargov-prod/projects/documents/re367101c6cuciazz5e7.jpg\)](/resource/cleargov-prod/projects/documents/re367101c6cuciazz5e7.jpg)
Interactive roadway conditions mapping dashboard

 [PCI Rating Distribution\(/resource/cleargov-prod/projects/documents/3daa3d068b7d12915346.jpg\)](/resource/cleargov-prod/projects/documents/3daa3d068b7d12915346.jpg)
A chart showing the PCI rating distribution for all public streets.

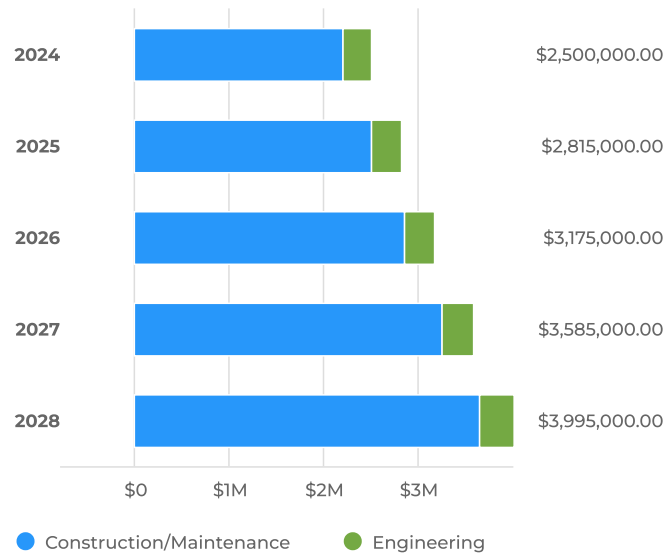
Capital Cost

FY2024 Budget
\$2,500,000

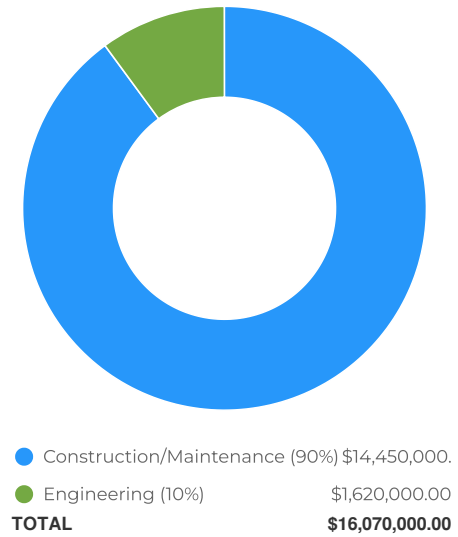
Total Budget (all years)
\$16.07M

Project Total
\$16.07M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

Capital Cost	FY2024	FY2025	FY2026	FY2027	FY2028	Total
Engineering	\$300,000	\$315,000	\$325,000	\$335,000	\$345,000	\$1,620,000
Construction/Maintenance	\$2,200,000	\$2,500,000	\$2,850,000	\$3,250,000	\$3,650,000	\$14,450,000
Total	\$2,500,000	\$2,815,000	\$3,175,000	\$3,585,000	\$3,995,000	\$16,070,000

Funding Sources

FY2024 Budget

\$2,500,000

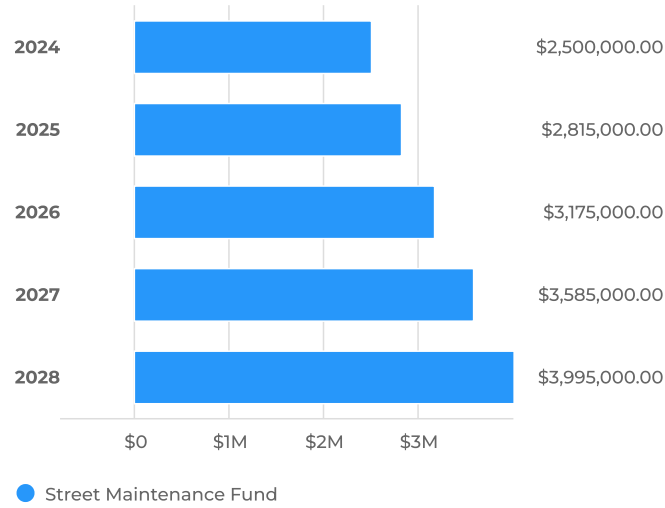
Total Budget (all years)

\$16.07M

Project Total

\$16.07M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	FY2025	FY2026	FY2027	FY2028	Total
Street Maintenance Fund	\$2,500,000	\$2,815,000	\$3,175,000	\$3,585,000	\$3,995,000	\$16,070,000
Total	\$2,500,000	\$2,815,000	\$3,175,000	\$3,585,000	\$3,995,000	\$16,070,000

At Grade Railroad Crossing Upgrades

Overview

Request Owner	Aaron Stanford, City Engineer
Est. Start Date	01/01/2024
Est. Completion Date	12/31/2025
Department	ENGINEERING DEPARTMENT
Type	Capital Improvement

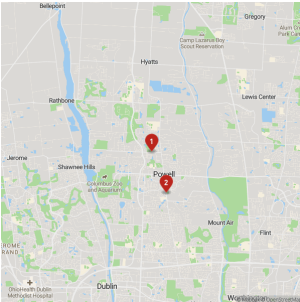
Description

This project will provide for the improvement of the at-grade railroad crossings at Seldom Seen Road and the crossing north of Murphy Parkway. The railroad crossing improvements will be designed and completed by the railroad (CSX) and then reimbursed by these funds. Improvements to the railroad crossing materials and repaving will provide for a smoother ride over the tracks by vehicular traffic.

Details

Type of Project	Resurface/Maintain Current Road
-----------------	---------------------------------

Location



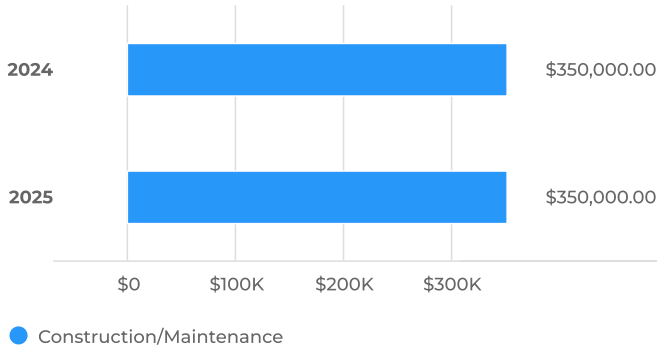
Capital Cost

FY2024 Budget
\$350,000

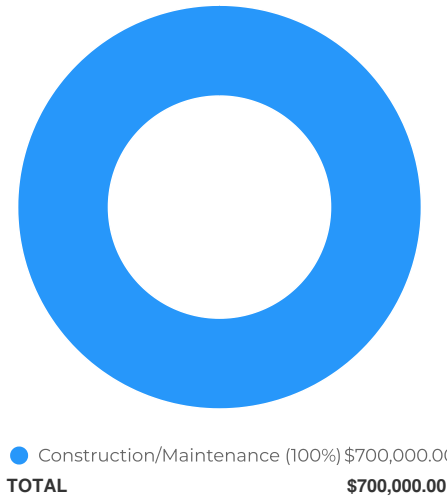
Total Budget (all years)
\$700K

Project Total
\$700K

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown			
Capital Cost	FY2024	FY2025	Total
Construction/Maintenance	\$350,000	\$350,000	\$700,000
Total	\$350,000	\$350,000	\$700,000

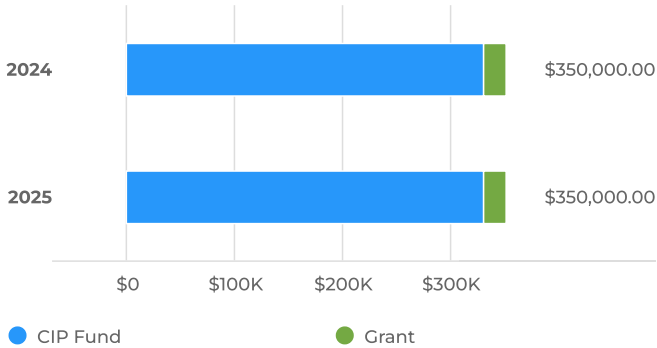
Funding Sources

FY2024 Budget
\$350,000

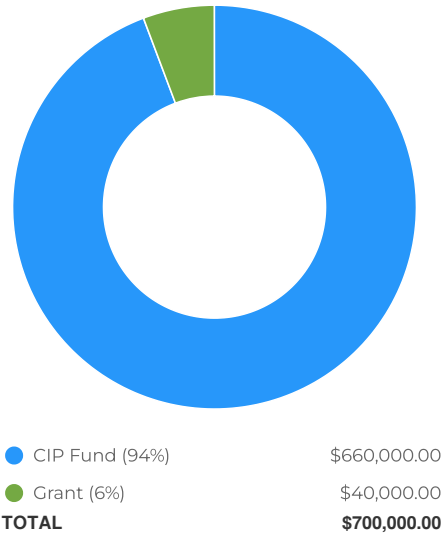
Total Budget (all years)
\$700K

Project Total
\$700K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown			
Funding Sources	FY2024	FY2025	Total
CIP Fund	\$330,000	\$330,000	\$660,000
Grant	\$20,000	\$20,000	\$40,000
Total	\$350,000	\$350,000	\$700,000

Crosswalk Improvements on Olentangy Street

Overview

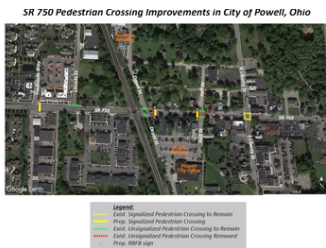
Request Owner	Rosa Ocheltree, Finance Director
Department	ENGINEERING DEPARTMENT
Type	Capital Improvement

Description

This project would construct three new and/or improved pedestrian crossing locations along the SR 750 corridor through the downtown area of the City of Powell. See the attached proposed improvement exhibits for additional details. A detailed description of these improved pedestrian crossings are as follows:

1. Traditions Way: Install new pedestrian crossing with new curb ramps, high visibility striping, and RRFB signals. Improvements would require modifications to existing curb and gutter and minor storm sewer improvements.
2. Depot St: Replace existing unsafe pedestrian crossing with new curb ramps, high visibility striping, and RRFB signals. Improvements would require pavement removal and landscaping to shorten the crossing distance and improve sight distance to pedestrians.
3. Hall St: Replace existing unsafe pedestrian crossing with high visibility striping and RRFB signals. Modifications to existing curb ramps and striping are required to reduce crossing points from two to one. Landscaping and tree clearing required to improve sight distance to pedestrians.

Images

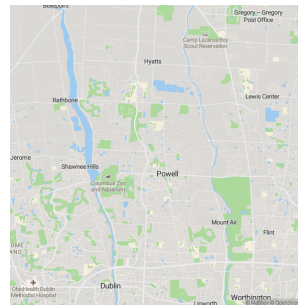


Project Area Map

Details

Type of Project	Refurbishment
-----------------	---------------

Location



Supplemental Attachments

 [Project Exhibits\(/resource/cleargov-prod/projects/documents/93f839c9fdb6f0cefe3.pdf\)](/resource/cleargov-prod/projects/documents/93f839c9fdb6f0cefe3.pdf)

 [Preliminary Cost Estimate\(/resource/cleargov-prod/projects/documents/c7a169f1e486d9e7fe10.pdf\)](/resource/cleargov-prod/projects/documents/c7a169f1e486d9e7fe10.pdf)

Benefit to Community

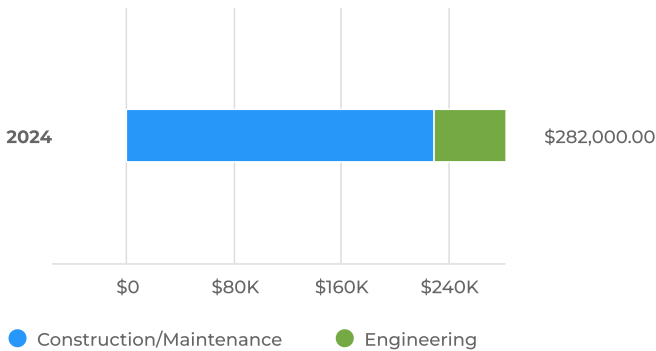
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- 3. Hall St: Replace existing unsafe pedestrian crossing with high visibility striping and RRFB signals. Modifications to existing curb ramps and striping are required to reduce crossing points from two to one. Landscaping and tree clearing required to improve sight distance to pedestrians.

