

VILLAGE OF POWELL COUNCIL

MARCH 6, 2001

A regular meeting of the Village of Powell Council was held on March 6, 2001, and called to order at 7:30 p.m. by Mayor Mark Klein. Other Council members present were Dave Chambers, Bill Nolan, Richard Cline, Art Schultz, and Peggy Guzzo. George Kaitsa was absent. Also present were Stephen Lutz, Village Manager, Nan Metz, Finance Director, David Betz, Director of Development, and Dawn Nauman, Clerk of Council.

EXECUTIVE SESSION: FOR PERSONNEL MATTERS UNDER ORC SECTION 121.22 (G) (2): BOARD AND COMMISSION APPOINTMENTS

MOTION: Mr. Cline moved to adjourn to Executive Session at 7:30 p.m. in accordance with ORC Section 121.22 (g) (2) Personnel: Board and Commission Appointments. Mr. Nolan seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Cline moved to adjourn from Executive Session at 8:45 p.m. Mr. Nolan seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Cline moved to reconvene in regular open session at 8:45 p.m. Mr. Nolan seconded the motion.

VOTE: Y 6 N 0

PROCLAMATION: RED CROSS MONTH

Mayor Mark Klein presented Tim Ryerson, Delaware County Red Cross Executive Director, and Dave Noll, Board Member, with a Proclamation declaring March Red Cross Month in the Village of Powell.

APPROVAL OF MINUTES

The minutes of February 20, 2001 were approved as printed.

CITIZEN PARTICIPATION

There was none.

THIRD READING: ORDINANCE 2001-02: AN ORDINANCE APPROVING THE FINAL DEVELOPMENT PLAN FOR FIVE OFFICE BUILDINGS, EACH BETWEEN 7,000 AND 9,216 SQ. FT LOCATED AT THE SOUTHWEST CORNER OF N. LIBERTY STREET AND CLAIRE DAN DRIVE.

Stephen A. Lutz, Village Manager, said that Staff has no more comments on this development plan.

Brad Yates, Applicant, presented Council with the shingle they intend to use on this development.

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

Ms. Guzzo said that she appreciate the applicants efforts to address architectural concerns on this development. She said that she thinks offices are appropriate, however, she is concerned about the size, and therefore she will be voting against it.

MOTION: Mr. Nolan moved to adopt Ordinance 2001-02. Mr. Cline seconded the motion.

VOTE: Y 5 N 1 (Guzzo)

SECOND READING: ORDINANCE 2001-04: AN ORDINANCE AMENDING SECTION 1143.25 OF THE PLANNING AND ZONING CODE OF THE VILLAGE OF POWELL REGARDING APPEALS OF THE HISTORIC DISTRICT COMMISSION.

Stephen A. Lutz, Village Manager, said that this legislation would change the Zoning Code so that appeals of the Historic District Commission (HDC) are heard by the Board of Zoning Appeals rather than the Planning and Zoning Commission. He said that this issue arose because of an antique store that began remodeling without approval. The HDC denied the property owner's request for renovations. The property owner appealed to the Planning and Zoning Commission, and the HDC questioned why the appeal wasn't heard by the BZA. He said the Planning and Zoning Commission has reviewed this and made their recommendation for approval. Members of the HDC plan to attend the next Council meeting to discuss this issue.

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

Ms. Guzzo said while she doesn't support this change, she is willing to hear what the HDC has to say. Mr. Chambers said he feels this change makes perfect sense. Mr. Cline agreed with Mr. Chambers, but said he is also interested in hearing what the HDC has to say. Mr. Nolan said he is opposed to this amendment.

Mayor Klein said he is looking forward to hearing from the HDC about this issue. There being no further comment, this Ordinance was taken to a third reading.

SECOND READING: ORDINANCE 2001-10: AN ORDINANCE AUTHORIZING THE VILLAGE MANAGER TO ENTER A CONTRACT FOR UNION OF THE CITY HEALTH DISTRICT WITH THE GENERAL HEALTH DISTRICT.

Stephen A. Lutz, Village Manager, recommended that this Ordinance be taken to a third reading. He reviewed that Staff is recommending that the Village combine with the Delaware City/County Health Department once it reaches city status and is required to provide health services. He said that the county prosecuting attorney prepared the draft agreement, and that there are still some legal issues the Village would like to address.

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

Mr. Chambers asked if there is a timeliness issue with this ordinance, or whether the Village would be best served in tabling this until it becomes a city. Ken Molnar, Director of Law, said he can address that issue as well as others at the next meeting. Mr. Chambers asked if it is anticipated that Council will table this or vote at the next meeting. Mr. Molnar said that is correct. There being no further questions, this Ordinance was taken to a third reading.

FIRST READING: ORDINANCE 2001-11: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2001 AND DECLARING AN EMERGENCY.

