



**CITY COUNCIL
MEETING MINUTES
MARCH 20, 2024**

I. CALL TO ORDER/ROLL CALL

Mayor Tom Counts called the March 20, 2024, City Council meeting to order at 7:30 p.m. Councilmembers present included Councilmember Leif Carlson, Councilmember Christina Drummond, Councilmember Ferzan Ahmed, Councilmember David Lester, Vice-Mayor Heather Karr and Mayor Tom Counts. Councilmember Tyler Herrmann was absent from the meeting. Staff present included Jason Nahvi, Human Resources Manager; Sean Hughes, Economic Development Administrator; Grant Crawford, Public Service Director, Yazan Ashrawi, City Attorney; Jeffrey Tyler, Assistant City Manager/Community Development Director; and Andrew White, City Manager.

II. PLEDGE OF ALLEGIANCE

III. CITIZEN PARTICIPATION

Mayor Counts opened citizen participation for public comment. Hearing none, he closed citizen participation.

IV. APPROVAL OF MINUTES

a. Approval of the Minutes from the City Council meeting held on March 5, 2024.

MOTION: Vice-Mayor Heather Karr moved to approve the Minutes from the City Council meeting held on March 5, 2024. Councilmember Ferzan Ahmed seconded. Motion passed.

VOTE: Y-6 N-0 AB-0

V. CONSENT AGENDA

a. **Notice to Legislative Authority: Ohio Division of Liquor Control**

Transfer of Ownership to Gallops Powell, LLC, Suites A & B, 240 N. Liberty Street, Powell, Ohio 43065 from Gallos Tap Room Powell LLC, DBA, Gallos Tap Room, Suites A & B, 240 N. Liberty Street, Powell, Ohio 43065. Permit Classes: D1, D2, D3, D3A, D6

b. **Monthly Reports**

MOTION: Councilmember Christina Drummond moved to approve the Consent Agenda as presented. Vice-Mayor Heather Karr seconded. Motion passed.

VOTE: Y-6 N-0 AB-0

VI. RESOLUTIONS

a. RESOLUTION 2024-17

A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE CITY OF POWELL TAX INCENTIVE REVIEW COUNCIL ON THE STATUS OF THE 2023 COMMUNITY REINVESTMENT AREA, ENTERPRISE ZONE, AND TAX INCREMENT FINANCING PROGRAMS.

Mayor Tom Counts read Resolution 2024-17 into the record for the first time. City Manager Andrew White discussed that the legislation supports the recommendation by the Tax Incentive Review Council (TIRC), who are required to meet annually to review incentive area agreements that are within the City. The TIRC recommendation is to continue with all three Tax Increment Financing (TIF) districts. Councilmember Christina Drummond questioned how the items get incorporated before the board. City Manager White noted that there are three separate pieces of legislation to create each TIF and with the incorporation of the TIFs, the areas there are legislative prescriptions of what is allowable in the area. He also pointed out that all three of the TIFs show the City's support to the schools. None of the TIF dollars that would be created in any of these areas would affect the real property valuations that are going to the schools. Councilmember Christina Drummond questioned if any of the expenditures that would come out of the TIF funds originate with the developers or can those originate within our own internal public services. City Manager White answered that this can be both and that most of the historical activities, the City has enforced public improvements upon the developer in exchange for incentive agreement. He discussed the impact of the tax restructuring. Mayor Tom Counts opened Resolution 2024-17 for public participation. Hearing no public comment, Mayor Tom Counts closed public participation.

MOTION: Vice-Mayor Heather Karr moved to approve Resolution 2024-17. Councilmember David Lester seconded. Motion passed.

