



**CITY COUNCIL  
MEETING MINUTES  
JUNE 4, 2024**

**I. CALL TO ORDER/ROLL CALL**

Mayor Tom Counts called the June 4, 2024 City Council meeting to order at 7:33 p.m. Councilmembers present included Councilmember Leif Carlson, Councilmember Tyler Herrmann, Councilmember David Lester, Councilmember Ferzan Ahmed, Councilmember Christina Drummond, Vice-Mayor Heather Karr, and Mayor Tom Counts. Staff present included Grant D. Crawford, Public Service Director; Logan Stang, Planning Director; Claudia Husak, Planning Manager/Zoning Administrator; Sean Hughes, Economic Development Administrator; Yazan Ashrawi, Law Director; Rosa Ocheltree, Finance Director; Jeffrey Tyler, Community Development Director/Assistant City Manager and Andrew D. White, City Manager.

**II. PLEDGE OF ALLEGIANCE**

**III. CITIZEN PARTICIPATION**

Mayor Tom 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 May 21, 2024.
- b. MOTION: Councilmember Christina Drummond moved to approve the Minutes from the City Council meeting held on May 21, 2024. Councilmember Ferzan Ahmed seconded. Motion passed.

VOTE:        Y-7                N-0                AB-0

**V. PRESENTATION**

- a. Delaware County Transit: Microtransit and Rural/Suburban Ohio presented by Andy Volenik, Executive Director

Andy Volenik provided a presentation to Council regarding Delaware County Transit and including the Board Members and staff data. There are 56 staff members with 37 drivers and 30 vehicles. The 2024 Operating Budget is \$5.1M. They provide two core services to Delaware County including Flex Service and Demand Response Service. The Flex Service is a same day service within a geographical area, which includes the City of Delaware. The Demand Response Service is a “call ahead” service with a tiered fare system based on the mileage. This service is available throughout Delaware County. The Flex Service launched in June 2020 within the City of Delaware. Ridership for Delaware County Transit

continues to grow. There was a drop of usage related to the pandemic in 2020, but numbers have continued to grow since then and is estimated that there will be 150,000 riders in 2024. The Delaware County Transit's Strategic Plan was adopted this March 2024. There are plans to expand services throughout Delaware County for the first time in 10 years. This expansion will take place in the Village of Galena and the City of Sunbury through a grant awarded by ODOT.

Councilmember Christina Drummond discussed the benefits of micro transit for teenagers and questioned if there were any plans to expand services to the City of Powell. Andy Volenik replied that 15% of users are students and even as young as age 6. All drivers have a background check completed. There are no immediate plans to expand services to Powell but will continue to look at grant and partnership opportunities.

Councilmember Ferzan Ahmed discussed the valuable partnership and service that the Delaware County Transit has for the Powell Festival. He recommended that Councilmembers engage with constituents on what their needs are for transportation. City Manager Andrew White discussed that there were many challenges with Powell Festival relating to traffic and parking and the partnership has made the event successful.

## VI. RESOLUTIONS

### a. RESOLUTION 2024-22

A RESOLUTION INDICATING WHAT SERVICES THE CITY OF POWELL WILL PROVIDE 1.802+/-ACRES OF LAND, LOCATED IN LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO, IF SAID PROPERTY IS HEREAFTER ANNEXED TO THE CITY OF POWELL, OHIO AND TO PROVIDE FOR BUFFER REQUIREMENTS.

Mayor Tom Counts read Resolution 2024-22 into the record for the first time. City Manager Andrew White discussed that this annexation is at the request of the landowner of the 1.8 acres. The map shows that the parcel is surrounded by the City and that there are a couple of other parcels that are also located within the same context of not within the City boundaries. To provide conformity through the site, staff are supporting this recommendation. Law Director Yazan Ashrawi discussed that this petition was filed with the County at the request of the landowner. This filing of the petition triggers a 20-day window to adopt the service of resolution which only identifies what municipal services the City is able to provide if the annexation is approved. This resolution is a statutory requirement. Mayor Tom Counts opened Resolution 2024-22 for public comment. Hearing none, he closed public participation.

MOTION: Councilmember David Lester moved to approve Resolution 2024-22. Vice-Mayor Heather Karr seconded. Motion passed.

