

VILLAGE OF POWELL COUNCIL

JUNE 6, 2000

A regular meeting of the Village of Powell Council was held on June 6, 2000, and called to order at 7:35 p.m. by Mayor Mark Klein. Other Council Members present were William Nolan, Art Schultz, Dave Chambers, Peggy Guzzo, and George Kaitsa. Richard Cline arrived at 8:30 p.m. Also present were Stephen A. Lutz, Village Manager; Dawn Nauman, Clerk of Council, David Betz, Director of Development, Ken Molnar, Director of Law, Rob Rice, Village Engineer, residents and representatives of the press.

APPROVAL OF MINUTES

The minutes of May 16, 2000 were approved as printed.

CITIZEN PARTICIPATION

There was none.

AMERITECH REPRESENTATIVE – REMOVAL OF PHONE LINES FROM DOWNTOWN UTILITY POLES.

Dick Cook, Ameritech, was present to discuss the removal of phone lines from downtown utility poles so the poles may be removed. He said that they are in the process of replacing the phone system in the area, and they have started downtown. He said they have completed all that they can at this point, and they need an easement along 24 W. Olentangy Street to continue. Once they get that easement and the buried cable is replaced, the entire job should be completed within 4-5 weeks. He said the extension of Grace Drive to Powell Road will also impact the job, and that they need an easement in that area. Rob Rice, Village Engineer, said that Staff expects the necessary agreements for that easement to be signed soon. Mr. Cook said that doing this all as one project will make it only necessary to disrupt service once.

Mr. Chambers asked if there is a main trunk on the poles. Mr. Cook said that the main feed for this area is buried but it does reach the poles at one point. In addition, there is a need to upsize the cabling for this phone system due to the extensive need in the area. He said he is trying to address other problems while he works to remove the poles.

Ms. Guzzo asked if Ameritech was not notified by American Electric Power (AEP) that they needed to reroute their lines. Mr. Cook said they were, but there was some confusion about what type of job this was. He said they weren't informed until two weeks ago how much was involved in this project. He indicated that there have been departmental changes that have also been a problem. Ms. Guzzo asked if Mr. Cook can guarantee that this will not interfere with Grace Drive and that those poles will be removed within 5 weeks. Mr. Cook said he can't guarantee acquiring the necessary easement to complete the job in that period of time.

Mr. Kaitsa said he agrees with the decision that service should only be disrupted once. Mr. Cook said that one of the poles on the southwest side can be removed as soon as AEP removes their power lines. Mr. Kaitsa asked if there is any reason Ameritech may not be able to get the easement. Mr. Rice said that Staff is not involved in the acquisition of that easement. Mr. Cook said they haven't made contact with the property owner yet, but he hopes they will grant an easement. He reviewed the area where the easement is needed.

Mayor Klein asked who physically removes the poles once the connections are made. Mr. Cook said they will, as the "last person off." Mayor Klein asked who coordinates with AEP. Mr. Rice said he has been working with them. He said the Village has authorized the necessary permits. Mr. Kaitsa asked that AEP be instructed to take their lines off so that Ameritech may remove the one pole that Mr. Cook said could be easily done. Mr. Cook said he has been working with AEP on that issue.

Mayor Klein thanked Mr. Cook for his attendance, and noted that this is a big issue for the Village. He said the project was started 2 years ago, was completed more than a year ago, and the removal of poles is a sore subject for the Council. Mr. Cook apologized for the problems this has created, and agreed this is an eyesore. He said he would like to continue Ameritech's good relationship with Powell.

RESOLUTION 2000-09: A RESOLUTION TO INFORM STATE LEGISLATORS AND STATE EXECUTIVE LEADERS OF SUPPORT FOR EQUITABLE ANNEXATION REFORM AS PROPOSED BY THE OHIO COALITION FOR EQUITABLE ANNEXATION (OCEA) AND OPPOSITION TO "ANNEXATION REFORM" WHICH RESTRICTS CITY GROWTH AND PROPERTY OWNERS' CHOICES. TABLED FROM 5/16/2000

Stephen A. Lutz, Village Manager, reviewed that after three weeks of testimony and hearings by the State House and Senate, the proposed annexation amendments are back under negotiation. A substitute bill is anticipated this fall.