VOTE: Y-6 N-0 AB-0

VII. ORDINANCES: SECOND 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 2024-06 for the second time. City Manager White discussed that staff has worked with the developer on the annexation process with will bring some additional continuity in the area. Mayor Tom Counts noted an error in the wording of the Ordinance as it refers to located along West Olentangy Street. There have been no new updates regarding the Ordinance since the first reading. Councilmember Ferzan Ahmed discussed previous concerns related to the separation between the developer, Mr. Vance's development, and the surrounding neighborhood. He recognized that there had been several conversations regarding these concerns and to make sure there was an agreement. City Manager White addressed that there has been agreement with the Developer and surrounding neighbors on screening. He discussed that through the agreement there will be a five-foot landscape mound along part of the property. Mayor Tom Counts opened Ordinance 2024-06 for public participation. Hearing no further public comments, he closed public participation. Law

Director Yazan Ashrawi recommended striking the wording of “located along West Olentangy Street” throughout the ordinance as the legal description and acreage is shown.

MOTION: Councilmember David Lester moved to amend Ordinance 2024-06 to strike out the wording “located along West Olentangy Street” throughout the ordinance. Vice-Mayor Heather Karr seconded. Motion passed.

VOTE: Y-6 N-0 AB-0

MOTION: Councilmember Ferzan Ahmed moved to approve Ordinance 2024-06 as amended. Councilmember David Lester seconded. Motion passed.

VOTE: Y-6 N-0 AB-0

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 second time. Assistant City Manager Jeffrey Tyler provided the staff presentation. He discussed the timeline for the project which began in September 2023 with a Planning and Zoning Commission Review of Sketch Plan and Certificate of Appropriateness. The Planning and Zoning Commission then did a review of Rezoning and Preliminary and Final Development Plan in February, 2015. Ordinance 2024-7 was introduced for a first reading at the March 5, 2024 City Council meeting along with the introduction of the annexation.

Councilmember Christina Drummond questioned the allowed use of units besides storage capacity and that with a housing development there is certain codes to ensure safety. She questioned if the use is not just storage, is the City covered to make sure that there is code enforcement that it can not be used for residence in the future. Assistant City Manager Jeffrey Tyler addressed that there are two different components with the Zoning and Building Code. The Building Code will review for the appropriate code to ensure code compliance with safety issues. Any changes would have to go through the legislative approval process. He also explained that the zoning only allows for specific uses and any changes would have to go through the development process for an amendment. Also addressed were the private restrictions by the owner on the use of the units.

Mayor Tom Counts opened Ordinance 2024-07 for public participation. The following individual provided comment:

Brandon Cook
7700 Steitz Road
Powell, Ohio

Brandon Cook discussed that he lives directly south of the development and shares a property line. The developer and himself have been negotiating a buffer between the properties and discussed they have agreed to a five-foot buffer along the property line

which will consist of mounding and the areas where mounding is not possible there will be fencing. Hearing no further comment, Mayor Tom Counts closed public participation.

MOTION: Vice-Mayor Heather Karr moved to approve Ordinance 2024-07. Councilmember David Lester seconded. Motion passed.

VOTE: Y-6 N-0 AB-0

VIII. ORDINANCES: FIRST READING(S)

a. **ORDINANCE 2024-11**

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AGREEMENT WITH CSD POWELL, LLC, AN OHIO LIMITED LIABILITY COMPANY, AND DECLARING AN EMERGENCY.

Mayor Tom Counts read Ordinance 2024-11 into the record for the first time and clarified that staff is requesting a suspension of rules. City Manager Andrew White discussed that the project was initiated in early 2023 and there have been conversations with the developer and surrounding property owners. This legislation is a first step in the conceptual understanding of how the structure components, which have been defined with the City planning for several years, including the Scioto Street extension and the creation of public shared parking. He reviewed the aerial of the site and that the northeast corner includes City property, COhatch property and also two private property owners. The development agreement is brought before Council to first identify the conceptual rendering of where that road makes the most feasible sense as the terrain in the area includes drainage ways and floodplains. Ultimately the Scioto Street that is close to the cemetery would run approximately east to connect to Grace and could follow several different contours. Each would have an impact to the surrounding property owners and could show an implication on as to what they would be able to do with their future land. To start the process of identifying what the project can look like, the City recommend entering into this agreement to be accepted by Council between the City and COhatch to determine that feasibility and conceptual rendering. It is estimated that this first phase will have a maximum cost of \$430,000 and with the satisfaction of the City Engineer will ultimately create a design and engineering plan for that roadway, drainage, and other amenities to allow for the connection to Grace Drive. City Manager White also discussed that this would also include shared parking which will help set up the initial plan for COhatch. If the City desires to continue to provide traffic relief and parking enhancement, then at some point they will need to get through this land, and this is a way to cooperate with the new developer and two long time property owners located downtown. The sooner the city can work together with the developer to identify what engineering is going to look like, the faster that can move to the level of discussion. The two private property owners, the Public Service Director and City Engineer have met with Osborne Engineering, which is the firm selected by the developer.