VOTE:        Y-7                N-0                AB-0

### b. RESOLUTION 2024-23

A RESOLUTION TO AMEND THE CITY OF POWELL DEBT MANAGEMENT POLICY AND REPEAL RESOLUTION 2015-06.

Mayor Tom Counts read Resolution 2024-23 into the record for the first time. City Manager Andrew White discussed that over the last several Finance Committee meetings there have been discussions about an upgrade to the Debt Management Policy. The Finance Committee has recommended the edited policy be presented to City Council for approval. Finance Director Rosa Ocheltree discussed that in the summer of 2023, the Finance Department initiated discussions with Baker Tilly to evaluate the existing debt policy. The last review took place in 2015.

The proposed amendments introduce several significant changes:

- *Cash Funding Threshold:* The policy increases the threshold for cash-funded capital improvements from \$150,000 to \$1,000,000. This allows for more strategic use of debt financing for larger projects.
- *Source of Repayment Clarification:* The policy provides a clearer definition of debt repayment sources. Notably, when income tax is pledged, it proposes the following guidelines:
  - A 25% reserve allocation of annual income tax revenue for capital improvements and infrastructure debt service.
  - A limit on income tax dedicated to debt service on bonds and notes, capped at 40% of the income tax set-aside for non-self-supporting capital improvements.
  - The remaining 60% of the set-aside would be used to fund projects on a cash basis.
- *Development Risk and New Authorities:* The policy establishes clearer goals and guidelines for taking on economic development risks or supporting debt issued by new community authorities. This increased clarity promotes responsible financial decision-making in these areas.

Councilmember Christina Drummond requested clarification on the 25% reserve allocation of annual income tax revenue for capital improvements. Finance Director Rosa Ocheltree discussed that it is 25% transfer from the General Fund to the Capital Projects Fund. From the Capital Project Fund there will be a split for payments, and it will either cash fund a project or allow transfer to the Debt Fund. Mayor Tom Counts discussed the difference of Powell .75 compared to Powell 2.0 and that there will be a real possibility of using debt as a flexible tool.

Mayor Tom Counts opened Resolution 2024-23 for public participation. Hearing none, he closed public participation.

MOTION: Vice-Mayor Heather Karr moved to approve Resolution 2024-23. Councilmember David Lester seconded. Motion passed.

VOTE: Y-7 N-0 AB-0

## VII. ORDINANCES: SECOND READING(S)

### a. ORDINANCE 2024-16

AN ORDINANCE REQUESTING THE APPROVAL OF A FINAL DEVELOPMENT PLAN OF A NEW 13,800-SQUARE-FOOT CO-WORKING BUILDING WITH A ROOF TOP BAR AND ALL ASSOCIATED SITE IMPROVEMENTS FOR A .64-ACRE SITE AT 50 WEST

OLENTANGY STREET ON THE NORTH SIDE OF WEST OLENTANGY STREET, EAST OF LIBERTY STREET. THE APPLICANT IS MATT DAVIS, REPRESENTED BY TIM LAI ARCHITECTS AND THE SITE IS ZONED DB, DOWNTOWN BUSINESS DISTRICT.

Mayor Tom Counts read Ordinance 2024-16 into the record for the second time. City Manager Andrew White discussed that the process began with conversations with the applicant back in 2020. In 2023 the development process started. He discussed that this development doesn't just contain itself within the four corners of the parcel and has been a community building throughout the downtown area. As a result, the project has expanded in scope to the northside of Liberty to the inclusion of the long sought after right of way for a thoroughfare that will connect Scioto Street to Grace Drive. It includes a number of initiatives that have been discussed by the City, most notably, the Keep Powell Moving Plan which was adopted in 2016 and called for parking enhancements and street reconfigurations.

Claudia Husak provided a summary of the steps that this project went through. She included the location of the site and reviewed the timeline for review.

