

Regular Session of Village Council

December 13, 2016

Call to Order

The Regular Session of Council was called to order by Mayor York Bryant. 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.

Kiley Dane – P
Isaacs-Niemesh – P
Judy Neal – P

John Poe – P
Benjamin Steiner – 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 December 13, 2016 Regular Session; second by Councilman Steiner. All yeas by roll call.

Mark Allen / Zoning Inspector – Culvert Permits

The Zoning Inspector advised the Village did not have a Culvert Permit; he suggested adopting Warren County's uses. Allen stated Warren County does not charge a fee currently. He believes the Village will have more culvert permit requests due to ongoing construction. The Mayor advised when culverts go bad the County installs new. Discussion followed. Surrounding areas were compared. Allen advised the current request is in the Woodlands and a permit is needed. He suggested a fee of \$35. Neal stated the Village charges for all other permits currently. Discussion continued. Councilman Poe advised the Village needed a standard; he proposed acceptance of the County's code for culverts and suggested a \$25 fee for the permit.

Motion by Councilman Thompson for Resolution to include code revision in the Zoning procedures with a \$25 permit fee; second by Poe. Neal asked for verification the property owner would purchase the culvert and pay someone to install it. Discussion followed.

Motion by Isaacs-Niemesh to suspend the rules and waive three readings of Resolution #24-16; second by Neal. Motion by Isaacs-Niemesh to adopt Resolution #24-16 to include Culvert Permit code revision and \$25 fee in Village Zoning Procedures; second by Neal. All yeas by roll call.

Reports / Legislation from Village Officials

The Mayor reported on *Christmas on Main Street* and the *Community Christmas Dinner*, stating it was a big success. He thanked everyone for helping. Mayor Bryant stated the decorations and Christmas lights around town were nicely done and thanked those responsible for all the work involved.

Poe reported he received several questions from citizens regarding the plate in the road on RT 22 & 3 near the old Lumber Company. Discussion followed. Thompson advised checking with the State. He asked that information regarding the plate be emailed to Council. Poe also commented on an update from the engineering firm. Fiscal Officer Knell stated an update was included in the packet distributed to Council.

Neal reiterated the Christmas decorations looked great and the Village garage also looked better. Isaacs-Niemesh revisited a prior complaint regarding manure on RT 22 & 3; she stated a load was dumped at the same location as last year. Thompson recalled Section 21 of the Zoning Code regarding foul odors being recommended. Isaacs-Niemesh wished to revisit the matter and allow thirty days for the owner to spread the manure. Solicitor Kaspar stated a letter went out from the Administrator in the prior year. He stated there were two ways to address it, Statutory Nuisance or Village Zoning Code. Isaacs-Niemesh stated she would table the matter to the following month. The Solicitor stated he would have an answer next month.

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The Fiscal Officer discussed the information provided from Shawn Campbell of Jones Warner Consulting. Solicitor Kaspar read the pending Resolution for authorization for application for a Community Development Block Grant through Warren County.

Motion by Neal to suspend the rules and waive three readings of Resolution #25-16; second by Steiner. Motion by Neal to adopt Resolution #25-16, authorizing application and execution of CDBG for Morrow Blackhawk Road; second by Steiner. All yea by roll call.

Knell commented Personnel Policy revisions received to date were included in information provided in Council's packet. Thompson requested the third reading of Personnel Policy Draft be tabled due to various issues and contradictory input to be addressed and modified.

Motion by Neal to table the third reading of Village Personnel Policy Draft until the following meeting; second by Thompson. All yea by roll call..

Public Forum

Attorney Ron Smith stated, in a prior discussion, he was in agreement with Solicitor Kaspar regarding the alley in the rear of the Cain's property; he believed the survey of the area according to Code 723.04 was needed. Kaspar advised he followed up with respect to case and process to identify the area by survey with petition or motion of Council. He advised statute provides authority to vacate, narrow or change the name of alleyway. The Solicitor provided three findings, 1) due cause, 2) finding may not be detrimental to Village, or 3) change should be made. Statute 733.121 discusses *who benefits*. Notice is not required to County in the case consent of owners is given. Posting provides notice of consent by owners. Thompson stated alleyway also runs to the next property. Kaspar stated notice must be provided if landlocked corridor because of a dead end. Attorney Smith stated 3 parcels are involved. Discussion followed. Luanne Cain discussed egress for other owner. Discussion followed regarding fencing. Kaspar advised notice must be provided to the County and neighbors. The Mayor stated he would get in touch with the other owners. Kaspar stated a hearing is needed.