Mayor Tom Counts questioned the benefit of using a development agreement compared to the city undertaking the public improvements on its own. City Manager White discussed that it is not uncommon for cities to engage upon a proactive approach to laying out infrastructure. This site has a known parking needs, road costs and with the elements in the development agreement the City is receiving a significant investment of dollars that will support millions of dollars of payroll for new employees and the next steps would include two other property owners with the direct interest to

develop their land. In essence the City gets the expedience of the development coordinated with the private developer and gets the return on an investment from dollars that will be created to pay it off. Mayor Tom Counts discussed that this road extension was not part of the Keep Powell Moving, but a downtown development plan identified this road to extend the downtown area over to Grace Drive and the shopping center that's currently there. This idea has been around for the past fifteen years or so.

Councilmember Leif Carlson had a concern over not having a letter of intent from the private property owners, but happy to see one in attendance at the meeting. He questioned the reimbursement that will come out of the General Fund and if the General Fund and CIP are the same. City Manager White addressed that the dollars are provided within the CIP. Law Director Yazan Ashrawi further clarified that the language in the agreement is written in a manner to allow flexibility and the use of the TIF funds from the Downtown TIF would probably be applied to this as it is an eligible public infrastructure improvement. He did not want to limit the use of only those funds to this project, so the language was written in a way that allows the use of General Funds or any other resource the city deems acceptable. Councilmember Leif Carlson also questioned the requirement of insurances by the consultants and CSD Powell was also required to have that same insurance. Law Director Yazan Ashrawi addressed that the COhatch entity is required to indemnify and hold the City harmless. There was a discussion related to the cost of the design. Law Director Yazan Ashrawi discussed that the city is not obligated to pay anything more than the \$430,000, nor are they obligated our authorized to pay for anything expect the preliminary design engineering of the street, stormwater drainage, and the public utilities pedestrian path that would be associated with those things. Staff did request a cost breakdown from the engineer as well, which was reviewed by staff.

Councilmember Christina Drummond noted a challenge with multi-party agreements is making sure that all parties who could be impacted feel they are equally represented. She questioned why the city is not hiring Osborne engineering, but instead going through one of the parties when the City has an economic development agreement with that same party and no agreement with the other parties at the table. She wanted to make sure that all parties feel equally heard, that they have equal representation and for the City to get the design that best benefits the public. City Manager White relayed that all parties are comfortable with the introduction of the engineering firm because all parties will benefit from the receipt of that information. Both private properties owners have been at the table with Mr. Davis talking specifically about Osbourne Engineering. Law Director Yazan Ashrawi clarified that the City has full and complete control over the final design. He also discussed a provision in the agreement in which COhatch will facilitate the ideas and maintain and consider the best interest of the parties and surrounding properties. Everything is vetted by the City Engineer and City staff. This is only preliminary, and the City must approve and advise if they want to proceed to final design and engineering.

Mayor Tom Counts feels this is a brainstorming of expert's phase and the ultimate decision will be up to the City. He also discussed that this is a public improvement and will require public input. Councilmember Ferzan Ahmed discussed he was comfortable since the Public Service Director and City Engineer were involved and liked the agreement for the project. Mayor Tom Counts discussed the future opportunities for public participation regarding COhatch development project. Mayor Tom Counts opened Ordinance 2024-11 for public participation. The following individual provided public participation:

Chris Freiheit
24 Olentangy Street
Powell, Ohio 43065.