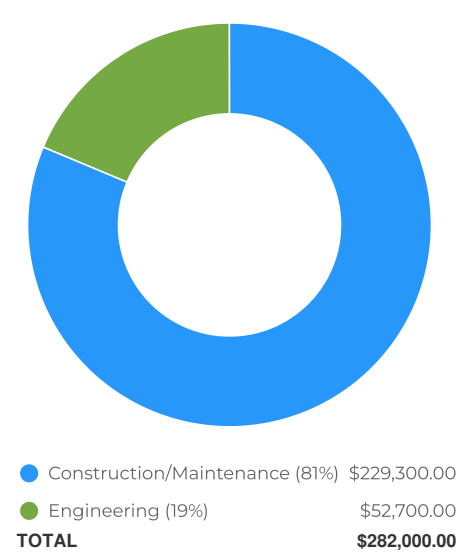
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
\$282,000	\$282K	\$282K

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown		
Capital Cost	FY2024	Total
Engineering	\$52,700	\$52,700
Construction/Maintenance	\$229,300	\$229,300
Total	\$282,000	\$282,000

Funding Sources

FY2024 Budget

\$282,000

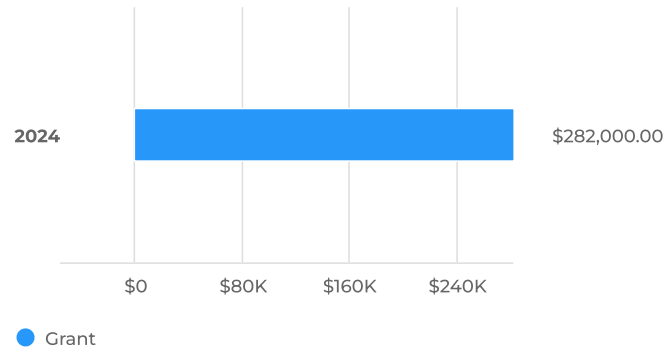
Total Budget (all years)

\$282K

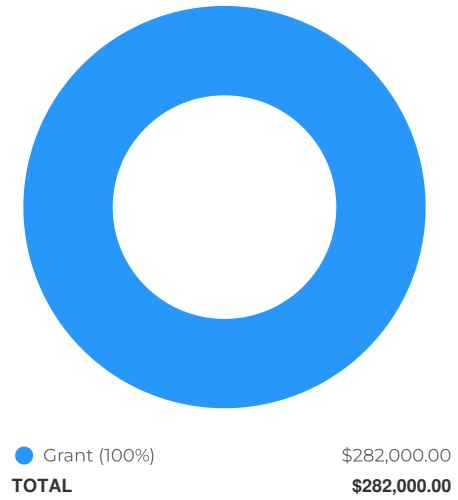
Project Total

\$282K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	Total
Grant	\$282,000	\$282,000
Total	\$282,000	\$282,000

Downtown Streetscape Improvements

Overview

Request Owner	Aaron Stanford, City Engineer
Est. Start Date	01/01/2026
Est. Completion Date	12/31/2028
Department	ENGINEERING DEPARTMENT
Type	Capital Improvement

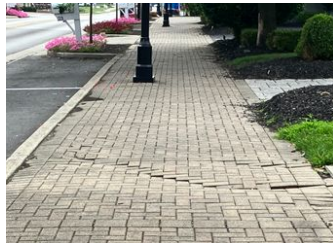
Description

The Downtown Streetscape Improvements project will review and prepare design documents for the resurfacing, maintenance, and repair of the existing sidewalks and other streetscape elements in certain areas of downtown Powell. The area reviewed would be along Olentangy Street from the railroad crossing to 24 East Olentangy, and along Liberty Street from Scioto Street to 70 South Liberty Street. Improvements will include, but not be limited to; sidewalk repair and reconstruction, the conversion of sidewalks from concrete to paver, the upgrade of paver material from concrete to clay pavers, review of existing street furnishings and street lighting.

Images



Area Map



Existing Paver Sidewalk - 1



Paver Walk with Bench and Trash Can



Sidewalk Material Change

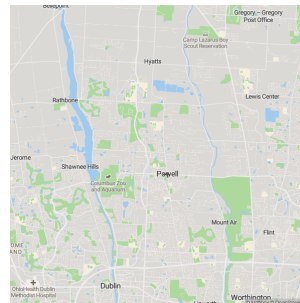


Existing Paver Sidewalk - 2

Details

Type of Project	Resurface/Maintain Current Pathway
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Location

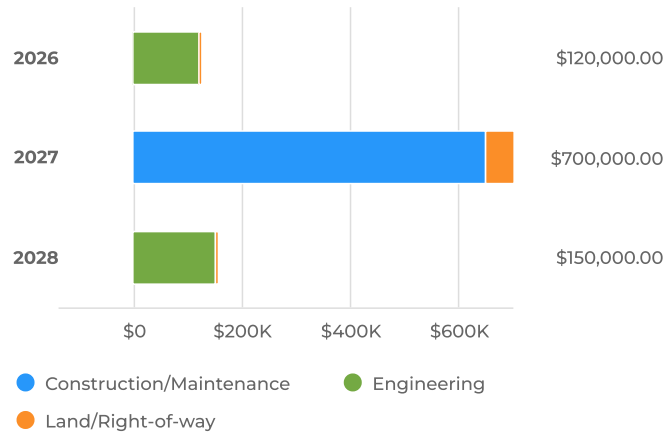


Capital Cost

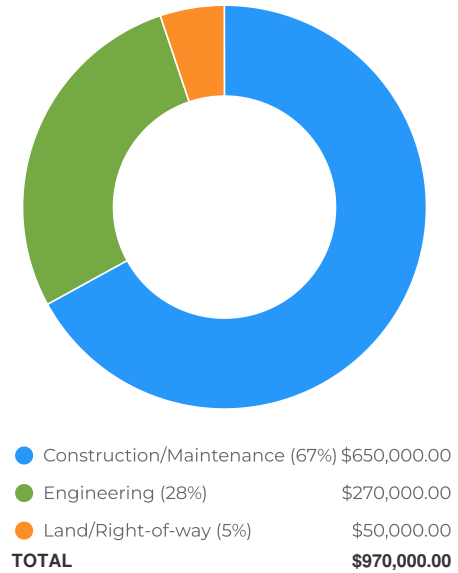
Total Budget (all years)
\$970K

Project Total
\$970K

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

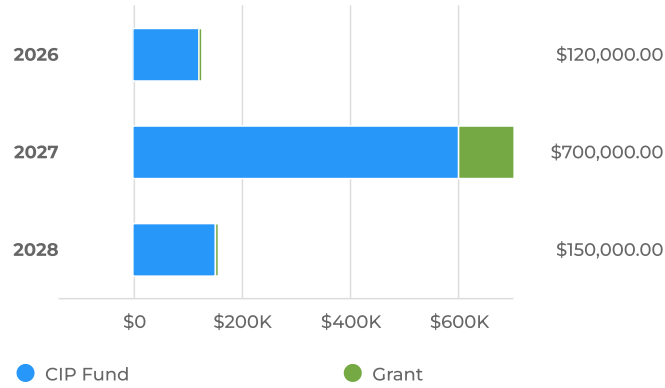
Capital Cost	FY2026	FY2027	FY2028	Total
Engineering	\$120,000		\$150,000	\$270,000
Land/Right-of-way		\$50,000		\$50,000
Construction/Maintenance		\$650,000		\$650,000
Total	\$120,000	\$700,000	\$150,000	\$970,000

Funding Sources

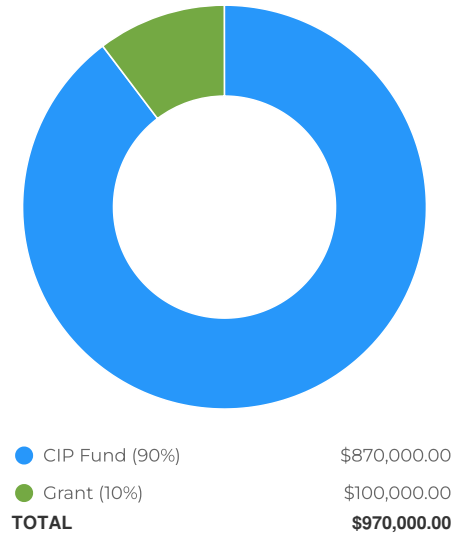
Total Budget (all years)
\$970K

Project Total
\$970K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2026	FY2027	FY2028	Total
CIP Fund	\$120,000	\$600,000	\$150,000	\$870,000
Grant		\$100,000		\$100,000
Total	\$120,000	\$700,000	\$150,000	\$970,000

Liberty Road Multi-Use Path (Library Park to Murphy Pwky)

Overview

Request Owner	Aaron Stanford, City Engineer
Est. Completion Date	08/31/2027
Department	ENGINEERING DEPARTMENT
Type	Capital Improvement

Description

This project consists of connecting the existing shared-use path on the east side of Liberty Road at the CSX railroad crossing to the existing shared-use path on the west side of Murphy Parkway. The shared-use path will follow Liberty Road out of Library Park on the east side and cross the railroad on the east where existing pedestrian signal arms exist. From the railroad crossing, it will continue south along Liberty Road to the south side of the intersection of Liberty Road and Murphy Parkway, crossing over Liberty Road to connect to the existing shared-use path on the southwest corner of the intersection. This project involves a new asphalt multi-use path, stormwater improvements, pavement markings, pedestrian and bicycle crossing upgrades, and any necessary signage.

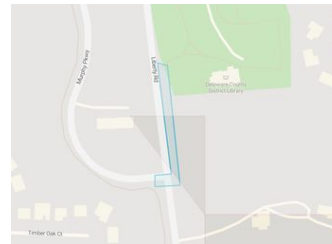
Images



Liberty Road Northbound



Liberty Road Northbound at Railroad



Liberty Path Map

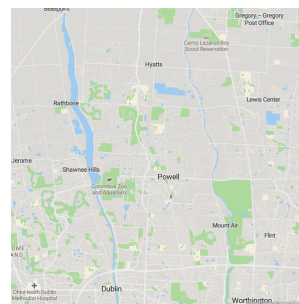


Proposed Path Alignment

Details

Type of Project	New Pathway
-----------------	-------------

Location

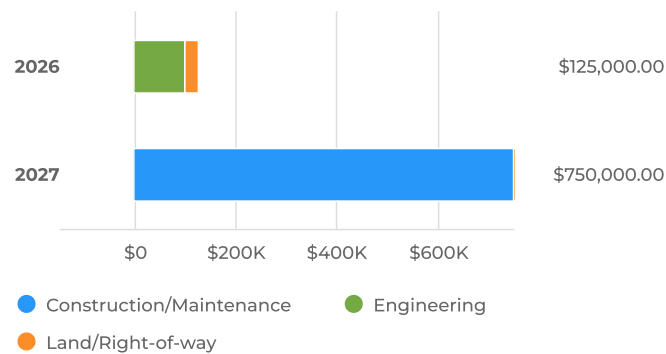


Capital Cost

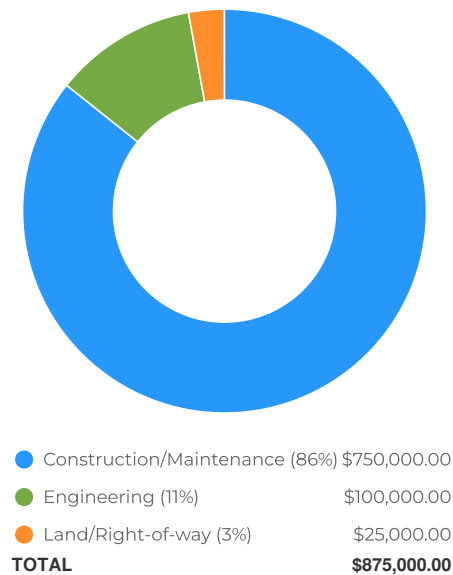
Total Budget (all years)
\$875K

Project Total
\$875K

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

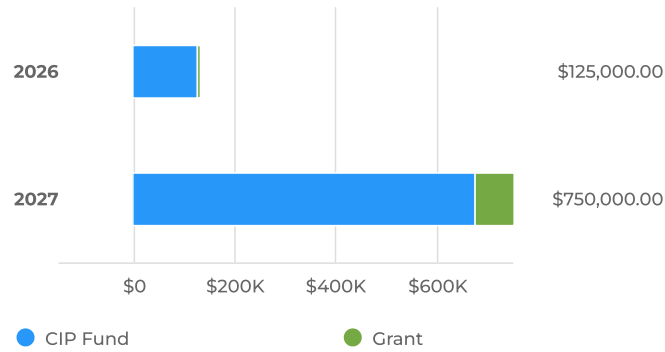
Capital Cost	FY2026	FY2027	Total
Engineering	\$100,000		\$100,000
Land/Right-of-way	\$25,000		\$25,000
Construction/Maintenance		\$750,000	\$750,000
Total	\$125,000	\$750,000	\$875,000

Funding Sources

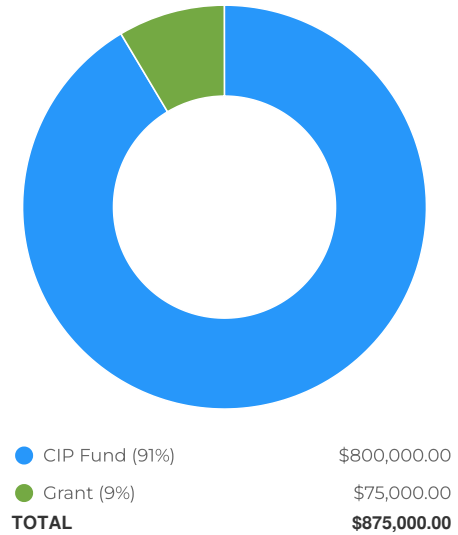
Total Budget (all years)
\$875K

Project Total
\$875K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2026	FY2027	Total
CIP Fund	\$125,000	\$675,000	\$800,000
Grant		\$75,000	\$75,000
Total	\$125,000	\$750,000	\$875,000

North Depot Street Reconstruction

Overview

Request Owner	Aaron Stanford, City Engineer
Est. Start Date	10/02/2023
Est. Completion Date	12/31/2025
Department	ENGINEERING DEPARTMENT
Type	Capital Improvement

Description

This project consists of reconstructing the existing North Depot Street from Olentangy Street (State Route 750) north to Case Ave. The existing roadway consists of an approximately 20' wide section of asphalt pavement that facilitates one (1) northbound and one (1) southbound vehicular travel lane. This roadway provides access to residential properties to the west and the popular Nocterra Brewing Company to the north. The project consists of the construction of full-depth pavement replacement, paved parking facilities, new sidewalks and bike paths, street lighting, signal review, roadway drainage, streetscape, and associated utility updates to increase pedestrian and vehicular safety.