Ms. Guzzo suggested tabling this issue indefinitely since the legislation will most likely change. Mr. Kaitsa agreed. Mayor Klein said that at the last meeting, Mr. Cline asked that this issue be tabled so that a full Council could discuss it. Since Mr. Cline isn't present, he recommended tabling this until the next meeting. Discussion ensued. Mr. Schultz questioned tabling this for further comments when the Resolution may be moot anyway. Mr. Kaitsa noted if Mr. Cline does want to address this issue, the tabling of this Resolution could be reconsidered at the next meeting.

MOTION: Mr. Schultz moved to table Resolution 2000-09 indefinitely. Mr. Kaitsa seconded the motion.

VOTE: Y 5 N 1 (Nolan) (Absent: Cline)

John Werner, Liberty Township Trustee, said that annexation policy has been a concern for the last 10 years he has been a Trustee. He said that Townships are currently at a disadvantage in the way courts see annexations. He said that Liberty Township just lost 140 acres of land to the City of Delaware, which may also impact the Olentangy Local School District, and therefore impact Powell. He said the annexation should never have been allowed, and if the County Commissioners had more authority to turn down such annexations, it could have been stopped. He said that only 64% of the property owners signed that annexation petition, and 10 were forced in against their will. One provision of the new bill is that if 100% of the property owners sign the petition, they go through a fast-track for annexation. He said when people talk about property owner's rights, they should keep in mind property owners who are annexed against their will. He said that he doesn't think this Bill is going to have any impact on the Village of Powell, because in the "ten years since (he's) been a trustee, (they have) not opposed annexations to your Village."

Mr. Kaitsa said his understanding is that the Township Trustees Association and County Commissioners Association support this bill. Trustee Werner said they do, as does the Ohio Municipal League. He said that a coalition of large cities, including the city of Columbus, represents the main opposition to this bill.

Mr. Schultz thanked Trustee Werner for his comments. He said he was concerned about the bill because he could imagine situations where less than 100% of property owners wanted to annex, but the annexation was still a good idea. He asked what is the minimum percentage of property owners required in the proposed bill. Trustee Werner said his understanding is there still needs to be a majority, but if it is less than 100%, that affords the Township the opportunity to intervene and testify before the County Commissioners. He said the main thing this bill does is it gives the County Commissioners discretion to consider the effect of an annexation on surrounding areas.

Ms. Guzzo said she was in favor of the annexation reform. She said that she opposes annexation just to get a favorable rezoning, but she supports it when properties annex for services.

THIRD READING: ORDINANCE 2000-10: AN ORDINANCE ADOPTING A ZONING MAP AMENDMENT FOR JOHN AND CAROLYN HILL FROM R, RESIDENCE DISTRICT TO PI, PLANNED INDUSTRIAL DISTRICT FOR 1.056 ACRES TO CREATE A 4+ ACRE PARCEL SUITABLE FOR DEVELOPMENT OF AN OFFICE/WAREHOUSE BUILDING. PUBLIC HEARING

David Betz, Director of Development, reviewed the proposal to rezone a small parcel to allow for relocation of a four-acre parcel to be developed industrially. He noted that a sketch plan was submitted yesterday for elderly housing facility to the southeast of the subject parcel, which would change adjoining industrial uses to residential uses if approved by the Planning and Zoning Commission and Council. *(Tape fails)*

Judge John Hill, Applicant, said he would rather have an assisted living facility on the southeast parcel than an industrial use. If this rezoning is not approved, he will sell four acres already zoned for industrial uses. He said he has also mentioned before that this rezoning will preserve existing tree lines.

Mayor Klein opened the hearing to public comment. Hearing none, he closed the public hearing.

Mr. Kaitsa asked about a letter Council received from Tom and Cheryl Wright expressing concern about this rezoning. Mr. Lutz said that the Wright's were notified that the public hearing would be held tonight. Mr. Kaitsa said he thinks it makes sense to make the acreage more uniform and capitalize on the use of the tree line for screening. He said it is certainly better land use than having everything in that area developed industrially.

Mr. Chambers asked if Judge Hill has any idea what will be put on the four acres. Judge Hill said he doesn't know, and that the buyer has said he may not develop the property for 3-4 years. He said that when it is developed, the buyer knows he will have to go through the development plan process. Mr. Chambers said this proposal makes perfect sense and he supports it.