Stephen A. Lutz, Village Manager, reviewed that two years ago most of the Village computers were updated with the exception the one being used by the Parks and Recreation Supervisor. He said that computer has now crashed, and it needs to be replaced. Adopting this as an emergency allows the Village to purchase the computer immediately.

Ms. Guzzo asked how long it will take to receive the computer. Mr. Lutz estimated two weeks.

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

Mr. Nolan said he doesn't object to purchasing a computer, but he questioned whether this is really an emergency. Mr. Molnar said he feels that is Council's determination. Mr. Nolan asked what about referendum. Mr. Molnar said that the Village Charter allows any ordinance to be referred, however, the computer would probably be purchased by the time the issue went to a vote.

Mayor Klein said that he thinks such a computer is a wise investment for someone creating a lot of publications. He said Parks and Recreation creates many publications in house for all of the programming they do, and he supports this to move the process along as quickly as possible.

Ms. Guzzo expressed concern about using the term "emergency" too loosely. She asked if the money can't be spent without this ordinance. Mr. Lutz said there is no line item in the budget for this purpose. Ms. Guzzo asked if the computer can be purchased while this ordinance goes through three readings. Mr. Lutz said it cannot.

MOTION: Mr. Cline moved to suspend the rules on Ordinance 2000-11. Ms. Guzzo seconded the motion.

VOTE: Y 5 N 1 (Nolan)

MOTION: Mr. Cline moved to adopt Ordinance 2000-11. Ms. Guzzo seconded the motion.

VOTE: Y 5 N 1 (Nolan)

FIRST READING: ORDINANCE 2001-12: AN ORDINANCE AMENDING CHAPTER 181 OF THE CODIFIED ORDINANCES OF THE MUNICIPALITY OF POWELL, ESTABLISHING AN INCOME TAX BOARD OF APPEAL AND DECLARING AN EMERGENCY.

Stephen A. Lutz, Village Manager, said that House Bill 477 requires Municipalities with an income tax to establish an income tax board of appeal. This board is a three-member board composed of the mayor, the chairman, and another member of the finance committee. The board is responsible for appeals regarding tax collection issues, and is based on state guidelines. He said that these boards were supposed to be established by January 26, and that is why this ordinance is declared an emergency.

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

Mr. Cline said that he was involved with the Finance Committee review of this ordinance.

MOTION: Mr. Cline moved to amend Ordinance 2001-12 so that section 181.17 (a) reads: A Board of Appeal of three members is hereby created consisting of the Chairman of the Council Finance Committee, an additional Council member of the Finance Committee, and the Mayor. Mr. Nolan seconded the motion.

VOTE: Y 6 N 0

Mr. Chambers asked if there is any risk involved in letting this go to three readings. Mr. Molnar said that the Village has already missed the effective date, and he is unsure if it would impair the validity of income tax collection.

Ms. Guzzo asked when the Village was notified of this issue. Nan Metz, Finance Director, said a notice was sent by RITA in late December or early January. Ms. Guzzo asked why Council hasn't heard it until now. Mr. Lutz said that the issue went to the Finance Committee in January.

COMMITTEE REPORTS

Development Committee: (Next Meeting: March 27) No report.

Finance Committee: (Next Meeting: March 13) No report.

Administration Committee (Next Meeting: To be determined) No report.

Service Committee (Next Meeting: March 6) Mr. Schultz said the Service Committee met this morning and has agreed on general goals, the primary goal being how to maximize satisfaction with Powell Services. He said that they would like Council to make more informed decisions on services based on resources and assets. He said they intend to provide clearer descriptions of duties and priorities of services, and they are considering a survey of residents. He said at the next meeting, they will specifically discuss Safety Town.

Wendy's Cycling Committee (Next Meeting: To be determined) Mr. Schultz reviewed that the minutes were included in the packet. Mayor Klein noted that several Liberty Hills Trustees have expressed an interest in serving on the Wendy's Cycling Committee. Mr. Schultz said that the Committee would be happy to get as many volunteers as possible. He reviewed that the event will be held on July 24.

MUNICIPAL MANAGERS REPORT

There was no report.

OTHER REPORTS

There were none.

FINANCIAL REPORTS

The Accounts Payable Report was received.

CLERK OF COUNCIL CORRESPONDENCE

Dawn Nauman, Clerk of Council, reviewed that the web site has been registered with many free search engines to increase the hits on searches using the word Powell.


OTHER COUNCIL MATTERS


Action Item- 99-19: Pole Removal. Stephen A. Lutz, Village Manager, reported that the poles are gone, and that this action item may be closed. Council and those in attendance erupted into spontaneous applause.

ADJOURNMENT

Council adjourned at 9:20 p.m.

DATE MINUTES APPROVED: March 20, 2001.


 Mark F. Klein Date
 Mayor


 Dawn Nauman Date
 Clerk of Council