This project will build upon the leasing right-of-way from the CSX railroad between Olentangy Street to Scioto Street.

NOTE: There is a requirement in the CSX land lease agreement to construct a six (6) foot fence (~350 feet in length) between the parking areas and the railroad tracks in early 2024. The funding for this fence, estimated at \$10,000, is included in the "Other" category.

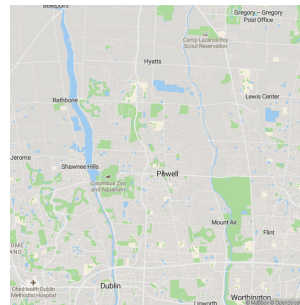
Images



Details

Type of Project	Replace Road
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Location



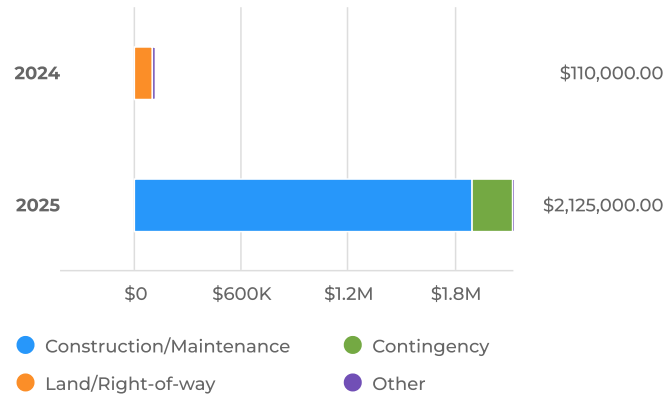
Capital Cost

FY2024 Budget
\$110,000

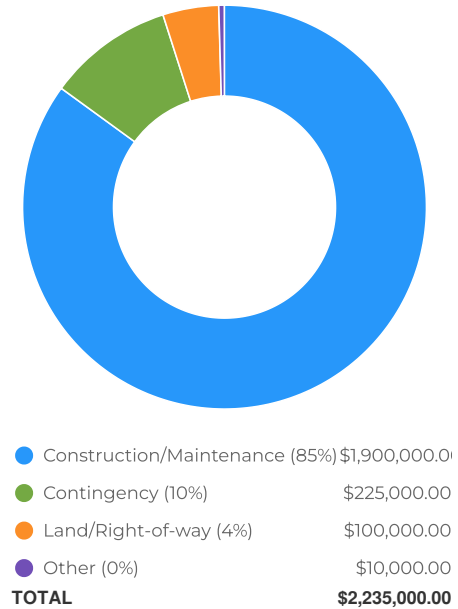
Total Budget (all years)
\$2.235M

Project Total
\$2.235M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

Capital Cost	FY2024	FY2025	Total
Land/Right-of-way	\$100,000		\$100,000
Construction/Maintenance		\$1,900,000	\$1,900,000
Contingency		\$225,000	\$225,000
Other	\$10,000		\$10,000
Total	\$110,000	\$2,125,000	\$2,235,000

Funding Sources

FY2024 Budget

\$110,000

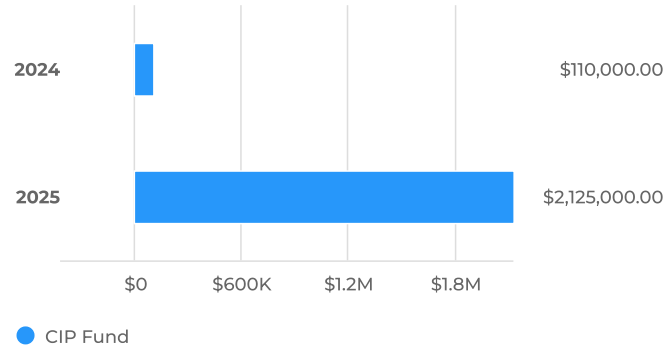
Total Budget (all years)

\$2.235M

Project Total

\$2.235M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	FY2025	Total
CIP Fund	\$110,000	\$2,125,000	\$2,235,000
Total	\$110,000	\$2,125,000	\$2,235,000

Northeast Quadrant Parking

Overview

Request Owner	Aaron Stanford, City Engineer
Est. Completion Date	12/31/2026
Department	ENGINEERING DEPARTMENT
Type	Capital Improvement

Description

The primary purpose of this project is to create safe and efficient traffic flow for the ingress and egress to existing businesses in the NE quadrant of the Four Corners intersection. This project consists of the construction of a larger consolidated, surface parking area that would serve all the businesses within the northeast quadrant of the Olentangy Street and Liberty Street intersection. This lot will provide 137 parking spaces and will be situated east of the existing businesses on the east side of Liberty Street and north of the existing businesses on the north side of Olentangy Street. This project will provide access management improvements by eliminating parking lot access on the east side of Liberty Street and providing two driveways on the north side of Olentangy Street. The lot will also be accessible from the north via a driveway on the south side of Scioto Street which will be extended by a separate project. This new roadway connection will reduce the congestion at the Four Corners intersection.

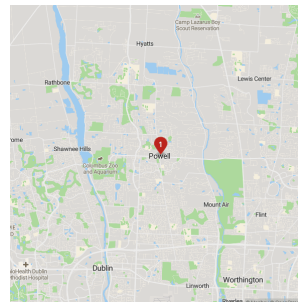
Images



Details

Type of Project	Replace/Enhance Parking
-----------------	-------------------------

Location

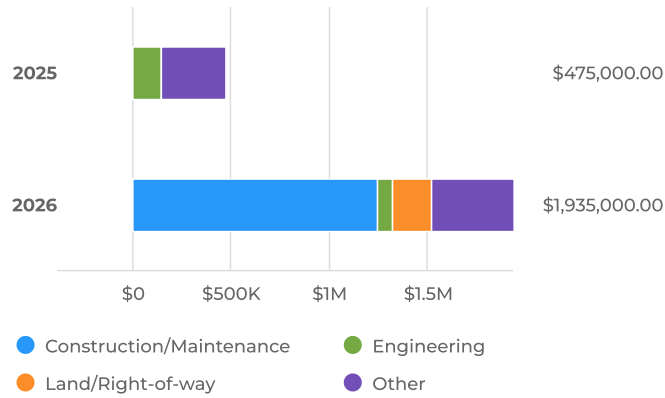


Capital Cost

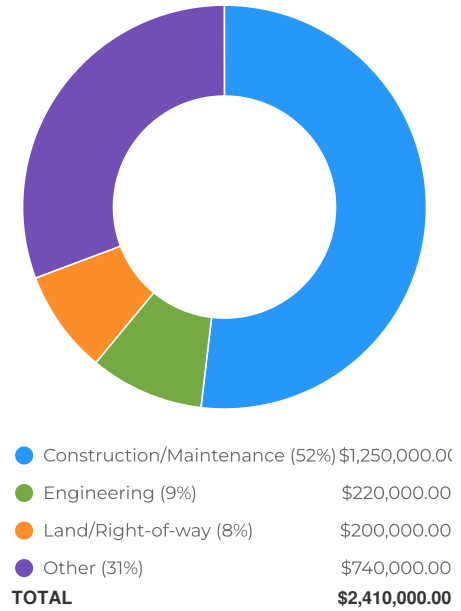
Total Budget (all years)
\$2.41M

Project Total
\$2.41M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

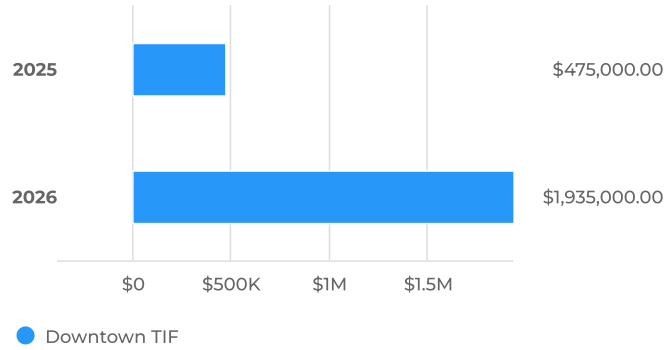
Capital Cost	FY2025	FY2026	Total
Engineering	\$145,000	\$75,000	\$220,000
Land/Right-of-way		\$200,000	\$200,000
Construction/Maintenance		\$1,250,000	\$1,250,000
Other	\$330,000	\$410,000	\$740,000
Total	\$475,000	\$1,935,000	\$2,410,000

Funding Sources

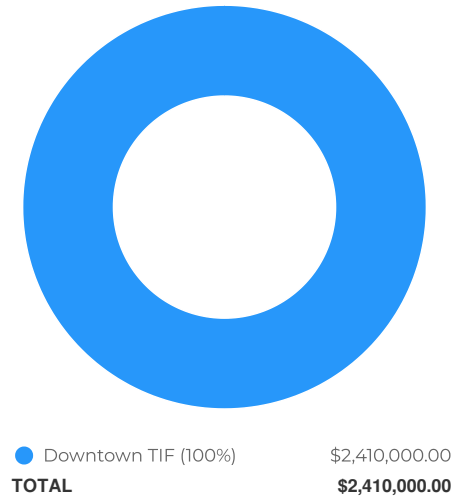
Total Budget (all years)
\$2.41M

Project Total
\$2.41M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2025	FY2026	Total
Downtown TIF	\$475,000	\$1,935,000	\$2,410,000
Total	\$475,000	\$1,935,000	\$2,410,000

Scioto Street Extension

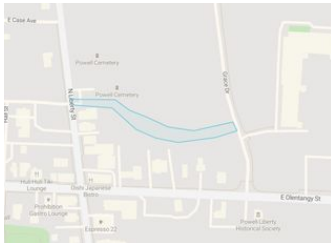
Overview

Request Owner	Aaron Stanford, City Engineer
Est. Start Date	01/08/2024
Est. Completion Date	12/19/2025
Department	ENGINEERING DEPARTMENT
Type	Capital Improvement

Description

This project will extend Scioto Street east from its current terminus at Liberty Street to Grace Drive. This includes a new structure (bridge or culvert) over Bartholomew Run which will be heavily influenced by the existing FEMA floodplain. The project will design and construct a new public roadway with curb and gutter, sidewalks, drainage improvements, landscaping, lighting, and other associated elements. This project will provide a public street access point to the NE Quadrant Parking project and includes constructing an additional parking lot on the northeast corner of the Liberty Street and Scioto Street intersection.

Images

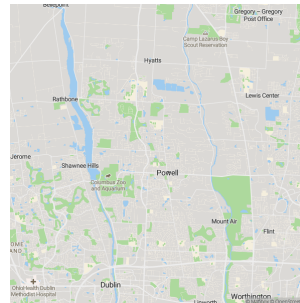


Scioto Street Extension

Details

Type of Project	New Road
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Location



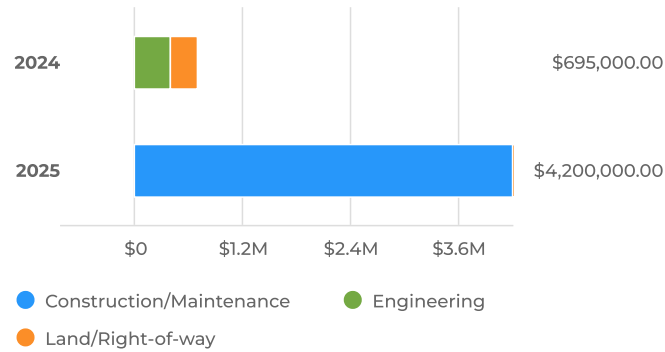
Capital Cost

FY2024 Budget
\$695,000

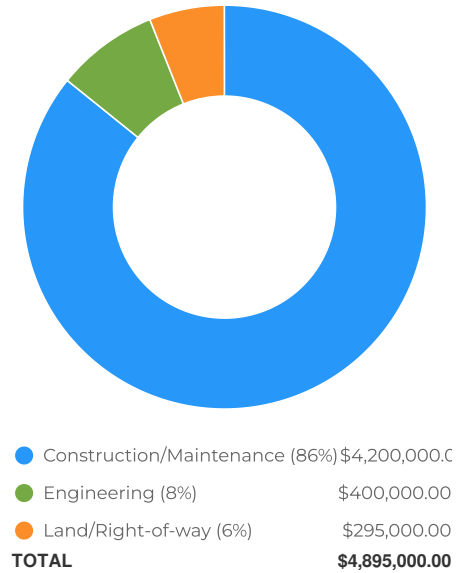
Total Budget (all years)
\$4.895M

Project Total
\$4.895M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

Capital Cost	FY2024	FY2025	Total
Engineering	\$400,000		\$400,000
Land/Right-of-way	\$295,000		\$295,000
Construction/Maintenance		\$4,200,000	\$4,200,000
Total	\$695,000	\$4,200,000	\$4,895,000