- 11/09/2023: P&Z Review of Sketch Plan & Certificate of Appropriateness (permitted demolition)
- 02/15/2024: P&Z Review of Preliminary Development Plan
- 03/20/2024: City Council approval of the Development Agreement of Scioto Street and Parking Project
- 04/10/2024: P&Z Review and Recommendation of Final Development Plan to City Council
- 05/21/2024: City Council Review of First Reading of Ordinance
- 06/04/2024: Second Reading of Ordinance

Assistant City Manager Jeffrey Tyler discussed that at the Development Committee meeting earlier in the evening it was discussed about the process of the project and the integrity of the process was maintained. He recognized that there are future issues that need resolved that came up throughout the process that were raised by members of the community and related to the historic district. Under the leadership of Chairman Ahmed and the Development Committee staff will be working on those issues and bringing them back to City Council for consideration. Claudia Husak also discussed proposed changes to the development plan to move the building back five feet. Parking is behind the building. She reviewed deviations requested in the Final Development Plan. Staff recommends the Council recommend approval of the proposed Final Development Plan as submitted with the following deviations:

- 1) A parking reduction 78 spaces to 23 considering the future investment by the City to consolidated parking for this proposal and other future businesses along the Scioto Street extension per the CIP.
- 2) An increased building height from 35 feet to 39' 3" given the rooftop bar sits back from the main structure and is deemphasized by the use of glass.
- 3) A decreased front setback of 10 feet where 20 feet are the minimum,
- 4) A parking setback of 0 feet permissible when the Scioto Street extension and parking area is installed; and
- 5) A sign plan allowing deviations.

Economic Development Administrator Sean Hughes discussed the Scioto Street extension and parking. Staff met with Osbourne Engineering to review preliminary engineering

drawings on the Scioto Street extension and parking. He provided one of three examples of a proposed drawing that shows the alignment of Scioto Street, the extension from North Liberty to Grace Drive and an additional consolidated surface parking lot. It is anticipated that this parking arrangement could add an additional 143 parking spaces to the overall parking. There are other options that are being still explored and staff need to work on the potential cost and to work with the property owners to further optimize development.

**APPLICANT:**

Matt Davis  
4620 Hickory Rock Drive  
Powell, Ohio

Tim Lai  
Tim Lai Architects  
401 W Town Street  
Columbus, Ohio

Matt Davis discussed looking at three issues that were presented at the last meeting. The first issue was related to parking timeframes, which was discussed at the meeting with Osbourne Engineering. The second issue was parking quality, which does meet the needs. There are three options, but only one option was shown tonight. Some of the landowners have proposals as well that will need to be looked more into. All the options will have different pros, cons, benefits, costs, and timing that will need consideration. The last issue was related to the west side of the building and to make it softer. They propose the building be moved back five feet. They looked at the roof but were not able to make changes.

Vice-Mayor Heather Karr voiced her appreciation for the applicant working with staff and to listen and accommodate some of the comments made into the plan.

Councilmember Christina Drummond thanked the applicant for listening to their concerns at the last meeting, and feels the illustration shown does soften that side of the building. She voiced concerns over the on-street parking and that the vision of the Keep Powell Moving Plan was to widen the street to three lanes. She noted that the vote tonight is not on the business itself, but on the development plan. Council has talked separately about the incentives and from these conversations it is known that Council is supportive of bringing the business of COhatch to Powell. This ordinance is for Council to consider the design and fit of the proposed use to the area. She also discussed that there were conversations at the last meeting around the historic design and whether or not this is a preservation project or a historic district. She discussed having a design that will stand the test of time, but also speaks to what the community survey reflects on having a quaint small time feel. She questioned staff to confirm that there is a historic design overlay for this downtown area. Assistant City Manager Jeff Tyler discussed that there are three overlay districts, and this is considered the Downtown District Overlay, while it does give a nod to respecting the character of the downtown district it is not a Historic District Overlay. He discussed there are guidelines, but not standards. Councilmember Christina Drummond also recognized that there has been a lot of construction over the past years in the downtown area. She asked if this project was unique in that it did not go through the Historic District Advisory Commission review. The Assistant City Manager provided examples of other recent developments that did not go through the Historic District Advisory Commission review. Councilmember Christina Drummond also discussed that the approved CIP includes Scioto Street extension and north east quadrant parking.

Councilmember Leif Carlson appreciates the thought towards parking and feels that there is a possibility the building will be done before parking is completed. Matt Davis discussed that he is willing to work with the city with different options and is motivated to get parking but clarified that City Council controls the process for the parking lot.

