

## Regular Session of Village Council

August 14, 2018

### **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

Ben Steiner – P

Rebecca Isaacs-Niemesh – P

Clarissa Walls-Parker – P

Mike McKeehan – P

Paul Zorn – P

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

Council reviewed the minutes of the previous meetings. Motion by Councilwoman Isaacs-Niemesh to approve the minutes of the July 10, 2018 Regular Session; second by Councilwoman Dane. All yea by roll call. Motion by Isaacs-Niemesh to approve the minutes of the July 31, 2018 Special Session; second by Dane. All yea by roll call.

### **Shawn Campbell / Jones Warner Consultants Inc.**

Campbell advised the cost for the Control Systems for the Water Plant were originally quoted at \$400,000 and was pulled from the original project bid due to mark ups. He stated through negotiation he was able to get the costs down to \$313,000 for all controls to the radio, towers, plant and booster stations. Campbell advised authorization for the Water Plant controls was needed by Resolution with Tech Line. He provided a copy of the contract per request from Isaacs-Niemesh. Solicitor Kaspar provided the reading for the proposed Resolution.

Motion by Isaacs-Niemesh to suspend the rules and waive three readings of Resolution #14-18; second by Dane. All yea by roll call. Motion by Isaacs-Niemesh to adopt Resolution #14-18, authorizing the Mayor to enter into contract with Tech-Line for the Water Plant Controls at \$313,000; second by Dane. All yea by roll call.

Campbell reported materials have been ordered; new tanks are under construction and tanks from Monroe are going to Iowa for rehabilitation which may cause a slight delay. Pipe and other materials are being delivered. He advised the bid process would be advertised in the newspaper the following week for the Blackhawk Road Project Option 1, remaining in public ROW. At the curve, Hanna has filled the culvert pipe with stone. Those repairs would be completed and balance would be addressed with available funds until the money is exhausted. Campbell advised it would take 4 weeks for the bid process; it must be advertised twice before the bid opening. He stated he would coordinate with the developer regarding Morrow Blackhawk, Morrow Woodville roads, the Woodlands and PUD improvements. Now that 300 lots have been developed, Campbell stated he would have further discussions with the developer and verify the time frame. Mayor Bryant commented it may take more than the 18 months to complete the Water Plant Project. Campbell stated he factored in fines and language to cover the timeline.

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

Reports provided to Council included Mayor's Court Report and Bank Reconciliation, Village Fiscal Revenue Status by Fund Summary, Bank Reconciliation and Disbursements

The Mayor advised the Village was behind in its grass cutting; he also advised the asphalt plant broke down for 3 days and the Public Works Department was doing the best it can. He noted community service workers are not able to use machinery; one community service worker cleaned the Depot very nicely.

Village Administrator Whitacre reported the OPWC Grant was submitted successfully in July for Knollwood and Bradford Drive Water Main Replacement for \$198,000. She advised the Village would have a 31% match. She also discussed the bio solid human manure problem

Regular Session of Village Council

August 14, 2018

and shared a brochure from the EPA provided by Fire Chief Bill Harrison. Whitacre stated these are Class A Bio-Solids and must be 300 tons before EPA action is taken; she stated the farmer had approximately 120 tons, 4 truckloads. Isaacs-Niemesh advised previously there were five truckloads dropped over 3 months ago; she stated shops in the area are getting the odor in their exhausts and the school has been evacuated. She stated there should be a limit on the time the waste can be on the ground and asked if the owner, Jergensen, was aware.

Solicitor Kaspar advised there are two issues; there may be a narrow window. The property is in Morrow and outside of Morrow. The Solicitor showed a condensed version of EPA Part 503. We cannot pass legislation preempted by Federal Law. There are other actions for the State; we are looking for a Municipal Ordinance that applies. The agricultural use boxes us in somewhat. Whitacre discussed Isaacs-Niemesh's suggestion regarding spreading within a specified period of time. Isaacs-Niemesh read the Zoning Ordinance regarding foul order. Councilman McKeehan asked if Perry Powell was contacted and what was the response. The Mayor responded. Councilman Zorn stated a storage shed on the property may be helpful. Isaacs-Niemesh advised the farmer was relocating the material. The Mayor asked about the property line. Isaacs-Niemesh responded. Mayor Bryant commented on agricultural zoning. Discussion followed. Isaacs-Niemesh stated Mason's time frame is 90 days. A trench is required; material may leak into the aquifer. Kaspar commented on the formal complaint regarding the aquifer. This is a different issue and presents a problem. McKeehan asked if anyone from the School Board contacted Hamilton Township. Isaacs-Niemesh will check. Zoning Inspector Thompson advised some of the material which was moved was in Morrow and the other is in Salem Township. The Administrator advised she would continue the discussion with EPA.

The Administrator discussed Vine Street and Kibbey Avenue. She advised she discussed with Ralph Blanton the vacating of the road which is now grass; Rex Parker built a garage years ago. She advised a survey is in progress. Blanton has talked with property owners affected; they will need to sign the release and it will go to the map room at Warren County. The prospective buyer for 100 Kibbey commented; three properties are affected.

