

## Regular Session of Village Council

November 10, 2014

### **Call to Order**

The Regular Session of Council was called to order by Mayor Mike Erwin. The meeting was opened with the Pledge of Allegiance.

### **Roll Call**

Roll Call was completed by the Clerk of Council. The following members were present.

Judy Neal – P

Rebecca Isaacs-Niemesh – P

York Bryant – P

John Poe – P

Terry Erwin – P

William Thompson – P

### **Approval of Minutes of Previous Meeting**

Council reviewed the minutes of the previous meeting. Motion by Councilwoman Neal to approve the minutes of the October 10, 2014 Regular Session with necessary corrections; second by Councilman Erwin. Four yea, one abstention by Councilman Bryant and one nay by Councilman Thompson. Motion carried. A dissenting statement was made by Thompson.

### **Chief Fred LaFollette / Salem Township-Morrow Fire Department**

With the Christmas season approaching, LaFollette advised the attendance was down in 2013 for the Santa Claus & Christmas Candy distribution. He suggested for 2014 the date be moved to November 29, 2014 in conjunction with the *Christmas on Main* celebration. T. Erwin stated attendance was very good last year for *Christmas on Main* and thought it was a great idea; Council members and the Mayor concurred. LaFollette advised in 2013, \$492 was spent for candy. Discussion followed. He stated he would need to increase the amount approximately \$200 to \$650.00 for the expected attendance of approximately 1,000. Councilwoman Isaacs-Niemesh inquired where the candy was ordered. LaFollette stated it is ordered from a company in Springboro in bulk. Isaacs-Niemesh asked when the candy needed to be bagged.

Motion by Bryant to approve a \$650 allocation for candy; second by Erwin. All yea. Discussion followed.

### **Bob Blankenship / President Veterans Service Commission of Warren County**

Blankenship acknowledged Police Chief Kilburn for his labor and for providing heavy equipment for the project. He thanked Mike Hanna, Cindy Wilmot, Rod Smith, Paul Zorn and Dennis Gilbert for their labor, Fred Petrie for electrical, Marlene DeBoard and Warren County Antique Machinery Group for donations, Riverside Stock Farm Topsoil for top soil, Carl Oeder & Sons Sand & Gravel for sand and gravel, Warren County Veterans Services Commission for flagpoles, flags and grave markers, Warren County Parks for sod and the Village of Morrow Council for use of land for the Veteran's Memorial. He provided a listing of the members of the Morrow Veterans Memorial Commission, Chairman Judy Warman Neal, Bob Blankenship, Paul Zorn, Fred LaFollette and Rod Smith. Blankenship advised the 62 pavers ordered will be in place by Memorial Day. The Mayor personally thanked Blankenship for his effort, stating he was grateful for all he has done for Veterans since he took the position and for the programs and opportunities offered for Veterans. Blankenship advised he was trying to get the word out. Discussion followed. Neal requested the community join them at 3pm on November 11th. Thompson called for a round of applause.

### **Freda Allen / Legal Shield**

Allen distributed information and explained Legal Shield benefits and consultation provided for financial, auto, family matters, home, estate issues and IRS audit assistance. She provided examples such as speaking with an attorney at the scene of accident, referring client to hospital and 24 hour access with an attorney. She acknowledged everyone signs contracts but fail to read the fine print. She stated Legal Shield provides documents and helps clients to complete them. Allen advised the program is national and cost for services described is \$20. She stated students up to 26 years of age under roof or away in college are covered. She provided specifics and made recommendations to consider.