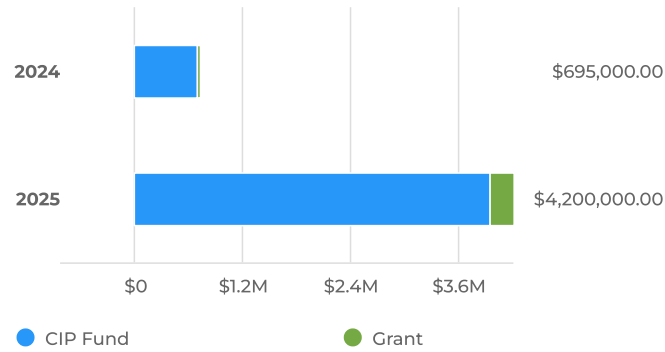
Funding Sources

FY2024 Budget
\$695,000

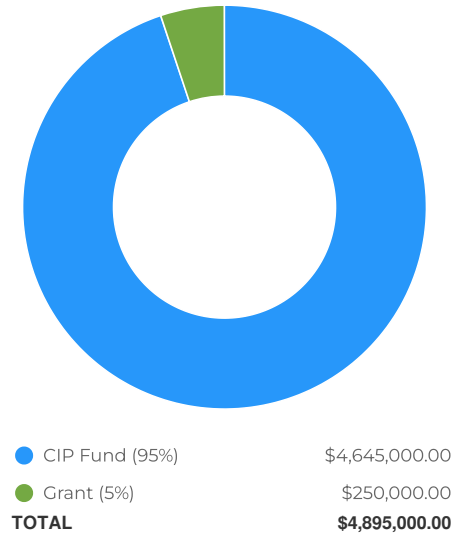
Total Budget (all years)
\$4.895M

Project Total
\$4.895M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	FY2025	Total
CIP Fund	\$695,000	\$3,950,000	\$4,645,000
Grant		\$250,000	\$250,000
Total	\$695,000	\$4,200,000	\$4,895,000

Scioto Street Reconstruction

Overview

Request Owner	Aaron Stanford, City Engineer
Est. Start Date	01/01/2026
Est. Completion Date	12/16/2026
Department	ENGINEERING DEPARTMENT
Type	Capital Improvement

Description

The Scioto Street Reconstruction will reconstruct Scioto Street from the western terminus at North Depot Street to Liberty Street. The project will include pavement replacement, new storm sewer facilities, and new street lighting, and will remove the inverted crown profile of the existing roadway. The design will also examine the potential of installing a new sidewalk on at least one side of the roadway.

Images



Scioto Street Reconstruction Map



Existing Scioto Street - 1



Existing Scioto Street - 2

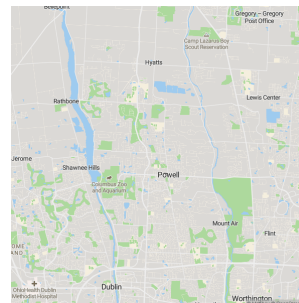


Existing Scioto Street - 3

Details

Type of Project	Replace Road
-----------------	--------------

Location

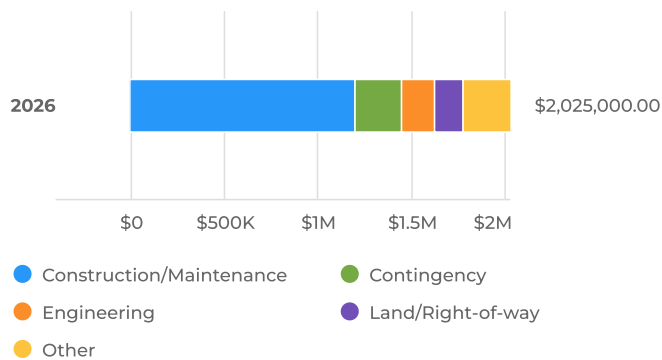


Capital Cost

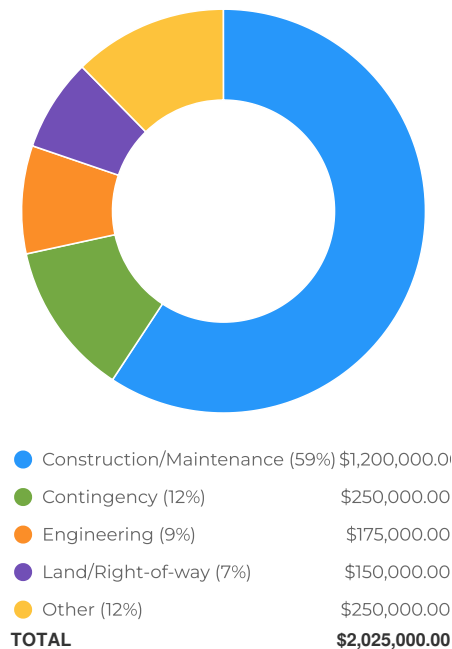
Total Budget (all years)
\$2.025M

Project Total
\$2.025M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

Capital Cost	FY2026	Total
Engineering	\$175,000	\$175,000
Land/Right-of-way	\$150,000	\$150,000
Construction/Maintenance	\$1,200,000	\$1,200,000
Contingency	\$250,000	\$250,000
Other	\$250,000	\$250,000
Total	\$2,025,000	\$2,025,000

Funding Sources

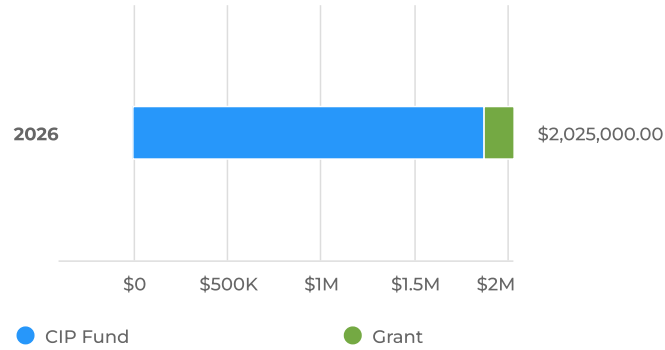
Total Budget (all years)

\$2.025M

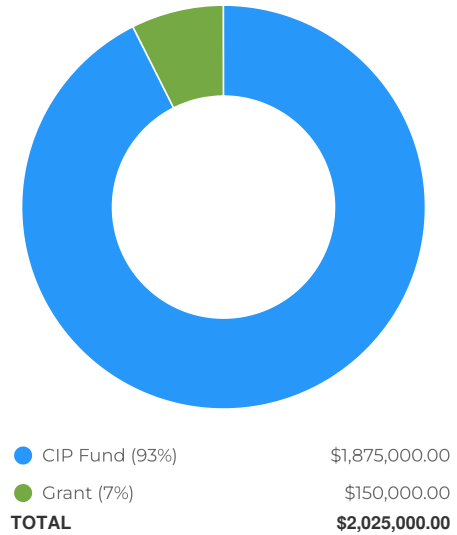
Project Total

\$2.025M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2026	Total
CIP Fund	\$1,875,000	\$1,875,000
Grant	\$150,000	\$150,000
Total	\$2,025,000	\$2,025,000

Shared Use Path Additions

Overview

Request Owner	Aaron Stanford, City Engineer
Est. Start Date	01/01/2024
Est. Completion Date	12/31/2028
Department	ENGINEERING DEPARTMENT
Type	Capital Improvement

Description

This project will provide for the identification, planning, design, and construction of new shared-use paths with the City of Powell, both along public roadways and in City-owned parks and open spaces. The program will first identify areas that have a high demand for shared use paths and also areas where there is a missing segment in the existing shared use path system.

In 2024, the existing shared use path system will be studied, and an overall shared use path master planning document created. This document, once adopted by the City Council, will serve to guide the program in design and construction. The program will then design facilities and acquire the necessary rights-of-way or easements in 2025 and 2027 and construct the improvements in 2026 and 2028 respectively.

Details

Type of Project	New Pathway
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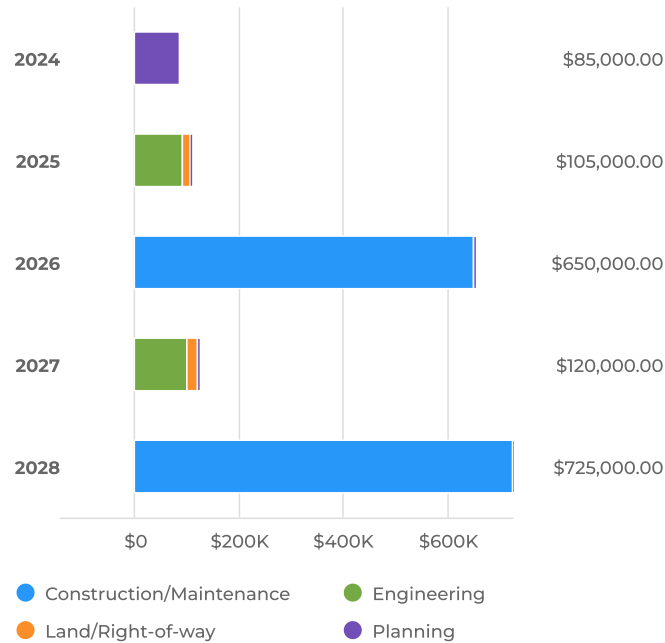
Capital Cost

FY2024 Budget
\$85,000

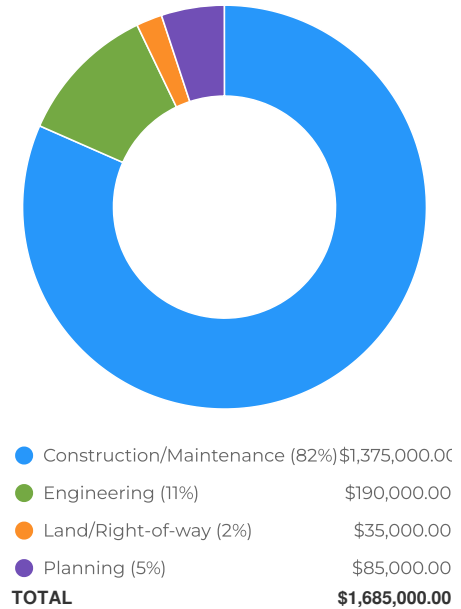
Total Budget (all years)
\$1.685M

Project Total
\$1.685M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

Capital Cost	FY2024	FY2025	FY2026	FY2027	FY2028	Total
Planning	\$85,000					\$85,000
Engineering		\$90,000		\$100,000		\$190,000
Land/Right-of-way		\$15,000		\$20,000		\$35,000
Construction/Maintenance			\$650,000		\$725,000	\$1,375,000
Total	\$85,000	\$105,000	\$650,000	\$120,000	\$725,000	\$1,685,000

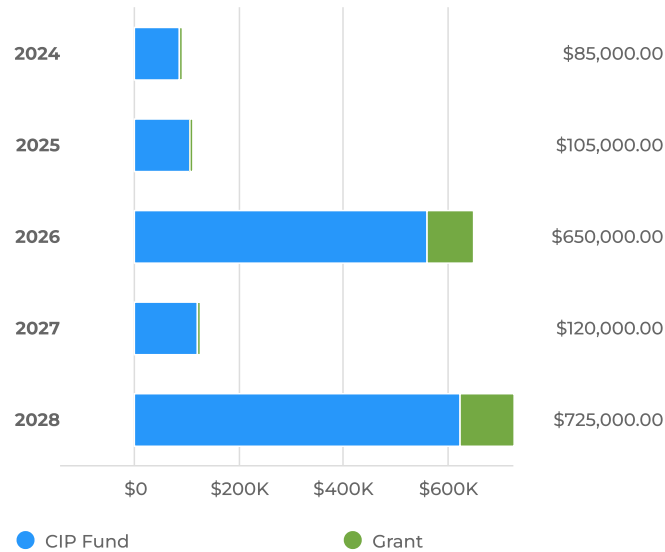
Funding Sources

FY2024 Budget
\$85,000

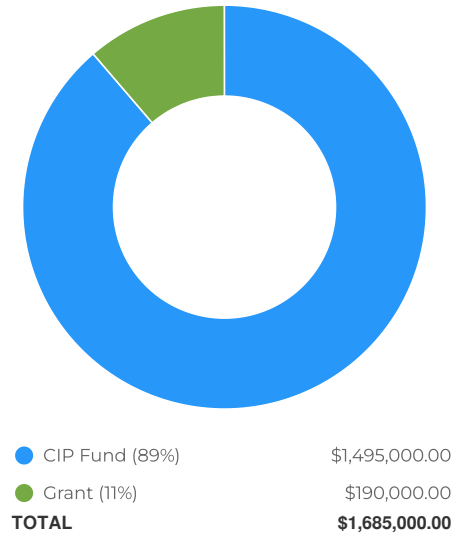
Total Budget (all years)
\$1.685M

Project Total
\$1.685M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	FY2025	FY2026	FY2027	FY2028	Total
CIP Fund	\$85,000	\$105,000	\$560,000	\$120,000	\$625,000	\$1,495,000
Grant			\$90,000		\$100,000	\$190,000
Total	\$85,000	\$105,000	\$650,000	\$120,000	\$725,000	\$1,685,000

South Depot Street Connection

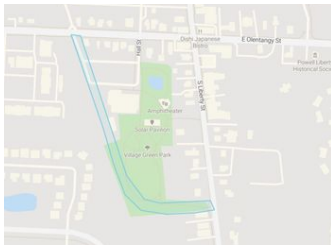
Overview

Request Owner	Aaron Stanford, City Engineer
Department	ENGINEERING DEPARTMENT
Type	Capital Improvement

Description

This project will extend South Depot Street from Olentangy Street to a point on Liberty Street approximately 100 feet north of the entrance to Library Park. Improvements would include new roadways with associated drainage improvements, pedestrian and shared-used paths, street lighting, landscaping, signage, parking facilities, pavement markings, and other related improvements. The timing and extent of the improvement will be largely impacted and coordinated with any redevelopment of the Village Green.

