



**CITY COUNCIL
MEETING MINUTES
MARCH 5, 2024**

I. CALL TO ORDER/ROLL CALL

Mayor Tom Counts called the March 5, 2024 City Council meeting to order at 7:32 p.m. Councilmembers present included: Councilmember Christina Drummond (arrived at 7:44 p.m.), Councilmember Ferzan Ahmed, Councilmember David Lester, Councilmember Tyler Herrmann, Councilmember Leif Carlson, Vice-Mayor Heather Karr and Mayor Tom Counts. Staff present included Mallory Sribanditmongkol, Strategic Communications Officer; Jason Nahvi, Human Resources Manager; Sean Hughes, Economic Development Administrator; Grant Crawford, Public Service Director; Aaron Stanford, City Engineer; Ron Sallows, Police Chief; Yazan Ashrawi, City Attorney; Rosa Ocheltree, Finance Director; and Andrew White, City Manager.

II. PLEDGE OF ALLEGIANCE

III. CITIZEN PARTICIPATION

Mayor Counts opened citizen participation. The following individuals provided public comment:

Jecy Weber
Delaware County Emergency Management
10 Court Street
Delaware, Ohio

Jecy Weber provided a presentation to Council regarding the April 8, 2024, solar eclipse event. The presentation included safety precautions, expected traffic increases, and the pathway of the eclipse related to Ohio and the City of Powell area. Most of Delaware County will experience some sort of totality and the event is expected to bring in visitors. The County and City have been working together for the past couple of years to plan for population surges, traffic management and effects on local infrastructure.

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

Brittany Zoecklein provided updates regarding the State of Ohio outside smoking guidelines for work environments.

Hearing no further public participation, Mayor Counts closed citizen participation.

IV. APPROVAL OF MINUTES

- a. Approval of the Minutes from the City Council meeting held on February 20, 2024.

MOTION: Vice-Mayor Heather Karr moved to approve the Minutes from the City Council meeting held on February 20, 2024. Councilmember David Lester seconded. Motion passed.

VOTE: Y-6 N-0 AB-1 (ABSTAIN: DRUMMOND)

V. CONSENT AGENDA

a. **RESOLUTION 2024-14**

A RESOLUTION AUTHORIZING THE POWELL POLICE DEPARTMENT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH DELAWARE COUNTY BOARD OF DEVELOPMENTAL DISABILITIES.

b. **RESOLUTION 2024-15**

A RESOLUTION AUTHORIZING THE CITY OF POWELL TO APPROVE THE DELAWARE FINAL PLAN FOR NEXT GENERATION 9-1-1.

MOTION: Vice-Mayor Heather Karr moved to approve the consent agenda. Councilmember David Lester seconded. Motion passed.

VOTE: Y-7 N-0 AB-0

VI. RESOLUTIONS

a. **RESOLUTION 2024-16**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PRADCO TO CONDUCT A SWOT ANALYSIS AND EMPLOYEE TRAINING.

Mayor Tom Counts read Resolution 2024-16 into the record for the first time. City Manager Andrew White discussed this is like exercises that were completed last year by the police department, which then brought forward some retention and recruitment efforts that were successful within the last contract negotiations. This resolution is similar in scope and would review the organizational structure and focus on opportunities for improvement and look at additional training for team building. The cost for the SWOT analysis and report is \$27,000 and \$20,000 would be for team building training. Councilmember Christina Drummond requested more information regarding the team building exercises. Human Resource Manager Jason Nahvi provided they would want to see the results of the organizational structure and determine what exercises would be appropriate. These exercises would primarily focus on the leadership team and effective communication. Mayor Tom Counts opened Resolution 2024-16 for public comment. Hearing none, he closed public participation for Resolution 2024-16.

MOTION: Councilmember Ferzan Ahmed moved to approve Resolution 2024-16. Vice-Mayor Heather Karr seconded. Motion passed.

VOTE: Y-7 N-0 AB-0

VII. ORDINANCES: FIRST READING(S)

a. **ORDINANCE 2024-06**

AN ORDINANCE ACCEPTING THE ANNEXATION OF 6.357 ACRES, MORE OR LESS, LOCATED ALONG WEST OLENTANGY STREET, FROM LIBERTY TOWNSHIP TO THE CITY OF POWELL (PETITIONER: HORSEPOWER FARMS, LLC).