November 10, 2014

**Drew McCauley / Woodlands Resident**

Drew McCauley of the Woodlands discussed the current situation in the development. He stated he was unhappy with the HOA. A number of the neighbors joined him expressing concern. He stated the homes are nice and the owners are doing a nice job maintaining their homes. McCauley gave an example of a lady, a neighbor in the development, over the past week-end attempting to clean an algae stain from the second floor of her home on a ladder after receiving a letter. He stated there are bigger problems with the streets, snow removal and some home owners are moving. McCauley advised he lived in his home 8 years and had never attended a Village Council meeting. He stated the owners of Towne Properties have liens and advised us they will put them in force. McCauley stated the Zoning Inspector and Village have contacted the owner of record in order to get lots mowed and weeds removed. He noted the Police Chief gave home owners rides up the hill in the past due to snow. He stated his goal was to ask the Village to contact Jim Allen to be more responsive to the residents. McCauley provided a written statement and discussed the need for voting in the development HOA and investigation. Mayor stated he spoke with Allen; he added there are 110 homes and most amenities are in place at 70% once about 800 homes are sold. McCauley stated the owner gets 3 out of 5 votes; his concern is not a pool. The Mayor asked *can the Village help with marketing*; we may need to look at the Planned Unit Development (PUD). The Mayor offered legal comments from the Solicitor.

Mark Allen, Housing Committee Chairman, spoke of contacts with the owner and delays experienced. Another resident stated roads, catch basins washed out beneath the roads, weeds or other health issues are greater than HOA. He stated he cuts his grass more than 3 times a year. Discussion followed. Bryant discussed the Bond, past visits he made to the development and prior discussions with Council. The Mayor advised the Village had a Bond for the development. McCauley stated he wanted relief from petty *tit for tat* situations from the owner. Discussion followed. Solicitor Kaspar advised he planned to research the bond issue regarding infrastructure. He stated he spoke with the Village Administrator regarding dispute resolution. The Solicitor added it is a contract matter in which homeowners and the developer work collectively.

Grievously, one home owner stated, he doesn't want to be intimidated by the owner. A second gentleman talked about the high HOA fees, more than many other developments. McCauley stated our money is being used against us. Discussion followed. The Mayor commented. He advised he would look at other communities that have gone bankrupt. McCauley discussed no pay, slow pay. He stated help is needed; no bonds or contracts needed. The Mayor stated two people can make an agreement; we will find out what we can do legally. Councilman Poe stated the bond is our only leverage. McCauley asked how it can be communicated the Village is behind the development's residents. Solicitor Kaspar commented; he referred to *standing*, stating were you injured or do you have rights. He suggested Marty Hubbell. Kaspar also discussed unclean hands with regard to slow pay, no pay. He added if you threaten to pull the bond that is enforceable; your issue is contractual. McCauley asked what the Village could do. Kaspar asked if we sue the developer, what *standing* we have. The Mayor added the streets have not been dedicated. Kaspar continued and provided additional information.

Adam Powell, a ten year resident, referred to garbage cans and acknowledged he received a letter about his boat. He stated he recently reviewed the contract. The recourse should be that empty lots are kept as resident's lots are maintained. He stated we must continue to bring empty lots to the Village's attention. Various Woodland residents commented. McCauley stated the owner plans to file liens; now, he is sending a flurry of violation citations. He stated residents are being harassed. Another resident asked if HOA could be deposited. Kaspar advised residents to pay the HOA and speak with an attorney; don't fowl yourself. The Mayor stated we will take care of safety issues, weeds, fire engine, etc. One resident discussed the property value issue for owners and developer. Mayor Erwin commented. Jason Clapp posed a question regarding hard fill at the old pad to Water Tower. The Mayor advised top soil would be added. Discussion followed. Clapp stated the steam roller shook his house; he ultimately wants all the lots to look nice.

## Regular Session of Village Council

November 10, 2014

Village Administrator Smith addressed property values in Morrow and stated Bryant and Erwin previously discussed building code violations. They were trying to bring these services, Building Regulations Department, in house. Hopefully, we will have an agreement by next meeting. Smith also discussed Ordinance 10-98, property maintenance and the committee's efforts. He stated the International Code Council has a Property Maintenance Code which is needed in Morrow; violations could be written sooner and not carried out 90 days or more. He advised Woodland residents to speak to an attorney and advise us at the next meeting. Poe commented and asked if Allen was putting funds in the HOA for lots he owned. One gentleman stated the owner was responsible on a percentage basis for each empty lot. He also stated the sewer drain is deteriorating, grass lays in gutter. The Mayor commented. Rod advised that would be enforceable with the IPMC. Discussion followed. Isaacs-Niemesh inquired if the HOA had a Board of Directors. The response was yes, made up of the Allen family and 2 residents. Discussion followed.