Images

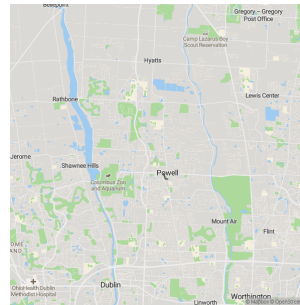


South Depot Street Extension

Details

Type of Project	New Road
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Location

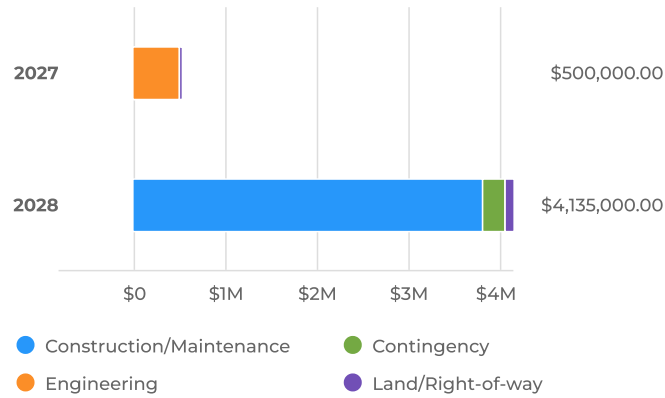


Capital Cost

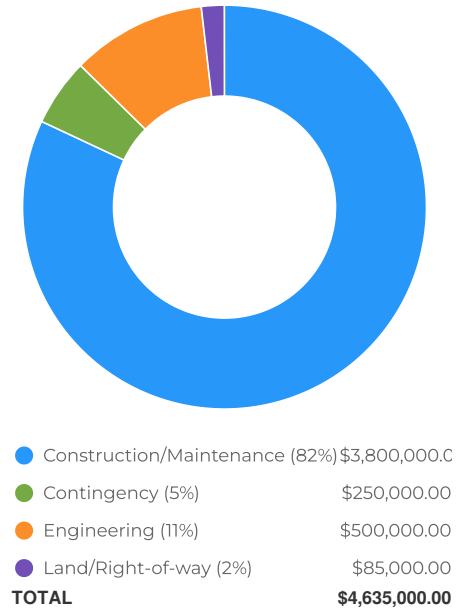
Total Budget (all years)
\$4.635M

Project Total
\$4.635M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

Capital Cost	FY2027	FY2028	Total
Engineering	\$500,000		\$500,000
Land/Right-of-way		\$85,000	\$85,000
Construction/Maintenance		\$3,800,000	\$3,800,000
Contingency		\$250,000	\$250,000
Total	\$500,000	\$4,135,000	\$4,635,000

Funding Sources

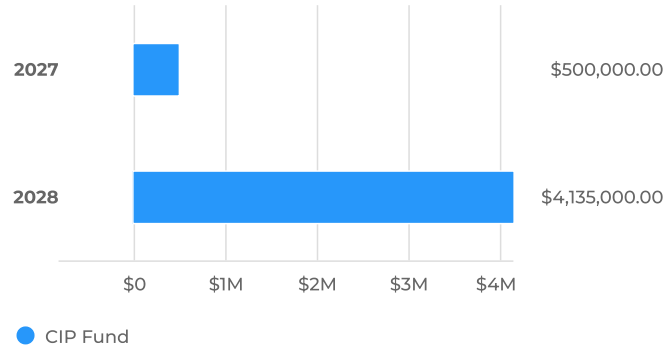
Total Budget (all years)

\$4.635M

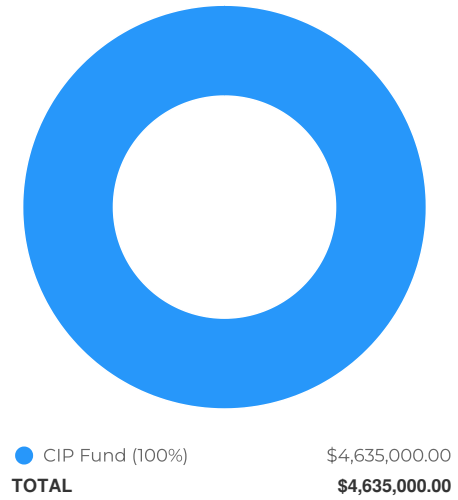
Project Total

\$4.635M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2027	FY2028	Total
CIP Fund	\$500,000	\$4,135,000	\$4,635,000
Total	\$500,000	\$4,135,000	\$4,635,000

PARKS & RECREATION REQUESTS

Adventure Park Pickleball Courts

Overview

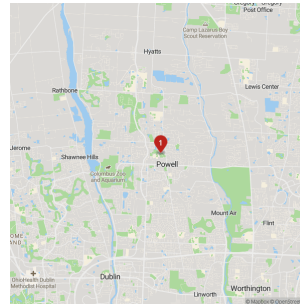
Request Owner	Rosa Ocheltree, Finance Director
Est. Completion Date	12/31/2024
Department	PARKS & RECREATION
Type	Capital Improvement

Description

Design and construct 8 pickleball courts located on a current greenfield in the northwest corner of Adventure Park. Construction includes excavation, hauling and removal, grading, drainage, court surface, coating, fencing, lighting, seeding and mulching.

The total cost of the project is estimated at \$1 million, with \$300,000 appropriated in the 2023 budget cycle.

Location



Supplemental Attachments

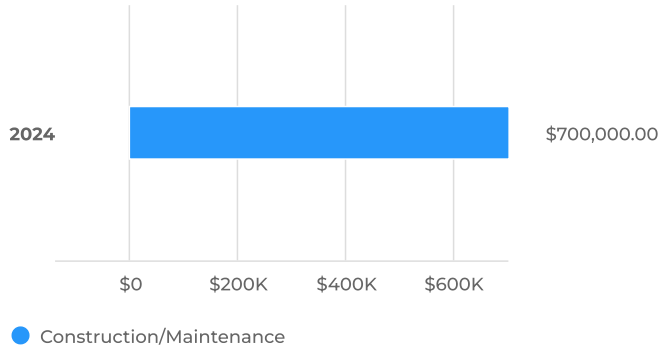
 [Site Plan Details\(/resource/cleargov-prod/projects/documents/96feb2027d997e39f6d2.pdf\)](/resource/cleargov-prod/projects/documents/96feb2027d997e39f6d2.pdf)

 [Adventure Park Pickleball Courts - Estimate\(/resource/cleargov-prod/projects/documents/d1e8214a937451e578c8.pdf\)](/resource/cleargov-prod/projects/documents/d1e8214a937451e578c8.pdf)

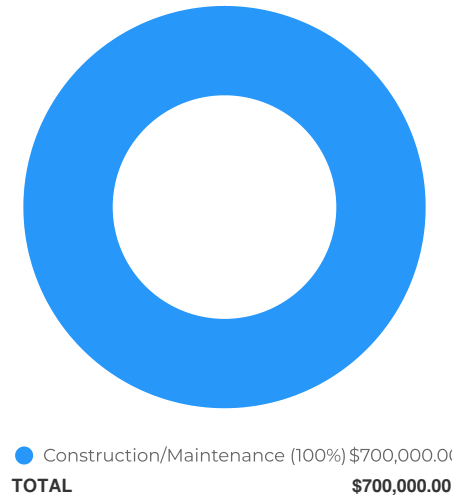
Capital Cost

FY2024 Budget	Total Budget (all years)	Project Total
\$700,000	\$700K	\$700K

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

Capital Cost	FY2024	Total
Construction/Maintenance	\$700,000	\$700,000
Total	\$700,000	\$700,000

Funding Sources

FY2024 Budget

\$700,000

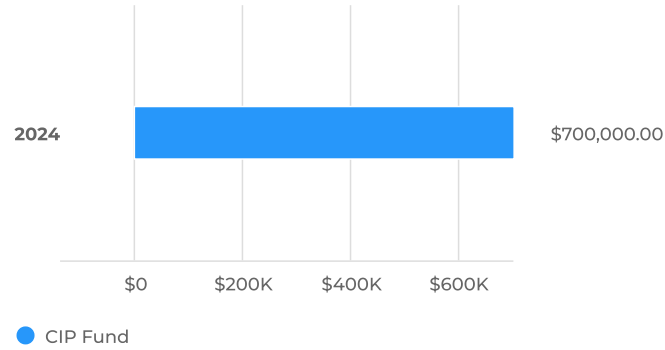
Total Budget (all years)

\$700K

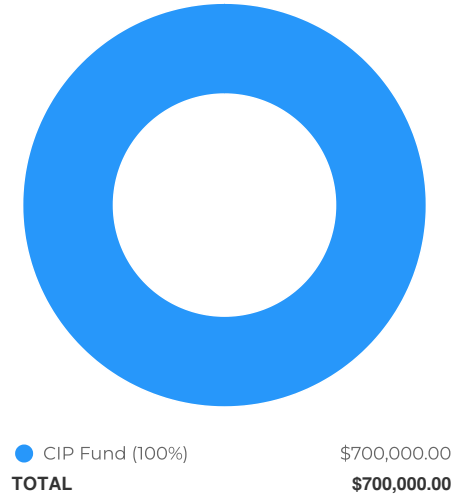
Project Total

\$700K

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	Total
CIP Fund	\$700,000	\$700,000
Total	\$700,000	\$700,000

PUBLIC SERVICE DEPARTMENT REQUESTS

Fleet & Equipment Replacement

Overview

Request Owner	Grant Crawford, Public Service Director
Department	PUBLIC SERVICE DEPARTMENT
Type	Capital Equipment

Description

The City's Asset Replacement Policy outlines the criteria for effective vehicle replacement. All factors of a vehicle's mission, purpose, age, mileage, and cost of ownership will be assessed to create a benchmark for relinquishment.

The attached 2024-2028 proposed replacement schedule ensures the ongoing liability and safety of the City's fleet, and positions the City to continue to provide quality services to its residents.

Purchase Year	Unit to Replace	Need	Estimated Total Cost
2024	PD 15	Interceptor	\$55,000
2024	PD 11	Interceptor	\$55,000
2024	PD 12	Interceptor	\$55,000
2024	PD Uplifting	Reuse of Existing Equipment	\$75,000
2024	Bldg Dpt White 1	Sedan/Sm SUV	\$37,500
2024	Mower 1	Reach Mower	\$150,000
2024	Plow 1	Plow Truck	\$255,000
2024	Plus One PU	Pick UP	\$50,000
2024	Utility 1	Gator to replace Kioti	\$35,000
			\$767,500

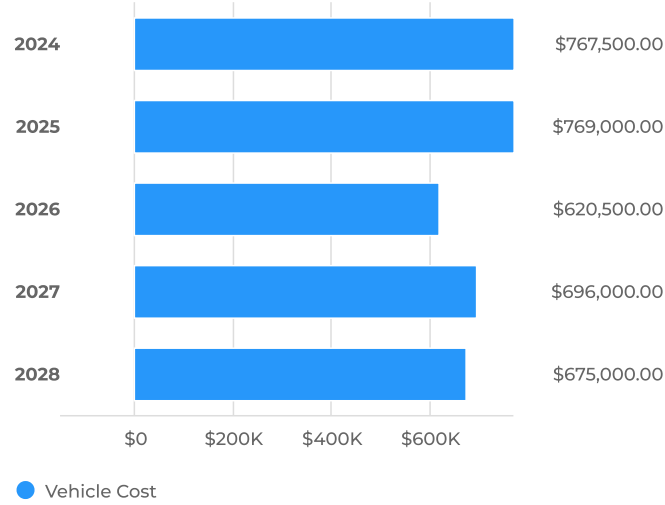
Capital Cost

FY2024 Budget
\$767,500

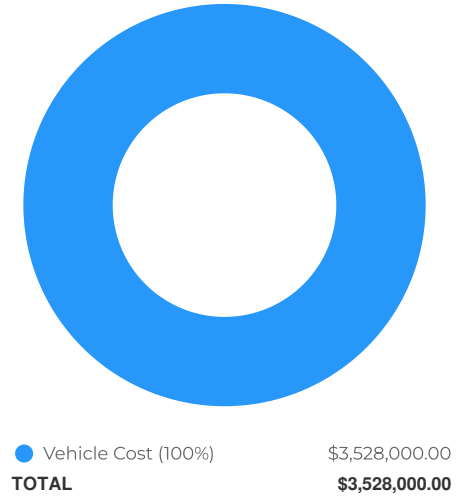
Total Budget (all years)
\$3.528M

Project Total
\$3.528M

Capital Cost by Year



Capital Cost for Budgeted Years



Capital Cost Breakdown

Capital Cost	FY2024	FY2025	FY2026	FY2027	FY2028	Total
Vehicle Cost	\$767,500	\$769,000	\$620,500	\$696,000	\$675,000	\$3,528,000
Total	\$767,500	\$769,000	\$620,500	\$696,000	\$675,000	\$3,528,000