Ms. Guzzo asked about the sketch plan for the land to the south. Mr. Betz reviewed the remaining zoning on the property, and noted that that sketch plan proposes a residential development to the south, including on the currently planned industrial portion. Ms. Guzzo asked if the developer with the sketch plan has a contract with Judge Hill. Judge Hill said they do, but that it is contingent on a development plan suitable to the Village. Ms. Guzzo said that rezoning the industrial portion of this property to residential (for the assisted living facility) is a separate issue from that of this 1-acre rezoning. She said she doesn't see why Council would consider this without the final development plan, and when it is contrary to the Comprehensive Plan's recommendation to decrease non-residential zoning. Ms. Guzzo said that the land just to the east of this property is beautiful farm land, and she noted to Council members during the memorial day parade, that it is a beautiful view and should be kept farm land. Judge Hill said that he is not here to provide a view for the people of Powell. Ms. Guzzo said that nonetheless, the current zoning is Farm Residential, and as a policy, rezoning shouldn't be allowed without a development plan.

(Tape resumes)

Judge Hill said if this is approved, he hopes the land to the south will be developed not as industrial but as something more residential. If this isn't approved, the developers of the property to the south will not want to develop there. He said he is going to sell four acres either way.

Ms. Guzzo added that when she talked to Mr. & Mrs. Wright a week ago, they still were strongly opposed to this proposal. She said she is not sure why they are not here.

Mayor Klein asked where Village Park Drive ends today. Mr. Betz identified the road on the site plan. Mayor Klein asked when the road would connect. Judge Hill said that Staff has said they are not sure that it is desirable to connect the roads. Mayor Klein asked how the road plan identifies the road. Mr. Betz said that the overall plan is to connect the road, but he has discussed with other Staff members that it may not be desirable to continue a road through a park area where the pool is located. He said the park is more active than originally planned. Mayor Klein asked, if the property is rezoned as proposed, would it impact development of the road. Mr. Betz said it has no impact on extending the road to the south.

Mr. Kaitsa asked where the storage facility is located. Mr. Betz identified it to the north. Mr. Kaitsa asked, when a final plan comes through for the new 4-acre parcel, can the Village address suitable uses. Mr. Betz said it can. Mr. Kaitsa asked about the width of the parcel being added. Mr. Betz said it is about 200 feet wide.

MOTION: Mr. Nolan moved to adopt Ordinance 2000-10. Mr. Chambers seconded the motion.

VOTE: Y 5 N 1 (Guzzo) (Absent: Cline)

FIRST READING: ORDINANCE 2000-20: AN ORDINANCE AUTHORIZING AMENDMENT TO THE FEE SCHEDULE OF THE MUNICIPALITY OF POWELL.

Stephen A. Lutz, Village Manager, reviewed that the Finance Committee has reviewed these proposed changes, which are mostly minor and include some new items such as meeting room costs.

Mr. Cline arrived at 8:28.

Mayor Klein opened the hearing to public comment. Hearing none, he closed the public hearing.

A brief discussion was held regarding potential additional engineering costs identified in the schedule. Ms. Guzzo expressed concern that notation is very vague. Rob Rice, Village Engineer, said that note has always been there and allows the Village to assess additional charges when inspection fees developers pay are exceeded. Mr. Kaitsa said that item may not be necessary. Discussion ensued. Mr. Rice noted that since developers are provided this fee schedule, this item may help them identify what actual costs could include. Ms. Guzzo agreed. The ordinance was taken to a second reading.

FIRST READING: ORDINANCE 2000-21: AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1329.08 ENTITLED "REFUSAL OF PERMITS."

Stephen A. Lutz, Village Manager, said that the Chief Building Official (CBO) has recommended that an item be added to the section of code that indicates when building permits may be refused. He read the proposed amendment will allow refusal of a permit to those "who cannot substantiate the technical expertise or financial wherewithal to complete the work in accordance with the plans and specifications in a timely manner as determined by the Building Department." He said this would effect homeowners with a history of not finishing projects

Mayor Klein opened the hearing to public comment. Hearing none, he closed the public hearing.