Mayor Tom Counts read Ordinance No. 2024-06 into the record for the first time. He did state that the discussion for Ordinance 2024-06 and Ordinance 2024-07 will be separate and will be read at a second reading. Law Director Yazan Ashrawi reviewed the annexation process, and that this ordinance is the final step. If the ordinance is not adopted, then the property will remain in the township. Mayor Tom Counts questioned if this was subject to a pre-annexation agreement. Law Director Yazan Ashrawi explained that the agreement in place is similar terms to previous agreements in which the rejection of the development plan would require the annexation to not be accepted and that both Ordinance 2024-06 and Ordinance 2024-07 would need approved for the annexation to continue. Mayor Tom Counts opened Ordinance 2024-06 for public comment, hearing none, he closed public participation. Councilmember Christina Drummond questioned the zoning around the subject site. Planning Manager Claudia Husak explained that the surrounding township properties are zoned Farmed Residential. City Manager Andrew White discussed the Sawmill Commercial TIF and discussions of expansions of the TIF which could have public improvements such as sidewalks. Ordinance 2024-06 will be presented for a second reading.

b. **ORDINANCE 2024-07**

AN ORDINANCE APPROVING AN AMENDMENT TO THE ZONING MAP WITH A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FROM THE LIBERTY TOWNSHIP FARM RESIDENCE DISTRICT TO THE CITY OF POWELL PLANNED RESIDENCE DISTRICT FOR A DEVELOPMENT FOR THE STORAGE OF BOATS, RECREATIONAL VEHICLES AND CARS AS A PERMITTED USE ON ±15.8 ACRES AT 4301 HOME ROAD (HORSEPOWER FARM).

Mayor Tom Counts read Ordinance 2024-07 into the record for the first time. Planning Manager Claudia Husak reviewed the staff presentation and the recommendations received by the Planning and Zoning Commission. She identified the current Horsepower Farms property and the area requested area to be annexed. The request would be to combine the previous Horsepower Farms property and requested annexed property into one zoning district within the City of Powell to eliminate the Liberty zoning district. The applicant is requesting a zoning of Residence District, which allows the proposed use. She reviewed the process and timeline for the project and public input that was received and included in the minutes and packet. The applicant is requesting six additional buildings that will be similar to the current buildings. She discussed access to Steitz Road and the development plan in relation to the Comprehensive Plan.

APPLICANT:

Chip Vance
275 Oakham Court
Powell, Ohio

Chip Vance discussed working with the surrounding neighbors regarding landscaping and lighting. He discussed previous efforts to reduce the height of the building and increase the setback.

Councilmember Ferzan Ahmed questioned the height of the mound and if possible per staff recommendations. Chip Vance stated he will work with staff for clarification on the changes.

Councilmember Tyler Herrmann questioned the residential zoning if the units will not be lived in. Planning Manager Claudia Husak explained that the use proposed is permitted as a standalone and is the lowest intensity use.

Councilmember Christina Drummond also questioned the zoning and what other storage facilities are zoned in the City. Chip Vance discussed that this is different from other storage facilities as these are individually owned and modified inside. These could be an extension of the owners residences/homes. There are deed restrictions from being a primary residence and they are not permitted as a residence or business. She also questioned the results of the traffic study. Chip Vance stated that the first part of the development had a traffic study that showed 2 cars per hour for 63 units. The proposed site will be for 67 units and would expect to see 4 cars per hour.

Councilmember David Lester discussed that there is no outside storage. Chip Vance confirmed that the by-laws only allow items outside the units up to 72 hours.

Councilmember Leif Carlson questioned if the trees to the east of the property will remain. Chip Vance explained that the trees are not the property and would remain.

Mayor Tom Counts discussed the location of the power lines and would residential homes be allowed under them. Planning Manager Claudia Husak discussed that she is not aware of the regulations relating to power lines and residential homes underneath, as they are usually in an open space area, but that residents would generally prefer not to.

PUBLIC PARTICIPATION"

Brandon Cooke
7900 Steitz Road
Powell, Ohio

Brandon Cooke discussed that in the past he has been vocally opposed to the development but he has been working with Chip Vance on mounding for a physical barrier and possibly a retaining wall. He is hoping for a solution to the mounding prior to approval. Hearing no further comments, Mayor Tom Counts closed public participation.

Councilmember Leif Carlson discussed walking the site and looked at the auditor site regarding taxes paid to the school from the current Horsepower Farms Development and the benefit to have development that is not adding to student population. Ordinance 2024-07 will be presented for a second reading.

c. **ORDINANCE 2024-08**

AN ORDINANCE VACATING 0.150 ACRES PORTION, MORE OR LESS, OF CASE AVENUE AS A PUBLIC ROAD IN THE CITY OF POWELL, COUNTY OF DELAWARE, STATE OF OHIO.