Funding Sources

FY2024 Budget

\$767,500

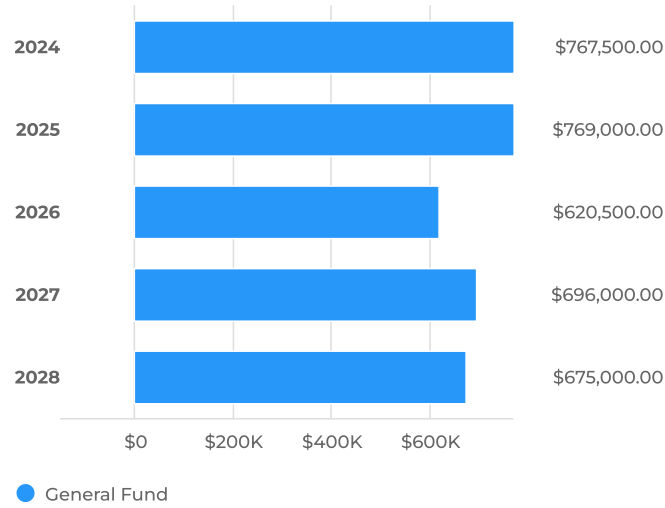
Total Budget (all years)

\$3.528M

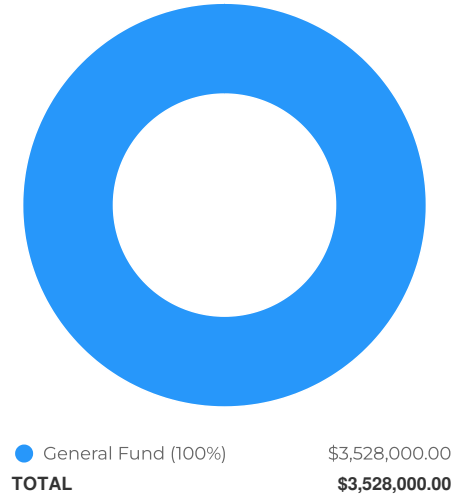
Project Total

\$3.528M

Funding Sources by Year



Funding Sources for Budgeted Years



Funding Sources Breakdown

Funding Sources	FY2024	FY2025	FY2026	FY2027	FY2028	Total
General Fund	\$767,500	\$769,000	\$620,500	\$696,000	\$675,000	\$3,528,000
Total	\$767,500	\$769,000	\$620,500	\$696,000	\$675,000	\$3,528,000



2024 to 2028 CAPITAL IMPROVEMENT PLAN
PROPOSED

Department	Type	Project	Funding Source(s)	Prior Year(s) Actual/Enc.	2024	2025	2026	2027	2028	Total 5-Year CIP	Beyond 2028	Total to be Budgeted (all
Administration	Capital Allocations	PDC Allocation/Strategic Land Acquisition	CIP	\$650,000	\$850,000	\$500,000	\$500,000	\$500,000	\$500,000	\$2,850,000		\$2,850,000
Administration	Capital Reserve	Contingency	CIP	\$300,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$1,750,000		\$1,750,000
Total Administration					\$1,200,000	\$850,000	\$850,000	\$850,000	\$850,000	\$4,600,000	\$0	\$4,600,000
Community Development	New Capital	Signage and Wayfinding Plan & Implementation	CIP	\$168,000		\$500,000	\$500,000	\$500,000		\$1,500,000		\$1,500,000
Total Community Development					\$0	\$500,000	\$500,000	\$500,000	\$0	\$1,500,000	\$0	\$1,500,000
Economic Development	New Capital	North Depot Street Extension - Encore TIF Agreement	Downtown TIF		\$980,039					\$980,039		\$980,039
Economic Development	New Capital	COhatch - Public Infrastructure TIF Agreement	Downtown TIF		\$50,000	\$450,000				\$500,000		\$500,000
Total Economic Development					\$1,030,039	\$450,000	\$0	\$0	\$0	\$1,480,039	\$0	\$1,480,039
Engineering	Capital Improvement	North Depot Street Reconstruction	CIP	\$336,090	\$110,000	\$2,125,000				\$2,235,000		\$2,235,000
Engineering	Capital Improvement	Downtown Street Improvements (New) **	CIP				\$120,000	\$600,000	\$150,000	\$870,000		\$870,000
			Grant					\$100,000		\$100,000		\$100,000
			Total Project		\$0	\$0	\$120,000	\$700,000	\$150,000	\$970,000	\$0	\$970,000
			CIP				\$1,775,000			\$1,775,000		\$1,775,000
Engineering	Capital Improvement	Scioto Street Reconstruction	Grant				\$250,000			\$250,000		\$250,000
			Total Project		\$0	\$0	\$2,025,000	\$0	\$0	\$2,025,000	\$0	\$2,025,000
Engineering	Capital Improvement	Hall Street Reconstruction	CIP	On-Hold						\$0	\$835,000	\$835,000
Engineering	Capital Improvement	Crosswalk Improvements on Olentangy Street (New)**	Grant		\$282,000					\$282,000		\$282,000
Engineering	New Capital	Northeast Quadrant Parking *	Downtown TIF			\$475,000	\$1,935,000			\$2,410,000		\$2,410,000
Engineering	New Capital	Scioto Street Extension *	CIP		\$695,000	\$3,950,000				\$4,645,000		\$4,645,000
			Grant			\$250,000				\$250,000		\$250,000
			Total Project		\$695,000	\$4,200,000	\$0	\$0	\$0	\$4,895,000	\$0	\$4,895,000
Engineering	New Capital	Shared Use Path Additions (New) **	Parks		\$85,000	\$105,000	\$560,000	\$120,000	\$625,000	\$1,495,000		\$1,495,000
			Grant				\$90,000		\$100,000	\$190,000		\$190,000
			Total Project		\$85,000	\$105,000	\$650,000	\$120,000	\$725,000	\$1,685,000	\$0	\$1,685,000
Engineering	New Capital	South Depot Street Connection (New) **	CIP					\$500,000	\$4,135,000	\$4,635,000		\$4,635,000
Engineering	New Capital	Liberty Road Multi-Use Path (Library Park to Murphy Pkwy)	CIP				\$125,000	\$675,000		\$800,000		\$800,000
			Grant					\$75,000		\$75,000		\$75,000
			Total Project		\$0	\$0	\$125,000	\$750,000	\$0	\$875,000	\$0	\$875,000
Engineering	Capital Maintenance	Adventure Park CSX Tunnel	CIP	\$170,522	\$355,000					\$355,000		\$355,000
Engineering	Capital Improvement	At Grade Railroad Crossing Upgrades**	Grant		\$350,000	\$350,000				\$700,000		\$700,000
Total Engineering					\$1,877,000	\$7,255,000	\$4,855,000	\$2,070,000	\$5,010,000	\$21,067,000	\$835,000	\$21,902,000
Facilities	Capital Improvement	Lechler Building Remodel/Reuse	CIP	\$200,000	\$700,000					\$700,000		\$700,000
Total Facilities					\$700,000	\$0	\$0	\$0	\$0	\$700,000	\$0	\$700,000
Fleet	New Capital	Fleet & Equipment Replacement	General Fund		\$767,500	\$769,000	\$620,500	\$696,000	\$675,000	\$3,528,000		\$3,528,000
Total Fleet					\$767,500	\$769,000	\$620,500	\$696,000	\$675,000	\$3,528,000	\$0	\$3,528,000
Parks and Recreation	Capital Improvement	Village Green Amphitheater Improvements	CIP	On-Hold						\$0	\$75,000	\$75,000
Parks and Recreation	New Capital	Pickle Ball Courts	CIP	\$300,000	\$700,000					\$700,000		\$700,000
Total Parks and Recreations					\$700,000	\$0	\$0	\$0	\$0	\$700,000	\$75,000	\$775,000
Public Service	Capital Maintenance	Annual Street Maintenance and Repair Program	Street Maint.		\$2,500,000	\$2,815,000	\$3,175,000	\$3,585,000	\$3,995,000	\$16,070,000		\$16,070,000
Total Public Service					\$2,500,000	\$2,815,000	\$3,175,000	\$3,585,000	\$3,995,000	\$16,070,000	\$0	\$16,070,000
Grand Total				\$1,174,612	\$8,774,539	\$12,639,000	\$10,000,500	\$7,701,000	\$10,530,000	\$49,645,039	\$910,000	\$50,555,039

Partially Grant Funded * Potential for Bond/Note Financing based on market conditions. ** New Project (Not in 23-27 CIP).



2024 to 2028 CAPITAL IMPROVEMENT PLAN

FUNDING SUMMARY

PROPOSED

Funding				FY2023 Capital Cost	FY2024 Capital Costs	FY2025 Capital Costs	FY2026 Capital Costs	FY2027 Capital Costs	FY2028 Capital Costs	Total 5-Year CIP	Beyond 2028	Total to be Budgeted (all years)
		491-CIP Fund		\$2,295,134	\$3,760,000	\$7,425,000	\$3,370,000	\$3,125,000	\$5,135,000	\$22,815,000	\$835,000	\$23,650,000
		451-Downtown TIF		\$0	\$1,030,039	\$925,000	\$1,935,000	\$0	\$0	\$3,890,039		\$3,890,039
		Grants			\$632,000	\$600,000	\$340,000	\$175,000	\$100,000	\$1,847,000		\$1,847,000
		211-Street Maintenance (Special Revenue) Fund		\$0	\$2,500,000	\$2,815,000	\$3,175,000	\$3,585,000	\$3,995,000	\$16,070,000		\$16,070,000
		241-Parks & Recreations (Special Revenue)		\$0	\$85,000	\$105,000	\$560,000	\$120,000	\$625,000	\$1,495,000		\$1,495,000
		100-General Fund		\$0	\$767,500	\$769,000	\$620,500	\$696,000	\$675,000	\$3,528,000		\$3,528,000
		Total		\$2,295,134	\$8,774,539	\$12,639,000	\$10,000,500	\$7,701,000	\$10,530,000	\$49,645,039	\$835,000	\$50,480,039

Fund Balance				2023	2024	2025	2026	2027	2028
		CIP Fund Beg. Balance			\$2,670,000	\$3,160,000	\$360,000	\$1,740,000	\$3,460,000
		Revenue			\$4,250,000	\$4,625,000	\$4,750,000	\$4,845,000	\$4,941,900
		Expenditures		\$2,670,000	-\$3,760,000	-\$7,425,000	-\$3,370,000	-\$3,125,000	-\$5,135,000
		CIP Fund Ending Balance		\$2,670,000	\$3,160,000	\$360,000	\$1,740,000	\$3,460,000	\$3,266,900
		Downtown TIF Beg. Balance			\$3,000,000	\$2,619,961	\$2,357,961	\$1,105,851	\$1,857,030
		Revenue			\$650,000	\$663,000	\$682,890	\$751,179	\$751,179
		Expenditures			-\$1,030,039	-\$925,000	-\$1,935,000	\$0	\$0
		Downtown TIF Ending Balance		\$3,000,000	\$2,619,961	\$2,357,961	\$1,105,851	\$1,857,030	\$2,608,209
		Street Repair and Maintenance Beg. Balance			\$800,000	\$1,725,000	\$2,335,000	\$3,085,000	\$3,425,000
		Revenue			\$3,500,000	\$3,500,000	\$4,000,000	\$4,000,000	\$4,000,000
		Expenditures			-\$2,575,000	-\$2,890,000	-\$3,250,000	-\$3,660,000	-\$4,070,000
		Street Repair & Maintenance Ending Balance		\$800,000	\$1,725,000	\$2,335,000	\$3,085,000	\$3,425,000	\$3,355,000

Other Available Funds				2023	2024	2025	2026	2027	2028
		Downtown Renovation TIF		\$25,000	\$32,000	\$30,000	\$30,000	\$30,000	\$30,000
		Sawmill Corridor TIF		\$1,200,000	\$1,812,000	\$1,848,240	\$1,885,205	\$1,922,909	\$1,961,367
		Seldom Seen Park TIF		\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
		Seldom Seen Public Improvements TIF		\$273,000	\$273,000	\$273,000	\$273,000	\$273,000	\$273,000
		All Available Funds			\$9,622,961	\$7,205,201	\$8,120,056	\$10,968,939	\$11,495,476

From: Andrew D. White, City Manager

To: Members of City Council

Re: **ORDINANCE 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**

Date: September 19, 2023

Summary:

This ordinance (Ordinance 2023-26) is a request for review and approval to authorize the execution of an Economic Development Agreement (EDA) with Redwood Powell Home Road, OH P1 LLC. Ordinance 2022-09 seeks approval of a Final Development Plan for the first phase of residential development at the second reading of Ordinance 2023-26. Subsequent to the initial presentation of plans, the commercial component -- along the parcel fronting Home Road -- dissolved, altered the site and impacted the entitlement process.

The Final Development Plan ordinance was tabled in May of 2022 to address the significant alteration and consider alternatives to ensure the priority commercial component would be preserved.

Background

On July 20, 2021, City Council approved an annexation of the northern 35 acres from Liberty Township as well as a Zoning Map Amendment with Preliminary Development Plan for the entire 70 acres to allow for a consolidated development of the site with up to 327 residential units as well as three lots for health care, senior housing and commercial uses.

Specifically, the approval by City Council amended the zoning of the site from PI, Planned Industrial District in the City of Powell, and I, Industrial District in Liberty Township to PC, Planned Commercial District in the City of Powell. The Final Development Plan would be 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 and would establish final zoning per the Code.

The Planning and Zoning Commission recommended approval to City Council for this Final Development Plan at the April 13, 2022 meeting.

With Council authorization, this EDA preserves the commercial component of the original development plan by conveying it to the City.