Mr. Nolan said he thinks this is a good idea. Mr. Cline asked if under the current ordinance, a homeowner may get a permit without a contractor's license. Mr. Lutz said they can.

Ms. Guzzo asked if she will need to hire a technical expert or provide financial statements proving she can do the job in order to build a deck on her home. Mr. Lutz said the permit procedure for her would not change. Ms. Guzzo expressed concern that the amendment doesn't identify persons with a habitual problem. She said there may "be a couple of bad apples out there, but the majority of residents are pretty good at knowing what they can handle." Mr. Lutz said if a property owner pulled several permits in the past and still has a hole in the ground for one project, boards over another, and loose bricks and mortar on his property, that may indicate he doesn't have the technical expertise to complete another project. Ms. Guzzo said the language is ambiguous and too broad. She said the Zoning Code already provides that one can't have more than one permit at a time.

Mr. Molnar said the idea is to give the Chief Building Official the discretion he doesn't currently have to allow a project to be turned down. He said a letter from the bank would be sufficient to identify the financial ability to finish a project. He said that clearly, if one hires a contractor with licenses and expertise, this is not even an issue. He said this ordinance is related to "do it yourself projects." Mr. Molnar said there should be similar provisions in the Zoning Code. Mr. Betz said the Zoning Code currently says people can't have more than one permit outstanding, but it doesn't address what happens if a current permit is revoked because the project wasn't completed in a certain amount of time.

Mr. Nolan said that sometimes permits lapse and projects remain unfinished. Ms. Guzzo said she would be more comfortable if the language would not penalize the majority of the residents by making them go through another loop. Mr. Lutz said that Staff feels this will have no impact on 99.9% of the Village.

Mayor Klein said this is the first reading of this ordinance, and he suggested that if Council members have concerns, they contact Staff and work toward an amendment if necessary at the next meeting.

MOTION: Mr. Nolan moved to suspend the rules on Ordinance 2000-21. Mr. Schultz seconded the motion.

VOTE: Y 5 N 2 (Guzzo, Kaitsa)

MOTION: Mr. Nolan moved to adopt Ordinance 2000-21. Mr. Schultz seconded the motion.

MOTION: Mr. Kaitsa moved to amend the Ordinance to change the word "wherewithal" in section f to "ability." Mr. Nolan seconded the motion.

VOTE: Y 7 N 0

MOTION: Mr. Cline moved to amend Ordinance 2000-21 to add Section G as follows: "Who has outstanding a permit previously issued for work that is not completed." Mr. Kaitsa seconded the motion. Mr. Schultz said there may be a logical reason for having more than one permit at a time, and Council may not want to jump into amendments that may impact a person working on concurrent projects. Mr. Cline asked if this would impact someone completing a room addition or deck that requires a building, electrical and plumbing permit. Mr. Lutz said he would like the Chief Building Official to look into that amendment.

Mr. Cline said it is not his intent to impair completion of one project that would logically require more than one permit. He withdrew his motion. Mr. Kaitsa concurred.

MOTION: Ms. Guzzo moved to amend Ordinance 2000-21 so that Section F reads "Who has an outstanding permit and cannot substantiate the technical expertise or financial wherewithal to complete the work in accordance with the plans and specifications in a timely manner as determined by the Building Department." Mayor Klein seconded the motion.

Mr. Schultz expressed concern that this would not address people with lapsed permits. Mr. Betz said that his concern with the proposed amendment is that the applicant would have to meet both requirements for a permit to be refused, and some of the issues that Staff needs to deal with would not fall under the first item of having an outstanding permit. Mr. Kaitsa expressed concern that that would change the meaning of the amendment.

Ms. Guzzo asked if there is an amendment that is possible that would really narrow in on those who have a "habit of not completing projects. She said a new Building Official could say "you know, I don't like you," and refuse a permit.

MOTION: Mr. Nolan moved to call the question on Ordinance 2000-21. Mr. Schultz seconded the motion.