Mayor Tom Counts read Ordinance 2024-08 into the record for the first time. City Manager Andrew White discussed that this legislative action is related to the conditions related to Encore Park development, which is to be developed on the parcel located at the northwest corner of Depot Street and East Case Avenue. As part of the development Case is no longer connected to cross the railroad tracks and no longer needs this strip of right-of-way and wishes to vacate it in order to facilitate the Encore Park project. There will be some loss of parking spaces, but the parking spaces were scattered without any authorization. There are opportunities to make long-term resolutions for parking and the extension of a roadway will provide some additional parking. Law Director Yazan Ashrawi also discussed the statute that

governs the vacation of unused road right-of-way and per the development plan will need to be vacated and should have been done previously. Mayor Tom Counts discussed that it is currently owned by the City and since it is being used for public purposes, it pays no property tax. The vacation would allow for the parcel to no longer be used for public purpose and would be paying taxes.

Councilmember Leif Carlson questioned if the City had committed the portion to the developer already. Planning Manager Claudia Husak answered that the intent was for the entirety of the right of way to be included in the zoning for the Encore Park development.

Councilmember Christina Drummond recognized that in previous planning documentation it has been slated as a road for the Encore Park Bend which would curve at the railroad track. There have been discussions of private roads under the public umbrella to streamline the efficiency of services and the maintenance of the road. She questioned why the City would take it from public to private to make into a road. Law Director Yazan Ashrawi answered that it is the understanding that not all of the 0.150 acres of right of way parcel will be a roadway. None of the roadway infrastructure within the development is going to be public and this provides consistency within the development. He discussed that the North Depot section will be dedicated back to the City as public. Planning Manager Claudia Husak further explained that there was no financial transaction between the two pieces, but giving up part of Case Avenue, the City will receive North Depot dedicated as public.

Mayor Tom Counts also discussed that the railroad would have to approve if the road was to cross the railroad tracks and that his understanding is that the railroad does not have an interest in additional crossings. City Manager White addressed that is their default position and that every intersection has a score rating. This area in specific has not safety measures in place and would be extremely expensive. He also discussed the option for quiet zone, but the variable that gets the highest index score is to vacate the intersection entirely. This is the safest way to protect the community from train traffic by the railroad rationale. Mayor Tom Counts also discussed the difference between public and private roads and since there is no crossing of the railroad tracks, it will not require public road specifications.

City Manager White answered Councilmember Ferzan Ahmeds questioned that the vacation of this property was part of the development agreement.

Councilmember Leif Carlson questioned if this site could have a dry tunnel under the tracks. City Manager Andrew White explained that previous conversations with CSX indicated this is not a priority for them due to maintenance requirements.

Mayor Tom Counts opened Ordinance 2024-08 for public comment. Hearing none, he closed public participation.

MOTION: Councilmember David Lester moved to suspend the rules for Ordinance 2024-08. Councilmember Ferzan Ahmed seconded. Motion passed.

VOTE: Y-6 N-1 (No: Carlson) AB-0

MOTION: Councilmember Ferzan Ahmed moved to approve Ordinance 2024-08. Vice-Mayor Heather Karr seconded. Motion passed.

VOTE: Y-6 N-0 AB-1 (Abstain: Carlson)

d. **ORDINANCE 2024-09**

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO AWARD A BID TO IRONSITE, INC., IN THE AMOUNT OF \$834,447.74 FOR THE ADVENTURE PARK PICKLEBALL COURTS PROJECT AND DECLARING AN EMERGENCY.

Mayor Tom Counts read Ordinance 2024-09 into the record for the first time. City Manager discussed that this is for the construction of eight pickleball courts at Adventure Park. Public Service Director Grant Crawford reviewed the bidding process in which three bids were received, although one company did supply an incomplete bid for only the fence components of the projects. Ironsite, Inc. was the lowest and best bidder. Consultant EMH&T has worked previously with Ironsite in other communities and provides a good product.

Vice-Mayor Heather Karr questioned if EMH& T had worked on pickleball courts with Ironsite previously as a project and were the pickleball players consulted in the design. Public Service Director Grant Crawford discussed that the consultant and Ironsite had worked on pickleball courts previously and the resident players were consulted on the design.

Mayor Tom Counts questioned if the timing were discussed with the bidders. Public Service Director Grant Crawford clarified that the contract requires that the contract be completed within 140 days from initiation of contract. He anticipates that during the bid opening there may be some delays with electrical component materials, and this will be reviewed with the contractor. The goal is to get them open as soon as possible and to determine if they can be opened while waiting for some materials.