Isaacs-Niemesh discussed zoning applications submitted a few years ago. She stated the application fee was waived for Terry Erwin; two other applicants paid fees. Recently the Church was charged a \$50 fee for a sign; she requested the fee waived for the Church. Discussion followed. She stated businesses must be supported. Walls-Parker stated it was a new congregation and the wording on the sign was changed for the new church. The Zoning Inspector stated a permit fee was charged as listed in the codes. Zorn stated the Zoning Code would need to be modified for non-profit to take such action. Discussion followed. Thompson stated one business currently has 12 signs. Discussion followed. Thompson stated those applications referenced by Isaacs-Niemesh were for Certificates of Occupancy. Morrow does little for those; the Fire Department is involved. He stated Warren County charges \$450. McKeehan stated he would donate his personal money to the Church for the permit fee. Isaacs-Niemesh and the Mayor stated they would help. Discussion followed.

Motion by Zorn to review and update the Zoning Code as necessary in the near future; second by Councilman Steiner. All yeas by roll call.

Zorn reported he met with 2 representatives from ODOT, Mike Hanna, Mike Bryant and Administrator Whitacre. He stated ODOT will erect the crosswalk signs and the Village will be on the waiting list for solar powered crossing signage. The locations will be in front of Toblers, east side of the middle entrance to the Plaza and the east corner of Pamela Drive to the east corner entrance at First National Bank with ADA pads at both signs. ODOT will also erect Deer Crossing signs at each end of the Village along State Route 22 & 3. McKeehan asked if the Village was required to do the striping. Zorn replied yes. He also advised the Art Center has a website showing rates for spaces at 10 Miranda Street. Zorn stated the Art Center owner has been paying the water bill. Fiscal Officer Tina Powell stated the Village had taken care of it; a new smaller meter was

## Regular Session of Village Council

August 14, 2018

installed and billing adjusted. Zorn invited all to the Ice Cream Social on Sunday at the Masonic Lodge, also stated Warren County will have a Taco Bell on Route 48 soon. The Mayor stated he heard the Shopping Center was under contract but the information was yet verified. McKeehan asked about the water meter for Jodi Williams. Powell stated she spoke with the supervisor and by the end of the week OUPS will mark the area. The Mayor stated the County has been paid by Morrow.

### **Public Forum**

Thompson advised First National Bank is putting up a pole barn but has not yet requested a zoning permit. He stated he discussed this with an administrator. Mr. Morris stated he lives on upper Kibbey, is 92 years old and tries to take care of his property. He stated the street hasn't been patched; he would like to get it paved. He stated he mowed one side of the street himself. The Mayor commented. Mr. Morris stated he would like to see Council out and about more. He had a copy of a news publication. He complimented the meeting and proceedings. The Mayor commented on the grant share by the Village.

Luanne Cain read Section 2306 of the Zoning Code; she proposed 2 alternates for the Zoning Board of Appeals when absences occur. She recommended John Poe and James Frederick to be appointed as alternates. The Mayor made the recommendation.

Motion by Isaacs-Niemesh to approve Joe Poe and James Frederick as alternates for the Zoning Board of Appeals; second by Zorn. All yea by roll call.

Cain stated the Church's intermediate lighting isn't permitted according to code; at the least, it's questionable. Discussion followed. Theresa Stacy spoke about 100 Kibbey and her occupancy requirements. She stated she has 90 days according to Little Miami Schools to occupy the property. She has a contract on the property.

John Kallenberger, Car Wash owner, stated his business is losing money. He advised he removed his flashing lights. He stated the Zoning for Pike Street is B2 and most businesses are B3. One shop is B1, restoration. Mr. Kallenberger stated he was the business owner that was referenced earlier in the meeting with 12 signs and acknowledged he received a letter from Thompson. He distributed a copy of the letter to Council members. He asked if every business owner received a letter. Kallenberger stated his problem is being singled out and asked why he was being targeted. He shared pictures of signs in Morrow with Council. He stated he put \$100,000 in his business and has offered free car washes and free refreshments. Kallenberger stated the letter from the Zoning Inspector was unexpected because of a prior discussion with him. Thompson stated six businesses on Pike Street have signs that were not permitted. Discussion followed.

Mr. Kallenberger asked how the Zoning Inspector's pay was determined. Thompson responded. Beverly Massey asked if businesses were grandfathered when they utilize the space of a prior business with the same type of business. Isaacs-Niemesh explained. The Mayor commented. Discussion followed. McKeehan stated he appreciated what the car wash owner has done. He asked if he'd paid for any permits. McKeehan asked the Zoning Inspector how the 5 days were determined. Thompson responded. Steiner questioned the decision. McKeehan discussed Economic Development in Morrow; he discussed Gary Sizemore's rehabilitation on the main street. Discussion continued.

Mr. Lewis Bird asked if Fire hydrants have been checked; the hydrant didn't appear to work at 107 Flora Drive. He believed it was yet not operational. Mr. Bird stated his house burned down. Isaacs-Niemesh affirmed that hydrants are flushed. Discussion followed. Zorn asked for the number on the hydrant.

### **Reports / Legislation from Village Officials Cont'd**

Powell discussed two leak adjustments on the water portion of the billing and set up repayment plans. For May, \$351.90 adjustment was requested, almost 50% and for July \$504.04 adjustment was requested once repairs have been made. The Administrator

Regular Session of Village Council

August 14, 2018

commented. Dane asked if the adjustments requested met the requirements. The Fiscal Officer responded yes.

Motion by Isaacs-Niemesh to approve the water bill adjustments; second by Dane. All yea.

Motion by Zorn to adjourn to Executive Session for legal matters at 8:30pm; second by Steiner. Motion by Isaacs-Niemesh to return to Regular Session at 9:13pm; second by Steiner. All yea.

**Adjournment**

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

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Tina Powell, Fiscal Officer

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York Bryant, Mayor