VOTE: Y 4 N 3 (Guzzo, Kaitsa, Cline)

VOTE ON MS. GUZZO'S AMENDMENT:

VOTE: Y 2 N 5 (Cline, Kaitsa, Nolan, Schultz, Chambers)

VOTE TO ADOPT ORDINANCE 2000-21:

VOTE: Y 6 N 1 (Guzzo)

FIRST READING: ORDINANCE 2000-22: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2000

Stephen A. Lutz, Village Manager, noted that one of the Village's goals this year is to develop a web site. He said that he and Dawn Nauman, Clerk of Council, have met with three firms who design web sites, and they are recommending accepting a proposal from Salient Software Systems. He noted that the web site will include a PDF library to allow the Village to convert 99% of the Village documents into the web site. It would also have a links page to allow links to Olentangy Schools, OYAA, the Chamber of Commerce, etc. He reviewed that the hosting facility is nearby and under-subscribed.

Mr. Schultz asked what is the significance of being under-subscribed. Ms. Nauman said that many hosting companies try to get as many people on their hosting facility as possible to generate more revenue. Under-subscribed hosting facilities provide faster service, repair, and access because their system isn't taxed.

Mayor Klein said that he is interested in seeing other sites this company has completed as well as other community sites that would be similar to that proposed. Ms. Nauman said that there is also a "mock up" of a web site created for the Village. Mayor Klein asked to also see other municipality web sites that would serve as an example of what the Village would be acquiring. He asked about timing. Mr. Lutz said that once the Village enters a contract, it should take approximately 90 days to finish the site.

Ms. Guzzo asked how much hosting costs. Ms. Nauman said it is \$1995 per year. Ms. Guzzo asked if the PDF library will be something that Staff will administer. Ms. Nauman said it will. Ms. Guzzo asked how many pages the web site will entail. Ms. Guzzo said it will probably start somewhere between 10-20 and increase over time.

Mr. Chambers asked if the Village will have the ability to update the site. Ms. Nauman said the Staff will be able to update the calendar of events on a quarterly basis. She said that the goal is to have the most updated site possible. Mr. Chambers asked if the Village can adjust the site from the office. Ms. Nauman said they will. Mr. Chambers asked if Staff will provide the web designers the documents for the PDF library. Ms. Nauman said that they will be uploaded to the site from the office.

Mr. Chambers asked about the "links page with administration line item." Ms. Nauman said that this can be set up so that Staff can change the available links on the site. Mr. Kaitsa asked if it is correct that Staff doesn't recommend the administration ability for the links page. Ms. Nauman said it does not seem to be cost effective. Mr. Kaitsa agreed that the links won't be changed that often.

Mr. Cline asked how many secondary pages will be included. Ms. Nauman said that it is anticipated that the site will start with 10-20 pages, and possibly increase to 30-40. The PDF library is one web page with many documents. Mr. Cline asked if the web site will have a link to the library, which is something that can be updated at any time. Ms. Nauman said that is correct.

Mr. Nolan suggested that, rather than one email that is disbursed through the office, consideration be given to providing email for both Staff and Council members.

Mr. Schultz expressed an interest in the Village "owning the code" for the site, and being able to move it and maintain it at a later date if necessary. He asked who will own the site. Mr. Lutz said that he will follow up with the company on that issue. The ordinance was taken to a second reading.

ROADWAY ROADMAP TO THE FUTURE

Stephen A. Lutz, Village Manager, reviewed that this item was completed by the Development Committee and presented at the last meeting. Mayor Klein opened this for discussion.

Mr. Chambers reviewed that the objective of this document is detailed in the document as such: "...to be a tool to communicate the Village's goals for providing an effective roadway system for its residents. Based upon the 1995 Comprehensive Plan Thoroughfare Plan component, the Village of Powell has pursued implementation of that plan's recommendation. Ongoing roadway plans will be described along with the probable implementation schedule, outstanding issues with regard to these projects will be discussed along with the possible solutions." Mr. Chambers said this plan is a way to summarize what is currently planned and how and when it will be implemented.

Mayor Klein said that many times, residents come before council saying that they don't understand the roadway plan, and they feel that the Village should improve communication. He said that he is in favor of this document because it could be sent to every resident in Powell to begin communication of what the plans are to address traffic issues.

Ms. Guzzo said that since this is being sent to the residents, she would recommend that a page be added for feedback. She said at the last Planning and Zoning Commission meeting, the connection of Murphy Parkway to Liberty Road was discussed, but she was busy reading and she didn't hear what the conclusion of that discussion was. Mr. Schultz said that no decision was made, but the Commission identified issues that could help them make their decision at a future meeting.