Isaacs-Niemesh asked what happens if neighbors don't agree. Thompson stated a hearing would be scheduled; the County would be invited to the hearing even if they chose to respond in writing. Kaspar advised he would provide statutory notice for consent, six weeks newspaper notification. Thompson inquired regarding the Special Hearing after the notice. Kaspar read the clarification, ORC723.06, ORC 723.07. Where there is a petition filed, only four consecutive weeks prior to meeting are required. Thompson asked who petitions. Kaspar stated if Cain petitions, the Village would provide notice. Attorney Ron Smith will contact Kaspar.

Sue Nelson stated the Tree Board will have an opening effective January 1, 2017. She stated she wished to recommend Paul Zorn and listed his attributes and accomplishments. Neal stated she also spoke with Zorn and he wished to serve. The Mayor advised Barbara Thompson's term expires December 31, 2017; he appointed Paul Zorn to the Tree Board.

Motion by Thompson to confirm Paul Zorn's appointment by the Mayor to the Tree Board for a three year term effective January 1, 2017; second by Neal. All yea by roll call.

The Boy Scouts Leader, Jeff Huff, asked if the alley discussed was Village Property currently and where the alley was located. The Mayor responded yes, stating there are three parcels; the property is at Route 123 and Lincoln Street. The alley in question runs from Route 123 in front of the church, behind Jane's Upholstery to the rear. Discussion followed.

Reports / Legislation from Village Officials Cont'd

Reports provided to Council included Mayor's Court Report and Bank Reconciliation, Village Fiscal Revenue Status by Fund Summary, Bank Reconciliation, Disbursements, proposed 2017 Tax Budget and a Water Plant update from Jones Warner Consulting.

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Fiscal Officer Nichole Knell requested adjustments in appropriations, increase in General Fund of \$319 which includes an income tax refund, increase in General Fund for Personnel Services, Medicare shortages \$1008.62, \$200 for legal matter. Kaspar explained the \$200 and Cross-Claim Tax Assessment determined by Auditor for homeowner at 106 Hazen Court; he stated County names everyone who has an interest. Knell discussed \$522 spent on bulbs for traffic lights, etc. in 2016; inspection fee is \$800 yearly and an increase of \$750 in State Highway Fund appropriations is requested. She discussed LED lights planned and adjustment needed for repairs at Plant 2 for Water Operating Fund Increase of \$3,170. Knell referred to page 4 of the Fund Summary for current status of 2016 Budget.

Motion by Thompson to suspend the rules and waive three readings of Resolution #26-16; second by Neal. Motion by Thompson to adopt Resolution #26-16, approving adjustments in appropriations as outlined; second by Neal. All yea by roll call.

Knell presented the Temporary Tax Budget for 2017 by OVD projection and hard copy; she explained various line items. She discussed Public Works with maintenance employee Bryant at 75% payout from Street Fund and 25% from Water Fund and Hanna at 100% from Water. Question was raised regarding test results for Mike Hanna; results were not available. Knell stated she included 3% raises for the staff for 2017 if Council approves and an additional amount for her added duties. She also included a police cruiser in the budget. Thompson posed a question regarding term Security of Persons and Property; The Fiscal Officer responded. Knell recommended the Village not pay the match for Morrow Blackhawk Road Project if money is not in the line item. She discussed the Woodlands contribution fund of \$32,000, reviewing several other revenue line items. Knell compared 2016 with 2017 revenue and expenditures. The Fiscal Officer stated the Village has a \$6,000 slush fund. She highlighted Water Improvement Fund, tap-ins, Schuerer Trust Fund and Mayors Court. Discussion followed. Kaspar provided the reading for the Resolution.

Motion by Poe to suspend the rules and waive three readings of Resolution #27-16; second by Neal. Motion by Neal to adopt Resolution #27-16, adopting 2017 Temporary Tax Budget presented; second by Thompson. All yea by roll call.

The Mayor asked Solicitor Kaspar to explain litigation. Kaspar provided an analogy to clarify for those present and discussed the need for Executive Sessions.

Public Forum Cont'd

Jesse McKeehan inquired regarding the snow removal rate for plowing roads; he explained his concerns as a resident of the Woodlands. Knell stated the costs would be that of the Public Works employee's time. Discussion followed. McKeehan asked the status of the Water Plant with regard to water issues. The Mayor commented. Poe advised work is starting in January 2017 to build the new plant; progress is being made on a new well. He stated the capacity would be doubled as well as water softening added; it is a long term delivery system. He advised the Village was looking at the best way to phase in the improvements. Isaacs-Niemesh stated Shawn Campbell of Jones Warner would be at the meeting in January and asked McKeehan to attend that meeting. Discussion followed. Neal responded. Thompson stated the rebuild has started; instrumentation has gone in already.

Motion by Poe to adjourn to Executive Session to discuss a legal issue; second by Thompson. All yea. Motion by Poe to return to Regular Session; second by Thompson. All yea.

Adjournment

Motion by Neal to adjourn; second by Isaacs-Niemesh. All yea.

Nichole Knell, Fiscal Officer

York Bryant, Mayor