Mr. Chris Freiheit discussed his enthusiasm for the project and that the road is a good thing, which will provide new opportunities for him. He discussed his opinion that COhatch is the more experienced developer and that he does not mind working with him in the long term. He is supportive of the project and voiced no objections. Hearing no further public comment, Mayor Tom Counts closed public participation. Mayor Tom Counts discussed he is glad to see neighbors working together and hopes this sets a good example of what neighbors working together can do.

MOTION: Councilmember David Lester moved to suspend the rules for Ordinance 2024-11. Vice-Mayor Heather Karr seconded. Motion passed.

VOTE: Y-6 N-0 AB-0

MOTION: Councilmember David Lester moved to approve Ordinance 2024-11. Vice-Mayor Heather Karr seconded. Motion passed.

VOTE: Y-6 N-0 AB-0

IX. COMMITTEE REPORTS

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

Finance Committee: Next Meeting: April 9, 2024 @ 6:30 p.m.

- a. Discussion relating to Budget Allocation for Council Training

Vice-Mayor Heather Karr discussed that Finance Committee met on March 12 and reviewed the draft Debt Management Policy. She discussed that there was a discussion related to the Council training budget and that it was discussed to increase the training budget for councilmembers to \$1,000 per member and for new councilmembers to increase it to \$1,200 to allow for participation in the Voinovich Academy through Ohio University.

Mayor Tom Counts discussed having a voice vote on the training budget. Councilmember Christina Drummond discussed that there may be a MORPC benefit to attend the Voinovich Academy. She also requested clarification on experienced vs. nonexperience. Vice-Mayor Heather Karr discussed that there was no discussion relating to time but recognized that Councilmembers up to two years since the deadline to attend this year was missed. Councilmember Ferzan Ahmed requested that this attendance be voluntary and agreed that defining new members as difficult and that it will only benefit the City if a Councilmember wants to attend the Voinovich Academy. Mayor Tom Counts clarified this funding would be per year. Councilmember Christina Drummond discussed the concern she raised for members of commission to have a budget to attend training as well. Vice-Mayor Heather Karr expressed that the Finance Committee did not specifically address extending training funds to commission members, but it was recommended having staff provide specified training. Councilmember Leif Carlson recommended the language to include \$1,000 for training for each

Councilmember and will pay up to \$1,200 for any council member to attend the Voinovich Academy. No opposition was voiced on this recommendation.

MOTION: Vice-Mayor Heather Karr moved to authorize \$1,000 for each council member for training and up to \$1,200 for each council member to attend the Voinovich Academy. Councilmember David Lester seconded. Motion passed.

VOTE: Y-6 N-0 AB-0

Operations Committee: Next Meeting: April 16, 2024 @ 5:30 p.m.

Councilmember Christina Drummond discussed that the Operations Committee met prior to the City Council meeting and had a Parks Master Plan update. There was an update on the eclipse planning and non-essential staff are expected to work from home. There was a discussion related to determining the scope of the committee.

Planning & Zoning Commission: Next Meeting: April 10, 2024 @ 6:30 p.m.

Councilmember David Lester discussed that the Planning and Zoning Commission met for a new project on Case Street.

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

X. CITY MANAGER'S REPORT/CITY CALENDAR

City Manager Andrew White followed up with the discussion related to the Council training and that dollars associated with this is part of the Council Contingency and to keep that in mind when the budget process starts for 2025.

a. Motion to Support Use of Council Contingency Not to Exceed \$17,000.

City Manager White discussed that the Liberty Township Fire/EMS relies on preemptive software to safely transfer through intersections during an emergency run. With the Ohio State project this is a requirement to be included in the construction of that intersection. The County, City and Ohio State agreed to the terms in tri-party financial agreement to commit to an investment of this work. Due to the significant importance of the project and the safety of the constituents, the City had agreed administratively with Liberty Township Administration to partner on this, and they have ordered the software. He requested council to approve, not to exceed \$17,000 from the Council Contingency to reimburse Liberty Township of the software for the Fire Department and then have the improvement in place. He discussed this as an example of collaboration with the Township. City Manager White addressed the location of the intersection at Sawmill and Home Road. It is the northeast corner of the intersection where the Ohio State Hospital will be.