Mayor Tom Counts discussed the Keep Powell Moving Plan and the cost of doing many projects. Upon adoption of the plan, the City prohibited turns at the four corners and he discussed being surprised by the lack of negative response to this change and also feels that it has worked out well. He also feels that the traffic will be better with the connection of Scioto Street. He questioned if the on-street parking on Grace would be available for public parking. Economic Development Administrator Sean Hughes discussed it was proposed parking for the event center. Councilmember Christina Drummond clarified that the parking design will be presented back to Council for consideration.

#### PUBLIC PARTICIPATION:

Mayor Tom Counts opened public participation for public comment.

Chris Freiheit  
18 North Liberty Street  
Powell, Ohio

Chris Freiheit voiced that he is a property owner that shows the parking lot. He discussed that he likes the building and has given his support. He did voice a concern in the last month there have been no updates from Osbourne Engineering and that he had not seen the proposed parking plans which will be primarily on his property. He is available for further discussion and would like to also present options. He said that this is the first time he has seen this parking plan and would like to be part of the process. City Manager Andrew White apologized for the lack of notice and clarified that this is just a concept plan and that the concept of Scioto Street extension to Grace can not be done without him and that his opinion is valuable. The Economic Development Administrator stated that the three concepts were received last week, and that staff plans to sit down with all the parties to go over the plan.

Tania Lehotay  
810 Weston Park Drive  
Powell, Ohio

Tania Lehotay discussed her opinion that she loves the design and the concept of the building. She also discussed that the nay sayers are not the majority of opinions.

Shaun Simpson  
510 Bantry Street  
Powell, Ohio

Shaun Simpson discussed that he has worked downtown for many years and there is a gap in the downtown business community relating to the lunch business. He discussed that these projects are needed to bring lunch businesses to the downtown, which will bring additional business from there. He also discussed that this project improves infrastructure through development and that the buildings have to be larger to be more economically feasible.

Hearing no further public comment, Mayor Tom Counts closed public participation. Councilmember Christina Drummond discussed the concerns of Mr. Freiheit and her concerns of having a master planner as one of the parties sitting at the table. She urged staff to consider how to balance conflict of interest. She voiced being surprised that one of the owners was not involved prior to this and that it is important to have everyone engaged in the conversation. Mayor Tom Counts deferred any conflict issues to the City Attorney but said that he did not see a conflict as this parking plan has not been vetted or voted on. Law Director Yazan Ashrawi also did not see conflict and that public-private partnerships occur regularly in development. Economic Development Administrator Sean Hughes reiterated that there are three different iterations of the parking, and staff provided one to show the work that is being done. Law Director Yazan Ashrawi also clarified that the City controls final design and final construction of the project, and the applicant was part of the preliminary design only. The City has the ultimate control over the final design. City Manager Andrew White also clarified that the City has been in communication with the property owners, including Mr. Freiheit since inception. Matt Davis also spoke that he met with Mr. Freiheit and his daughter in his office to show the plan.

Councilmember Ferzan Ahmed questioned if the Development Plan is approved tonight, will the parking plan also be approved. Staff answered that this is not part of the Development Plan and will be brought before Council. Councilmember Leif Carlson discussed that he is comfortable with the process that was provided by staff and the Planning and Zoning Commission.

MOTION: Councilmember David Lester moved to approve Ordinance 2024-16. Vice-Mayor Heather Karr seconded. Motion passed.

VOTE:        Y-7            N-0            AB-0

### VIII. ORDINANCES: FIRST READING(S)

- a. ORDINANCE 2024-20  
AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2024 AND DECLARING AN EMERGENCY.

Mayor Tom Counts read Ordinance 2024-20 into the record for the first time. City Manager Andrew White discussed that staff are requesting an appropriation to the budget in the amount of \$200,000 for the earnest money associated with the purchase of the Bennett Property. Administratively the parties have signed the purchase agreement, and the next step is to make payment. Mayor Tom Counts opened Ordinance 2024-20 for public comment. Hearing none, he closed public participation. Staff recommends approval of Ordinance 2024-20 with a rule suspension and emergency clause.

MOTION: Councilmember Ferzan Ahmed moved to suspend the rules for Ordinance 2024-20. Councilmember David Lester seconded. Motion passed.

VOTE:        Y-7            N-0            AB-0

MOTION: Councilmember Christina Drummond moved to approve Ordinance 2024-20. Vice-Mayor Heather Karr seconded. Motion passed.

VOTE:        Y-7            N-0            AB-0