Ordinance No. 2023-26 is presented now, in front of the legislation authorizing the final development plan in order to protect the City's interest in the commercial development potential of the project.

Legal Review:

The Law Director and Community Development Staff have reviewed this Ordinance to ensure compliance with the Law.

Financial Review:

The Finance Director has reviewed the agreement and identified available resources within the budget to accommodate its authorization.

The conveyance of the 10.68-acre commercial parcel for the contractual purchase price of \$2,159,425.00 to be paid over a five-year period. Additionally, the agreement sets a maximum reimbursement amount \$845,500.00 to the Developer for completed public infrastructure improvements. Staff has ordered an appraisal report and the costs of public infrastructure costs will be reviewed by the Engineer prior to reimbursement.

Recommendation:

Staff recommends approval of Ordinance 2023-26 at the second reading/public hearing on October 3, 2023.



ORDINANCE 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

WHEREAS, Redwood Powell Home Road OH P1 LLC ("Redwood"), proposes a mixed-use development consisting of single-story, multi-family residential housing and development of a commercial parcel; and

WHEREAS, the development requires the construction and development of certain public infrastructure improvements; and

WHEREAS, it is in the interest of the City to enter into an economic development agreement ("Agreement") with Redwood regarding the completion of those public infrastructure improvements and conveyance of a portion of the property to the City for commercial development; and

WHEREAS, the Agreement does not exempt Redwood from any requirement under the City's entitlement process or Codified Ordinances, nor does it guarantee approval of any plan, permit, or other entitlement.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, COUNTY OF DELAWARE, STATE OF OHIO AS FOLLOWS:

Section 1: The City of Powell Council hereby authorizes the City Manager to execute a Development Agreement in substantially the form as attached hereto and identified as Exhibit A, which is incorporated by reference as if restated in full herein, and is subject to such technical corrections or revisions, to include final improvement costs and application review costs, as determined by the City Manager and approved as to form by the Law Director, any such corrections or revisions being hereby determined to be in the interest of the City.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of Council and any of the decision-making bodies of the City of Powell which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

Section 3: That this Ordinance shall take effect on the earliest date permitted by law.

Daniel Swartwout Mayor	Date
---------------------------	------

EFFECTIVE DATE: _____, 2023

Elaine McCloskey City Clerk	Date
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This legislation has been posted in accordance with
the City Charter on this date _____ .
_____ City Clerk

City Council
Jon C. Bennehoof, Mayor

Frank Bertone Tom Counts Brian Lorenz Brendan Newcomb Melissa Riggins Daniel Swartwout

Development Agreement between the
City of Powell, Ohio and Redwood Powell Home Road OH P1 LLC

This Development Agreement (the "Agreement") is made by and between the **City of Powell, Ohio** (the "City"), a municipal corporation duly organized and validly existing under the Constitution and the laws of the State of Ohio and its Charter, with an office located at 47 Hall Street, Powell, Ohio 43065 and **Redwood Powell Home Road OH P1 LLC**, an Ohio limited liability company, with offices located at 7007 East Pleasant Valley Road, Independence, Ohio 44131 (the "Developer") (Developer and City together referred to herein as "Parties").

WITNESSETH:

WHEREAS, the Developer is the owner of 70± acres of land located south of Home Road, between the CSX railroad tracks to the west and Liberty Road to the east and identified as Delaware County Parcel Numbers: 31924001005001, 31924001068004, 31924001004000, and 31924001005000 (the "Property"), and seeks to develop the Property into a mixed use development (the "Project"); and

WHEREAS, the Property was approved for annexation into the City of Powell by Ordinance 2021-19, approved by Powell City Council on 7/20/2021; and

WHEREAS, a Zoning Map Amendment and Preliminary Development Plan was approved by Powell City Council on 7/20/21 by Ordinance 2021-20; and

WHEREAS, the Developer has not received final zoning approval or approval of a Final Development Plan, which constitutes that final zoning for the Property; and

WHEREAS, the Developer understands and acknowledges that it must proceed through the City's entitlement process, including obtaining final zoning for the Property in order to pursue the Project, and that this Agreement does not exempt Developer from any requirement under the City's entitlement process or Codified Ordinances, nor does it guarantee approval of any final zoning, plan, permit, or other entitlement - provided, however, that this Agreement is subject to and contingent upon final approval of all plans and permits; and

WHEREAS, the Parties have determined that the Project requires the construction and development of certain public infrastructure improvements ("Public Infrastructure Improvements"), and that the Developer requests the City's assistance with the development of Public Infrastructure Improvements servicing approximately 10.68±-acre of the Property (the "Commercial Parcel"); and

WHEREAS, the City has determined that it would be in the best interest of the City to contract with the Developer to provide for reimbursement of certain Public Infrastructure Improvements, and the Developer has determined it is in its best interest to sell and convey the Commercial Parcel to the City as part of the development process.

NOW THEREFORE, for good and valuable consideration received, the receipt and sufficiency of which is hereby acknowledged, the City and the Developer agree as follows:

I. Definitions.

- A. **Agreement** means this Development Agreement between the City of Powell, Ohio and Redwood Powell Home Road OH P1 LLC.
- B. **Property** means the four parcels making up 70± acres identified as Delaware County Parcel Nos. 31924001005001, 31924001068004, 31924001004000, and 31924001005000, as described and/or depicted in the attached Exhibit A.

- C. **Project** means the mixed use development consisting of (i) Phase 1 of a single-story, multi-family residential housing project, consisting of 24 buildings (126 residential units) located on ±25.70 acres, as identified in Case Number 2022-02FDP; (ii) Phase 2 of a single-story, multi-family residential housing project, consisting of 23 buildings (125 residential units) on +/- 19.76 acres; (iii) Phase 3 of a single-story, multi-family residential housing project, consisting of 13 buildings (76 residential units) on +/- 13.99 acres, and (iv) development of the Commercial Parcel for commercial purposes.
- D. **Public Infrastructure Improvements** means the public infrastructure improvements required to be constructed for the Project, which are itemized in the attached Exhibit B.
- E. **Reimbursable Public Infrastructure Improvements** means the Public Infrastructure Improvements that are reimbursable pursuant to this Agreement and constructed for the Project, as approved by the City, all of which are itemized in the attached Exhibit B.
- F. **Commercial Parcel** means the ±10.68-acre portion of the Property as described and/or depicted in the attached Exhibit C.

II. **Sources of Reimbursement.** The Reimbursable Public Infrastructure Improvements as identified in Section III below shall be reimbursed by the City using the available funds in the Sawmill TIF Fund.

III. **Reimbursable Public Infrastructure Improvements.** The following Reimbursable Public Infrastructure Improvements shall be completed by the Developer as part of the Project as shown generally on Exhibit B, subject to the reimbursement terms below, and shall be dedicated to the City as public infrastructure at a mutually agreeable time after the construction is complete pursuant to the City's Codified Ordinances.

A. **Public Infrastructure**

- 1. *Description of Improvement.* The Reimbursable Public Infrastructure Improvements to be designed and constructed by the Developer will include: any necessary roadway widening of Home Road and all associated work ("Road Widening Work"), public water main work that will benefit the proposed Commercial Parcel, the public sanitary sewer work benefiting the Commercial Parcel (including the necessary tie-in on the northern side of the right-of-way of Home Road), and the public water and sewer that is located within public right of way.
- 2. *Reimbursement Amount.* Subject to the provisions of Section IV(A) below, the City shall reimburse the Developer the actual costs the Developer incurred for the Reimbursable Public Infrastructure Improvements listed in III(A)(1) and as shown in Exhibit B with a maximum reimbursement of \$845,500 ("Maximum Reimbursement"). Any costs incurred by the Developer above the Maximum Reimbursement are the Developer's responsibility; the City will not reimburse any amount above the Maximum Reimbursement.

IV. **Reimbursement Terms.**

- A. *Total Reimbursement.* Reimbursement for costs incurred by the Developer shall be approved by the City, and such approval shall not be unreasonably withheld, conditioned, or delayed, and shall be in the amount of (i) \$123,500 for the Road Widening Work, and (ii) the actual construction costs for the balance of the Reimbursable Public Infrastructure Improvements, as set forth in Section III(A)(2). Developer shall submit a request for

reimbursement to the City following the completion of the Reimbursable Public Infrastructure Improvements listed in III(A) (1) and as shown in Exhibit B. Thereafter, the City shall inspect and proceed with the conditional approval process outlined in the Codified Ordinances. The City shall reimburse Developer within 60 calendar days after conditional approval. Developer shall submit a request for reimbursement to the City after completion of the reimbursable improvements listed in III(A) (1) and as shown in Exhibit B, too. Thereafter, the City shall inspect and proceed with the conditional approval process outlined in the Codified Ordinances. The City shall reimburse Developer within 60 calendar days after conditional approval. In no instance shall payment to the Developer exceed the Maximum Reimbursement.

- B. *Limits of Reimbursement.* Under the terms of this Agreement, the Developer understands and agrees that the City will only reimburse the Developer for actual costs, which the Developer proves and certifies to the City, up to and not to exceed the Maximum Reimbursement.

V. Provisions Governing the Construction of all Public Infrastructure Improvements. The following provisions govern the construction of all Public Infrastructure Improvements.

- A. **Security for Performance.** The Developer shall execute, or cause its contractor(s) to execute, and provide to the City, a bond, a certified check or an irrevocable letter of credit equal to the Construction Bond Amount of the Public Infrastructure Improvements for which the Developer has received approval to construct (per engineering plans and drawings approved by the City). All forms of financial warranties must be reasonably acceptable to the City to ensure faithful performance of the terms and conditions under this Agreement and to ensure completion of all Public Infrastructure Improvements and that they are constructed in accordance with all City rules, codes, regulations, law, and approvals, and in compliance with the development plans for the Project as approved by the City.

Reductions in the Construction Bond Amount(s) for the Public Infrastructure Improvements made or being made on City-owned property, City rights-of-way or in easements granted to the City, shall occur only after the City Engineer has been provided evidence that all work on the particular Public Infrastructure Improvement(s) have been performed according to the approved plans and specifications filed with the City Engineer and/or to the City Engineer's satisfaction. Such reductions in the Construction Bond Amount(s) shall occur periodically over time if the Public Infrastructure Improvements are accepted by the City in one or more phases.

If the surety of any bond so furnished by the Developer or its contractor(s) declares bankruptcy, becomes insolvent or its right to do business is terminated in Ohio, the Developer shall within five (5) days thereafter cause the substitution of another bond or surety. The Developer shall provide to the City prior to commencement of any work by any contractor a copy of the Security for Performance provided by the contractor pursuant to this Section.

- B. **Plan Review and Inspection Cost.** Prior to receiving any permits required to commence construction of any portion or phase of the Project, including the Public Infrastructure Improvements, pursuant to the City's Codified Ordinances, the Developer shall deposit plan review and inspection costs with the City.
- C. **Prevailing Wage.** The Developer and the City acknowledge and agree that construction of the Reimbursable Public Infrastructure Improvements under the terms and conditions of this Agreement, are subject to the prevailing wage requirements of Ohio Revised Code Chapter 4115 and all wages paid to laborers and mechanics employed in constructing those Reimbursable Public Infrastructure Improvements on the Project shall be paid at not less than the prevailing rates of wages of laborers and mechanics for the classes of work

called for by the Public Infrastructure Improvements, which wages shall be determined in accordance with the requirements of that Chapter 4115. The Developer shall require compliance by all contractors, and shall require all contractors to require all subcontractors working on the Reimbursable Public Infrastructure Improvements, to comply with all applicable requirements of that Chapter 4115. The Developer shall provide proof of compliance with the prevailing wage requirements to the City to the City's reasonable satisfaction.

D. **Insurance.** Prior to the commencement of construction of the Public Infrastructure Improvements, the Developer shall take out and maintain, insurance in such amounts as provided below. The Developer shall provide sufficient evidence to the City, prior to construction, that such insurance exists and is in effect.

1. *Public Liability Insurance.* Shall be taken out and maintained in the amount of \$1,000,000.00 for bodily injuries including those resulting in death of any one person and on account of any one accident or occurrence with an annual aggregate of \$2,000,000.00.
2. *Property Damage Insurance.* Shall be taken out and maintained in an amount of \$1,000,000.00 from damages on account of any one accident or occurrence with an annual aggregate of \$2,000,000.00.

The Developer agrees that the insurance policies required herein (excluding the professional liability insurance) shall require the insurer to name the City as an additional insured, and to provide the City with prior written notice before the cancellation of a policy according to not less than the timeframe stated in the policy or policies.

E. **Indemnification.** The Developer shall indemnify and hold harmless the City, and all of its elected officials, officers, employees and agents from and against all claims, losses, suits, actions and expenses (including reasonable attorneys' fees) that arise due to the wrongful or negligent performance or non-performance of the Developer, its contractors, subcontractors or its agents or employees, under the terms of this Agreement, including any and all proceedings which may originate from or on account of any death, injuries or damages to persons or property received or sustained as a consequence of any actions or omissions of any contractor, subcontractor or agent, from any material, including explosives, or any method used in said work or by or on account of any accident caused by negligence or any other wrongful act or omission of any contractor, subcontractor or its agents or employees.