Mayor Tom Counts opened Ordinance 2024-09 for public participation. Hearing none, he closed public participation for Ordinance 2024-09.

MOTION: Councilmember David Lester moved to suspend the rules for Ordinance 2024-09. Councilmember Christina Drummond seconded. Motion passed.

VOTE: Y-7 N-0 AB-0

MOTION: Councilmember Heather Karr moved to approve Ordinance 2024-09. Councilmember David Lester seconded. Motion passed.

VOTE: Y-7 N-0 AB-0

Mayor Tom Counts discussed that this was the first project that meets the goals that were first set.

e. **ORDINANCE 2024-10**

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO AWARD A BID TO STRAWSER PAVING COMPANY, INC., IN THE AMOUNT OF \$2,215,398,20, FOR THE 2024 STREET AND PATH MAINTENANCE PROJECT, AND DECLARING AN EMERGENCY.

Mayor Tom Counts read Ordinance 2024-10 into the record for the first time. City Manager Andrew White recognized staff efforts to get the bid out early and that it will also

include wide array of work to street and paths maintenance. City Engineer Aaron Stanford discussed the goal to get this out as early as possible and was able to get it out about a month earlier compared to last year. To date, this program is the highest amount spent on the street maintenance program. The program is divided into roadway maintenance improvements, bike trail reconstruction and guardrail improvements. He reviewed the bidding process. Strawser Paving was the lowest and best bid and had previously done work in the City. He provided an overview of the work to be done and program communications. The City and Contractor will work to ensure that information regarding the Program is communicated to residents to help lessen the impact from the maintenance. He highlighted that there was a focus on the school route system for bike and pedestrian trail connections.

Councilmember Christina Drummond discussed the need to get communication regarding path maintenance as they will be used heavily when school is out of session. She also recognized that there was an unencumbered project balance of \$284,601.00 and would there be potential for future legislation for other proposed bids. City Engineer Aaron Stanford discussed the possibility of smaller types of improvements that the City could get a head of for the 2025 program. He also discussed that construction funding for 2025 is not available until January 2025 and looking at trends of other communities on the bid process. Other communities are breaking the bid into smaller phases.

Councilmember Leif Carlson questioned if the path maintenance is broken into different groups and is this based on historical precedence. Public Service Director Grant Crawford answered that staff was looking at the lowest rated paths and while comparable to last year's maintenance it was not structured solely to last year's funding.

Mayor Tom Counts opened Ordinance 2024-10 for public participation. Hearing none, he closed public participation.

MOTION: Councilmember David Lester moved to suspend the rules for Ordinance 2024-10. Councilmember Christina Drummond seconded. Motion passed.

VOTE: Y-7 N-0 AB-0

MOTION: Councilmember Christina Drummond moved to approve. Councilmember David Lester seconded. Motion passed.

VOTE: Y-7 N-0 AB-0

VIII. COMMITTEE REPORTS

Development Committee: Next Meeting: April 2, 2024 @ 6:30 p.m.

Councilmember Ferzan Ahmed provided a review of the Development Committee meeting held on March 5, 2024.

Finance Committee: Next Meeting: March 12, 2024 @ 7:00 p.m.

Operations Committee: Next Meeting: March 20, 2024 @ 5:30 p.m. (Note Date Change D/T Election Primaries)

Councilmember Christina Drummond reviewed that there was an Eclipse Presentation and preliminary planning for the Charter Review process and how to document the Operations Committee structure and charter. There were two new members introduced at the previous meeting, that had served on CDAC previously.

Mayor Tom Counts provided that the next meeting for Operation Committee and the City Council meeting will be on Wednesday, March 20. This date change is related to the primary elections on March 19.

Planning & Zoning Commission: Next Meeting: March 13, 2024 @ 6:00 p.m. (Note Time Change)

Councilmember David Lester discussed hearing cases for Horsepower Farms, COHatch. Economic Development Administrator Sean Hughes discussed that staff is working to finalize the development agreement for COHatch. Councilmember David Lester also discussed the plan to review rules and meeting procedures for all members.

Powell Development Corporation: Next Meeting: March 26, 2024 @ 6:30 p.m.

Economic Development Administrator Sean Hughes reviewed the Economic Development Business Expansion Grant program and that it is performance based and how it can help small businesses, as well as larger businesses. Mayor Tom Counts also discussed that there was a presentation from Brightstone.