Ms. Guzzo said that there was a traffic study done before Mr. Schultz was on Council that let the majority of the Council members conclude that Liberty Road should not end at the railroad tracks, and that Murphy Parkway should T-into Liberty Road. She said this has somehow been lost and the issue is being revisited. Mr. Betz said the Commission asked to consider surrounding roadways. Mr. Schultz said the impact of the new proposal for the Murphy property should also be considered. He said he is very aware of those traffic studies, in fact, there were studies before Ms. Guzzo was on Council that the Planning and Zoning Commission took on. He said the Commission was not trying to start a new traffic study but rather to get specific information that hadn't been addressed.

Mayor Klein said that many residents have asked questions about the Murphy Parkway connection that Council could not answer, which is why it was sent back to the Planning and Zoning Commission. Ms. Guzzo asked if a "timeline" can be set for the Planning and Zoning Commission to make a decision. Mr. Schultz said time must be given for the traffic engineer to complete the additional study. Ms. Guzzo asked for a copy of the criteria that the Planning and Zoning Commission has forwarded to the traffic engineer.

Mr. Chambers asked if a Resolution or Ordinance must be passed to approve this plan. Mr. Lutz said that Council may do as they choose. Mr. Chambers said he would like the plan distributed in its present form. Mr. Kaitsa said as he recalls, the intent was to mail this to the residents. Ms. Guzzo said that she doesn't think it should be mailed until a decision is made on Murphy Parkway.

Mayor Klein said that the plan will always be revised to accommodate additional growth in the Village. He expressed concern that if this document is held up until it is perfect, it will be held up forever. He said he thinks this is extremely important. Mr. Nolan agreed, but noted he has some non-substantive comments for Staff.

Mr. Schultz said that information could be included that identifies where comments and feedback should be sent. Mr. Kaitsa recommended that there be a letter included from the Village Manager and the Mayor. Mr. Schultz agreed that the document needs to go out.

Mr. Kaitsa suggested adding language identifying what projects have not been decided yet. Mr. Schultz noted that such language is identified on page 6 (Exhibit). Ms. Guzzo said that she doesn't agree with the language that indicates that there will be an "attempt to maintain its connection with Murphy Parkway." She said that isn't what Council is deciding. She said Council is deciding *how* Murphy Parkway will connect, not *if* it will connect. Mayor Klein said he doesn't think how it will connect is being decided this evening.

Mr. Schultz asked if Ms. Guzzo is saying that Council already voted on whether to keep South Liberty Road connected to Murphy Parkway. Ms. Guzzo said Council decided that Liberty Road is going to stay open. Mayor Klein said that recommendation went to the Planning and Zoning Commission, came to Council, and was sent back again because there were many residents present with questions that couldn't be answered. Mr. Schultz said that is why it is worded the way it is. Not because there is any change, but while it seems evident the Comprehensive Plan will change, it is still in effect. Mr. Kaitsa said that he agrees with Ms. Guzzo that the consensus was that South Liberty Road will not close. Discussion ensued.

Mr. Lutz asked that Council members forward their recommendations for changing this document prior to the next meeting. Mayor Klein asked that cost estimates for producing and mailing this plan be provided at the next meeting.

COMMITTEE REPORTS

Development Committee: Mr. Chambers said that the next meeting date is to be determined. He said the committee met last week to review the Village Green site, and concluded that the results of the police study will determine much of the planning for the site. He said that the Committee would like to hire an outside consultant to make suggestions for developing the retention pond and the amphitheater areas. He said in addition, the Committee thinks a public hearing about the development of the site should be held.

Finance Committee: Mr. Kaitsa reported the next meeting will be held on June 15.

Administration Committee Mayor Klein reported the next meeting will be held on June 20.