F. **Acceptance of Public Infrastructure Improvements.**

1. *Conditional Acceptance by City Council.* Upon completion of any particular Public Infrastructure Improvement and inspection by the City, the City shall submit to City Council legislation documenting the City Engineer's conditional acceptance of the Public Infrastructure Improvements consistent with the City's codified ordinances. Conditional acceptance of the Public Infrastructure Improvements shall not be unreasonably withheld, conditioned, or delayed.
2. *Maintenance Period.* The Developer shall be responsible for the maintenance, repair and/or reconstruction of any and all defective materials or workmanship for a period of two years from the conditional acceptance date.

During this two-year period, the City shall be responsible for the operations and routine maintenance of the Public Infrastructure Improvement(s), including snow and/or ice removal.

3. **Maintenance Bond.** Within 30 days of conditional acceptance by the City, the Developer shall submit a maintenance bond, consistent with the City's codified ordinances, in an amount and manner requested by the City Engineer ("Maintenance Bond Amount") for the two-year maintenance period. At the time of acceptance of the required maintenance bond, all related securities for performance shall be released.

If no claims for repair or replacement are pending, the Maintenance Bond Amount shall be reduced to zero immediately after the expiration of the above-described two-year period for the improvement accepted, after which the City shall proceed with final acceptance of the public infrastructure and assume all responsibility for the operation and routine maintenance of the formally accepted Public Infrastructure Improvements.

4. **As-builts.** The Developer shall, within sixty (60) calendar days following the completion of the Public Infrastructure Improvement(s) and prior to final acceptance by the City, furnish to the City, as required, electronic "as built" drawings of the Public Infrastructure Improvement(s), which drawings shall become the property of the City and remain in the office of the City Engineer.
5. **Liens.** The Developer shall, within sixty (60) calendar days of completing a Public Infrastructure Improvement or all of the Public Infrastructure Improvements, furnish to the City an itemized statement showing the cost of the Public Infrastructure Improvements and a notarized affidavit stating that all material and labor costs have been paid and there are no liens.

The Developer shall provide the City with evidence satisfactory to it that all liens affecting the Public Infrastructure Improvements, including but not limited to liens for delinquent taxes, the lien of any mortgage, and any mechanic's liens, have been released. The City shall not accept the Public Infrastructure Improvements until such satisfactory evidence is provided to the City Engineer.

- G. **Dedication of Right-of-Way and Easements.** The Developer agrees that it shall dedicate, and the City agrees that it shall accept (subject to the City Engineer's approval) all right-of-way and easements required for the construction of the Public Infrastructure Improvements and shall work with the City to vacate any existing right of way that is necessary for the development of the Project.

VI. **Conveyance of Commercial Parcel.**

- A. **Purchase Price.** The Developer shall convey the Commercial Parcel to the City, subject to the contingencies provided below and the terms of this Agreement, for a total price of \$2,159,425 ("Purchase Price"). The Purchase Price shall be paid over a 5-year period, including, interest, as reflected in the payment schedule attached as Exhibit D. Notwithstanding the contents of Exhibit D, the Purchase Price and interest rate contemplated hereby shall be negotiated, in good faith, by Developer and City in connection with the Purchase and Sale Agreement referenced herein.
- B. **Due Diligence.** Not later than sixty (60) days after signing this Agreement, the City may perform its due diligence on the Commercial Parcel, including, but not limited to, obtaining environmental studies and reports, an appraisal of the property, and any other inspection or report in the City's discretion, at the sole cost of the City. The City shall not be required to close on the acquisition of the Commercial Parcel should it discover anything during the due diligence period that impacts its decision to acquire the Commercial Parcel.

- C. **Contingency.** The Developer shall not be required to sell and convey the Commercial Parcel to the City until and until the approval by Powell City Council of Ordinance 2022-09 for the Redwood, Phase 1, Final Development Plan. This Agreement does not in any way guarantee the Developer approval of Ordinance 2022-09, and the Developer acknowledges the same. Should Ordinance 2022-09 not be approved, the Developer shall not be required to sell and convey the Commercial Parcel to the City.
- D. **Purchase and Sale Agreement.** The parties shall prepare a separate purchase and sale agreement for the sale of the Commercial Parcel should all the contingencies be met and after the close of the due diligence period. The City shall prepare an initial draft of the Purchase and Sale Agreement using its form and will deliver the same to the Developer for review. The City and the Developer will use commercially reasonable efforts to draft, negotiate and execute a Purchase and Sale Agreement within thirty (30) days after the later of: (1) the approval of Ordinance 2022-09, including any referendum periods; and (2) the close of the due diligence period.

VII. General Provisions.

A. Breach and Opportunity to Cure.

1. *Breach.* The Developer and the City agree that any material violations of or noncompliance with any of the terms and conditions of this Agreement shall constitute a breach of contract, and, subject to the notification and cure provisions outlined below, the Developer and the City shall have the right to stop work forthwith and seek any and all remedies available at law or equity.

In the event of a breach by the Developer, the City shall have the right to act against the performance surety, or other financial security accepted by the City, for the purpose of properly completing the Public Infrastructure Improvements, or having the Public Infrastructure Improvements completed, as required herein.

Should the City exercise its right to act against any performance surety or other financial security accepted by the City, any such costs thereafter expended by the City, and not reimbursed to it by the approved surety or other financial security, or paid for by the Developer's surety or guarantor, shall be reimbursable to the City under this Agreement in the same manner and amounts as those Public Infrastructure Improvements are reimbursable to the Developer hereunder, and such costs in having the Public Infrastructure Improvements completed shall be excluded from reimbursement to the Developer under this Agreement.

2. *Opportunity to Cure.* Prior to either party acting to stop its work in connection with an alleged breach of this Agreement, or the City seeking payment or performance from any surety or on any bond, the non-breaching party shall provide a written notice to the breaching party, which written notice shall set forth the alleged material violations of, or noncompliance with, any material term(s) and condition(s) of this Agreement.

The breaching party shall have thirty (30) calendar days after receiving the written notice to cure the alleged breach. If the breach is not cured within that time period, the non-breaching party may act to stop the breaching parties' work in connection with this Agreement and seek any and all remedies available at law or equity.

Notwithstanding the foregoing, if the nature of the breach is such that it cannot be reasonably cured within said thirty (30) calendar day period, then the breaching party may have a reasonable amount of time to cure, so long as the cure is

commenced within said thirty (30) day period, is diligently prosecuted to completion thereafter, and provided that such additional time period is not averse to the general health, safety and welfare of the City as determined by the City Engineer.

Notwithstanding any other provision of this Agreement, the above-described notification and cure provisions shall not apply when (i) the non-breaching party reasonably believes that it will be materially harmed if a thirty (30) calendar day notice period is observed, (ii) the City's Chief Building Official issues a stop work order for local, county or state code violations related to construction defects, or (iii) the City Engineer issues a stop work order for local, county or state construction code violations.

- B. **Notices.** Any notices, statements, acknowledgements, consents, approvals, certificates or requests required to be given on behalf of either party to this Agreement shall be made in writing addressed as follows and sent by registered or certified mail, return receipt requested, and shall be deemed delivered when the return receipt is signed, refused or unclaimed:

If to the City to:

Andrew White, City Manager
City of Powell, Ohio
47 Hall Street
Powell, Ohio 43065
awhite@cityofpowell.us

With a copy to:

Yaz Ashrawi, Law Director
Frost Brown Todd LLP
One Columbus, Suite 2300
10 West Broad Street
Columbus, OH 43215
yashrawi@fbtlaw.com

If to the Developer to:

Chief Legal Officer
Redwood Powell Home Road OH P1 LLC
7007 E. Pleasant Valley Road
Independence, OH 44131
E-mail: legal@byRedwood.com

with a copy to:

Edward A. Hurtuk, Esq.
Walter Haverfield LLP
6110 Parkland Blvd., Suite 100
Cleveland, Ohio 44124
E-mail: ehurtuk@walterhav.com

or to any such other persons or addresses as may be specified by either party, from time to time, by prior written notification. Courtesy copies should also be sent via email to the email addresses included above.

- C. **Representations.** All representations and warranties of the Developer and the City herein shall be binding upon the parties, their successors and approved assignees, and shall survive the execution and delivery of this Agreement.
1. *Developer Representations.* The Developer represents and warrants that the execution and delivery by the Developer of this Agreement and the compliance by the Developer with all of the provisions herein (i) are within the authority and powers of the Developer; (ii) will not conflict with or result in any breach of any of the provisions of, or constitute default under, any agreement, its articles of organization or operating agreement, or other instrument to which the Developer is a party or by which it may be bound, or, to the Developer's knowledge, any license, judgment, decree, law, statute, order, rule or regulation or any court or governmental agency or body having jurisdiction over the Developer or any of its activities or properties; and (iii) have been duly authorized by all necessary action on the part of the Developer.
 2. *City Representations.* The City hereby represents and warrants that (i) execution of this Agreement has been authorized by Ordinance No. 23-__, passed by City Council on _____ and (ii) the City has full power and authority to enter into this Agreement, to carry out its terms and to perform its obligations hereunder.
- D. **Waiver.** In the event that any covenant, agreement, or obligation under this Agreement shall be breached by either the Developer or the City and the breach shall have been waived thereafter by the Developer or the City, as the case may be, the waiver shall be limited to the particular breaches so waived and shall not be deemed to waive any other or any subsequent breach thereunder.
- E. **Severability.** In case any section or provision of this Agreement, or any covenant, agreement, obligation or action, or part thereof, made, assumed, entered into or taken, or any application thereof, is held to be illegal or invalid for any reason,
1. that illegality or invalidity shall not affect the remainder hereof or thereof; any other section or provision hereof, or any other covenant, agreement, obligation or action, or part thereof, made, assumed, entered into or taken, all of which shall be construed and enforced as if the illegal or invalid portion were not contained herein or therein,
 2. the illegality or invalidity of any application hereof or thereof shall not affect any legal and valid application hereof or thereof; and
 3. each section, provision, covenant, agreement, obligation or action, or part thereof, shall be deemed to be effective, operative, made, assumed, entered into or taken in the manner and to the full extent permitted by law.
- F. **Assignment.** Except as otherwise provided in this Section, this Agreement may not be assigned by any party hereto without the written consent of the other party which consent shall not be unreasonably withheld, conditioned, or delayed and which consent, if granted, may include reasonable provisions to protect the interest of the non-assigning party; provided, however, Developer's rights and interests in this Agreement may be assigned to any affiliates of Developer with at least thirty days notice to the City.

The assignment of Developer's right to receive reimbursement and payments of any and all reimbursements, credits and/or funds due and payable to it under this Agreement, shall in no way affect the Developer's responsibility hereunder to construct the Public Infrastructure Improvements under this Agreement, and pursuant to the Developer's approved Final Development Plan.

- G. **Jurisdiction.** This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio. All claims, counterclaims, disputes and other matters in question between the City, its agents and employees, and the Developer, its employees, contractors, subcontractors and agents arising out of or relating to this Agreement or its breach will be decided in a court of competent jurisdiction within Delaware County, Ohio.
- H. **Captions.** The captions and headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections in this Agreement.
- I. **Contingency.** This Agreement is expressly contingent upon: (1) Developer receiving final approval as well as all necessary permits to construct the Project. Should Developer fail to obtain all approvals and permits for the Project, this Agreement shall terminate, and the Parties shall be relieved of any further obligations and the Parties shall have no further rights at law or in equity.
- J. **W9.** The Developer must complete, execute, and submit a W9 form to the City prior to receiving any payment or reimbursement provided in this Agreement.

IN WITNESS WHEREOF, the parties, each by a duly authorized representative, have executed this Agreement on the dates below. This Agreement is effective on the date signed by City Manager as identified below.

City of Powell, Ohio

Redwood Powell Home Road OH P1 LLC

Andrew White
City Manager

[name]
[position]

Date

Date

Approved as to Form:

Yazan S. Ashrawi
Law Director

CERTIFICATE OF AVAILABILITY OF FUNDS

I certify that the money required to meet the obligations of the City of Powell hereunder has hereby been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of this fund, free from any previous obligation or certification as required by Ohio Revised Code §5705.01 to §5705.47.

Date

Rosa Ocheltree, Finance Director

Exhibit A
Entire Property

DRAFT

Exhibit B

Reimbursable Public Infrastructure Improvements

DRAFT

Exhibit C
Commercial Parcel

DRAFT

Exhibit D
Amortization Schedule

DRAFT



Upcoming City Meetings & Events

SEPTEMBER 2023



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 Labor Day City Offices Closed 	5 Development Committee 6:00 pm City Council 7:30 pm	6	7 Board of Zoning Appeals 6:30 pm	8	9
10 Powell Street Market	11	12 Finance Committee 7 pm	13 Planning & Zoning 6:30 pm	14	15 Police and Fire Night 6pm	16
17	18	19 Operations Committee 6:00 pm City Council 7:30 pm	20 CDAC CANCELLED 6:00 pm	21 HDAC 6:00 pm	22	23
24	25	26 Powell Development Corporation 7:00 pm	27	28 9am-1pm OSU Blood Drive	29	30



Upcoming City Meetings & Events

OCTOBER 2023



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3 Development Committee 6:30 pm City Council 7:30 pm	4	5 Board of Zoning Appeals 6:30 pm	6	7
8	9	10 Finance Committee 7 pm	11 Planning & Zoning 6:30 pm	12	13	14
15	16	17 Operations Committee 6:30 pm City Council 7:30 pm	18 CDAC 6:00 pm	19 HDAC 6:00 pm	20	21
22  Candy By The Carload 4 - 6 p.m.	23	24 Powell Development Corporation 7:00 pm	25	26	27	28 Powell Fall Festival/ Food Drive
29	30	31 HALLOWEEN 				