MOTION: Councilmember David Lester moved to authorize use of Council Contingency Fund for Fire EMS use of not to exceed, \$17,000 for preemptive software for emergency management to either reimburse the township or pay outright. Councilmember Christina Drummond seconded. Motion passed.

VOTE: Y-6 N-0 AB-0

b. Calendar

XI. OTHER COUNCIL MATTERS

a. Discussion Relating to Charter Review Commission

Mayor Tom Counts discussed the goal to start the Charter Review Commission review in the second quarter of the year and requested that staff start advertising to seek interested individuals. He would like Council to consider what areas for the Commission to focus on. He discussed the need to determine how many will be appointed.

Councilmember Leif Carlson watched the Operations Committee meeting held prior to the City Council meeting and questioned why the City had decided to outsource the bid for the Parks Master Plan and not completed this in house. City Manager White addressed that the process had already been started with the bid and selection process and that the company will be a benefit to the City with the public outreach effort that it will complete through the process. Vice-Mayor Heather Karr questioned if staff had the capacity to take on the Parks Master Plan. Public Service Director Grant Crawford discussed staff does not have the capacity to complete the project without assistance. He discussed the consultant team that will work on different aspects of the plan including facilities, planning, and programming. In addition to public outreach, they will create renderings of the parks.

Councilmember Christina Drummond questioned the scope of the wayfinding project and if it can be used to assist people to find things not just in the city, i.e. Preservation Parks or Liberty Township. Assistant City Manager Jeffrey Tyler addressed that the scope could go outside the city borders if there are points of interests that are significant enough to the City.

Councilmember Christina Drummond discussed the recent inclement weather that resulted in an EF1 tornado in parts of Delaware County. There have been concerns that there were no tornado sirens heard in Powell. Mayor Tom Counts recommended that City Manager White provide the update at a future meeting as this will require staff involvement. He also agreed that this has been a concern by Council previously and addressed that there was a failed countywide levy regarding sirens.

Councilmember Ferzan Ahmed discussed working with the Township over resident concerns related to truck traffic on S.R. 315. He recommended having a round table meeting once a year with the township which the public can attend.

XII. EXECUTIVE SESSION

- * Ohio Revised Code Section 121.22 (G) (3) pending or imminent litigation.
- * Ohio Revised Code Section 121.22 (G) (8) To consider confidential information related to negotiations with other political subdivisions regarding economic development.

MOTION: Councilmember David Lester moved to enter executive session pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent litigation and Ohio Revised Code Section 121.22 (G) (8) To consider confidential information related to negotiations with other political subdivisions regarding economic development. Councilmember Christina Drummond seconded. Motion passed.

VOTE: Y-6 N-0 AB-0

City Council entered executive session at 9:07 p.m. pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent litigation, and Ohio Revised Code Section 121.22 (G) (8) To consider confidential information related to negotiations with other political subdivisions regarding economic development. Councilmembers present included Councilmember Leif Carlson, Councilmember Christina Drummond, Councilmember Ferzan Ahmed, Councilmember David Lester, Vice-Mayor Heather Karr and Mayor Tom Counts. Staff present included Sean Hughes, Economic Development Administrator; Yazan Ashrawi, City Attorney; and Andrew White, City Manager.

MOTION: Ferzan Ahmed moved to exit executive session. David Lester seconded. Motion passed.

VOTE: Y-6 N-0 AB-0

Council exited executive session and returned to open session at 9:47 p.m.

XIII. ADJOURNMENT

MOTION: Councilmember Ferzan Ahmed moved to adjourn the City Council meeting. Councilmember David Lester seconded. Motion passed. The March 20, 2024 City Council meeting adjourned at 9:47 p.m.

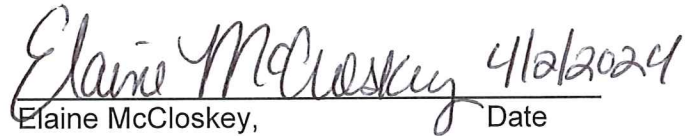
VOTE: Y - 6 N - 0 AB-0



Tom Counts,
Mayor

4/2/24

Date



Elaine McCloskey,
Clerk

Date