MUNICIPAL MANAGERS REPORT

Stephen A. Lutz, Village Manager, reported on the following items:

- A public open house will be scheduled for the Delaware County Thoroughfare Plan at the Liberty Township Fire Hall on June 26. He said that Staff will attend that meeting.
- The Parks and Recreation Advisory Board still has no recommendation on a name for the East Neighborhood Park. Council determined to postpone selecting a name until that park is developed.
- As soon as the notice to proceed is issued for the Grace Drive extension, construction will proceed in 10 days. At this time, the Village is still waiting on one final easement to be signed.
- Over 300 children have signed up for Safety Town this summer. The program starts on June 19.
- The Rotary Club has asked to use the Village Meeting room for their annual transition dinner. They have asked that they be permitted to serve liquor at that dinner. Currently, the policy is that Council reviews each request for liquor on a case by case basis.

Ms. Guzzo said her recollection is that the Powell Chamber of Commerce was permitted to have liquor because their event benefited whole community. She said this request is for a private event that isn't open to the community, and she is concerned if this is permitted, where would it stop. She said it seems that Council is arbitrarily picking and choosing. Mr. Schultz said he agrees with Peggy that it could become a problem if this becomes "arbitrary." Mayor Klein said he is in favor of reviewing these issues on a case by case basis, where every application stands on it's own merit. A "thumbs up" vote was taken. Mr. Nolan abstained as a member of the Rotary. **Due to a split vote, the request was denied.**

- Mr. Lutz reviewed a request from the Powell Business Association for a \$100 donation toward their booth at the German Village House and Garden tour. The booth will promote Powell businesses. Mr. Nolan asked if Council has approved anything like this previously. Mr. Lutz said they have not. **The request was approved.**
- Mr. Lutz reviewed correspondence from the Olentangy Local School District regarding a little-used provision to allow taxing districts additional funding through new development. He said the School District will contact the Village to discuss this issue.

OTHER COMMISSION BUSINESS

Mr. Cline asked if the Village Engineer has received a reply from Rumpke regarding the correspondence he sent. Mr. Rice said he met with two representatives last week. He said there have been several problems. Mr. Cline said he has had several neighbors complain that Rumpke literally throws trash containers in the center of street when they are through dumping them. Mr. Rice said that was a specific issue that was covered when he met with Rumpke. Mr. Nolan noticed many trash cans in the street in Lakes of Powell this evening. Mr. Rice said that occasionally wind does cause a problem, but that is not to say there are not legitimate complaints. Mr. Cline said one of the residents who complained literally watched the Rumpke worker put the trash can in the street.

FINANCIAL REPORTS

There were none.

OTHER REPORTS

There were none.

CLERK OF COUNCIL CORRESPONDENCE

There was none.

OTHER COUNCIL MATTERS

Action Items-

At-Grade Railroad Crossing (scheduled for August): Mr. Kaitsa asked for the status on this item. Mr. Lutz said that there is nothing new to report on this issue until Murphy Parkway connects to the north and South.

Relocation of Downtown Electric Poles: Ms. Guzzo said that the gentleman this evening said that hopefully, in 5 weeks, they'll be able to "do what they have to do." She said she is concerned about creating a delay in the Grace Drive project that could cost the Village money. Mr. Rice said that the Village is not in danger of being accused of delaying the project.

OTHER COUNCIL MATTERS

Ms. Guzzo said that she was walking through Middlebury Estates and noticed a great deal of standing water along the road. Mr. Rice said that he has conducted a very thorough walk through of that subdivision, and that it is currently under conditional acceptance. He said he received a request from the developer for a final acceptance, which was denied. He said that he has a 2 1/2 page punch list identifying everything that is wrong on that site, including the water. He said the streets need to be cleaned, as the sediment is blocking inlets.

EXECUTIVE SESSION: ORC SECTION 121.22 (G) (2) LAND ACQUISITION.

MOTION: Mr. Cline moved to adjourn to Executive Session at 9:45 p.m. in accordance with ORC Section 121.22 (G) (2) Land Acquisition. Mr. Kaitsa seconded the motion.

VOTE: Y 7 N 0

Mr. Nolan left before the Executive Session adjourned.

MOTION: Mr. Cline moved to adjourn from Executive Session at 9:52 p.m. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Cline moved to reconvene in regular open session at 9:53 p.m. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0

ADJOURNMENT

MOTION: Mr. Cline moved to adjourn at 9:53 p.m. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0

DATE MINUTES APPROVED:

Mark F. Klein 7/5/00
Mark F. Klein Date
Mayor

Dawn Nauman 7/5/00
Dawn Nauman Date
Clerk of Council