The Mayor advised \$1,000,000 from the owners account was invested and agreement designed to protect him as an investor. McCauley stated the owner is squeezing residents. The Mayor advised in his meetings with the owner, the owner is willing to sell lots that are left to homeowners. Discussion followed.

### **Ordinances/Resolutions**

Fiscal Officer Kathie Koehler requested a Resolution to increase the personnel line in Police Department appropriations. She stated drainage work on Prospect needs to be done and Street Fund increased by \$3400, moving \$2663 from Highlawn to Engineering line; the total increase in General Fund is \$7,796.92. She discussed detail from list provided to Council with adjustments to cover overtime. Mayor clarified overtime is cut off. Koehler provided two Schuerer Trust Fund applications for review. Kaspar read the proposed Resolution.

Motion by Neal to suspend the rules and waive three readings of Resolution #15-14; second by T. Erwin. All yea. Motion by Neal to adopt Resolution #15-14, approving miscellaneous adjustments in appropriations as listed; second by Erwin. All yea. Motion carried.

Isaacs-Niemesh inquired regarding the overtime for Landrum or Auxiliary Officers, stating she had not heard this before; she stated the Police schedule shows no coverage. Mayor Erwin advised when the budget was prepared the department did not provide a request. They used all the money the Fiscal Officer estimated. The overtime is the highest it's ever been, \$8,172 for 328 hours. Koehler stated the number of hours allocated has normally been 120 annually. Rod Smith stated he spoke with Landrum about being a salaried employee and he was comfortable with it. Isaacs-Niemesh advocated for the Police. The Mayor stated we have a scheduling issue currently to resolve. Money would be taken from the Water Fund to pay overtime when the Water Plant is failing. The Mayor stated we will tighten our budget, no more overtime now. Business owner Bev Massey stated we are not without police coverage; there is always coverage, Morrow Police or Sheriff. Discussion followed.

### **Approval of Disbursements**

Revenue Status Report by Fund Summary and disbursements were provided. Motion by Isaacs-Niemesh to pay the bills; second by Bryant. All yea.

Motion by Erwin to approve the Schuerer Trust Fund application; second by Neal. All yea.

### **Reports / Legislation from Village Officials**

Village Administrator Smith reported on the upcoming Planning Commission Meeting for the following week, advising he would send notices and referred Council to his monthly report. He advised the Veteran's Memorial Ceremony was scheduled for 3pm on November 11th; refreshments will be provided. Smith reported two outlets were installed on the Gazebo. He advised the Bishop Family was thrilled with the changes made. He stated Christmas on Main would be Saturday, November 29th from 4pm to 8pm. Smith

highlighted the Police report, stating two pallets of shingles were recovered and noted Landrum's arrest of the youngest heroin violator to date. He stated on October 29th,  
Regular Session of Village Council

November 10, 2014

Warren County deputies responded to several calls, made arrest, recovered stolen property and located a missing person.

He advised the Mayor's Court Report and Bank Reconciliation Report were attached in his report. The Administrator stated he was awaiting news on grant funding. Smith advised the Village offices would be closed on November 11th, November 27th to 28th and provided Special Dates, November 16th, Mayor Erwin's birthday, November 24th, Councilman Poe's birthday and December 2nd, Officer Mark Hoffman's birthday. Smith acknowledged Hoffman as an outstanding officer. Smith advised the December Council meeting would be December 9, 2014.

Mayor Erwin stated, to address Isaacs-Niemesh's concern, the residents may want to decide through levy how much they wish to spend next year on Police coverage. Bryant stated we have the best police force we've ever had.

**Public Forum**

Dave Ducker inquired about the status of the *No Parking* signs for Highlawn. Smith advised the signs would be picked up later in the week for Highlawn and Welch.

Isaac-Niemesh asked about the investigation taking place. Kaspar advised he would have an answer by next meeting. She asked about the delay. Kaspar stated he made contact with Ostrowski; an answer will be given shortly.

**Adjournment**

Motion by Erwin to adjourn; second by Bryant. All yea.

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Kathie Koehler, Fiscal Officer

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Mike Erwin, Mayor