IX. CITY MANAGER'S REPORT/CITY CALENDAR

a. 2024-2025 Council Goal Strategy and Action Plan

City Manager Andrew White reviewed the draft goal strategy and took the six goals and listed them in order of City Council. This is staff interpretation on what objectives went under each goal. There were some objectives that could be consolidated. He discussed how the software can track objectives and action plans.

Councilmember Christina Drummond discussed that without the action items it was hard to determine if the goals were achievable. She requested more specific details to determine if the objectives are completed or not. City Manager Andrew White also specified that this is a fluid document and things can be added to the list.

Vice-Mayor Heather Karr reviewed the document and was looking at goal number six and the longest list of objectives. She discussed that some of the finance functions may need to be moved to different goals.

Councilmember Ferzan Ahmed voiced a concern that there is a lot of information provided and does staff have the ability to work on all of it.

Councilmember Tyler Herrmann thanked staff for the work and feels some progress was made. He looks forward to next steps.

Mayor Tom Counts would also like to see more specific objectives and actions. He discussed looking at the objectives to number six. He felt that the number one priority would have more specific objectives. Councilmember Christina Drummond discussed looking at operational vs. strategic. City Manager acknowledged that the objectives were all items that were spoken about in the Work Session.

b. March Calendar

X. OTHER COUNCIL MATTERS

Councilmember Tyler Herrmann discussed attending a town hall meeting regarding State Route 315 and banning truck traffic. City Manager White discussed that there is a proposed elimination of 315 connection to State Route 23 by ODOT.

Councilmember Christina Drummond discussed that she recently attended a State of School event. She also discussed that she was late for the meeting due to a ban concert at the schools and she discussed the high attendance at the concert. She recommended that during summer planning of events consider reaching out to schools for performances.

Councilmember Leif Carlson requested follow-up and solutions for Pupp-A-Razzi regarding parking. Planning Manager Claudia Husak and Economic Development Administrator Sean Hughes met with Dan McClurg earlier today regarding these concerns and he discussed looking at additional parking on the south end of Depot. Staff continues to work with Dan McClurg.

XI. EXECUTIVE SESSION

- * Ohio Revised Code Section 121.22 (G)(1) Personnel - to consider the appointment for boards and commissions.
- * Ohio Revised Code Section 121.22 (G) (8) To consider confidential information related to negotiations with other political subdivisions regarding economic development.

Mayor Tom Counts requested to add for potential litigation on concerns brought up at the COMMA meeting.

MOTION: Councilmember Christina Drummond moved to enter executive session pursuant to Ohio Revised Code Section 121.22 (G)(1) Personnel - to consider the appointment for boards and commissions, Ohio Revised Code Section 121.22 (G) (8) To consider confidential information related to negotiations with other political subdivisions regarding economic development, and Ohio Revised Code Section 121.22 (G) (3) to discuss imminent litigation. Councilmember David Lester seconded. Motion passed.

VOTE: Y-7 N-0 AB-0

Council entered executive session at 9:33 p.m. pursuant to to Ohio Revised Code Section 121.22 (G)(1) Personnel - to consider the appointment for boards and commissions, Ohio Revised Code Section 121.22 (G) (8) To consider confidential information related to negotiations with other political subdivisions regarding economic development, and Ohio Revised Code Section 121.22 (G) (3) to discuss imminent litigation. Councilmembers present included: Councilmember Christina Drummond; Councilmember Ferzan Ahmed, Councilmember David Lester, Councilmember Tyler Herrmann, Councilmember Leif Carlson, Vice-Mayor Heather Karr and Mayor Tom Counts. Staff present included Jason Nahvi, Human Resources Manager; Sean Hughes, Economic Development Administrator Yazan Ashrawi, City Attorney; and Andrew White, City Manager.

MOTION: Councilmember David Lester moved to exit executive session. Councilmember Heather Karr seconded. Motion passed.


VOTE: Y-7 N-0 AB-0

Council returned to open session at 10:19 p.m.

XII. ADJOURNMENT

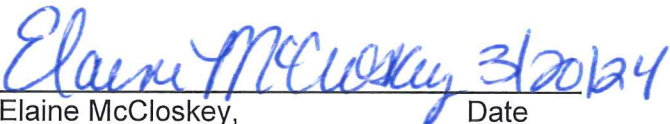
MOTION: Tyler Herrmann moved to adjourn the meeting. The City Council meeting adjourned at 10:20 p.m. Motion passed.

VOTE: Y - 7 N - 0 AB-0



Tom Counts,
Mayor

3/20/24
Date



Elaine McCloskey,
Clerk

3/20/24
Date