

Regular Session of Village Council

September 10, 2019

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.

Rebecca Isaacs-Niemesh – P
Mike McKeehan – A
Jessica Smothers – P

Ben Steiner – A
Clarissa Walls-Parker – P
Paul Zorn – P

Approval of Minutes of Previous Meeting

Council reviewed the minutes of the previous meeting. Motion by Councilwoman Isaacs-Niemesh to approve the minutes of the August 13, 2019 Regular Session; second by Councilman Zorn. All yeas by roll call.

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

Mayor Bryant reported measurements and pricing for the roof on Phegley Park were completed and power washing was being done. He noted there were no major crimes to report in the Village. The Mayor called for a moment of silence for the Mayor of Maineville who was killed the evening of September 9th.

Village Administrator Caroline Whitacre reported work was starting on Virginia and Thompson Streets on September 11, 2019. Trees and other materials have been cleared. She provided a summary of work at the Water Plant. The plant has been down for a year while it's being rebuilt. She advised Western Water was opened for the holding tanks during the summer. Construction for Well 1 is finished. The well was found to be free of bacteria on September 9th and will be tested for iron and manganese on September 11th. She advised Well 3 is a deeper well with a high content of manganese. In the fall, the need for Western Water will diminish.

Whitacre discussed a request from a resident in the Woodlands for a 4-Way Stop Sign at the corner of Sullivan Ridge and Sullivan Ridge roads. Councilwoman Walls-Parker stated for safety reasons a change is needed. She commented on the history of the parking etc., in the specific area. Mayor Bryant stated it's a very busy road with children playing. He advised he was in favor of the fix. Solicitor Kaspar stated no motion was needed. The subdivision will need to install the sign.

Zorn reported a home on US Route 22 and 3 past the Dry Cleaners did not have any shingles on the roof. The Mayor commented, identifying the owner. Zorn advised Wendy VanBuren has been very helpful to the Tree Board at Thornton Park. She identified roots that were sticking up above the ground. Zorn also stated a good job was done trimming the trees at the playground on Penders Avenue. He advised a trash can is needed on Penders Avenue.

Wendy VanBuren will help the Tree Board with requirements for the Tree City USA *Growth Award* Zorn reported. He explained the FEMA payment to replace trees damaged by a weather event. Zorn advised permission was obtained from the Bishops and approval was needed by Council. He stated they want to move forward and provided a proposed plan drawing of Tree/Brick Memorial, with a silhouette of Columnar Sweet Gum trees; the nonprofit pricing is \$130 each for the 7 trees. Zorn stated the Brick Memorial is proposed for Bishop Park. The Mayor asked if the bricks from the railroad were moved to the Municipal Garage. Zorn discussed the Brick Memorial and Grove. Discussion followed. Zorn reported ODNR advised there is an available grant. Tree Board Chairman, Judy Neal, stated the 7 trees are to mimic the 7 flags. Isaacs-Niemesh discussed preliminary work

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being done ahead of the ODNR portion. Walls-Parker asked if Council approves the proposed plan for the grove, will we be able to apply for the grant. Isaacs-Niemesh commented. Neal stated the Tree Board is prepared if the grant is not approved; she advised Dogwood and Red Maple trees will be in the Grove. Zorn stated another dedication may be in order. He advised he had documentation for each brick. Kaspar asked if the grant was to be authorized after the proposed plan approval. He recommended an up or down vote.

Motion by Isaacs-Niemesh to approve the proposed plan for the Grove; second by Walls-Parker. All yea.

Isaacs-Niemesh asked that Council and Administration look into the parking situation in the Woodlands. Discussion followed. Walls-Parker reported Trent and Lisa Heimann were holding a Grand Opening for the Arts Center October 5th. She stated they have 400+ responses. Walls-Parker urged the community to attend and bring their own scissors. Mayor Bryant advised Trent Heimann had 18 businesses in the Art Center; he commented on the growth.

Walls-Parker reported she and the Mayor met regarding the mural painting previously discussed. The painter quoted \$30,000. Walls-Parker stated that is a *no go*. A citizen commented on other artists. Discussion followed. Walls-Parker asked if the Village will plant flowers at the edge of town at Kibbey Avenue and US RT 22 & 3 this year. Discussion followed. It was stated Viox owns the property at the Point; Walls Parker will check with Viox on the flowers. Walls-Parker reported the Market was a huge success with positive feedback. The Mayor discussed the mural painting at the Gun Shop done by high school students. The Mayor advised Bill Thompson solicited students for the painting. Walls-Parker advised South Lebanon now has a Book Library like the Village's Book Library recently established; South Lebanon has a box at their Administrative site.

The Village Administrator discussed three old Ordinances. Mockups of the proposed changes were provided to Council. Three changes were proposed for Ordinance #6-92. 1) Change section 1b from *3 to 10 years old*. 2) *Strike Section 6 regarding salvage yard*; 3) Change Section 5b to *\$100 per day*. Zoning Inspector Ron Kilburn discussed the reality of a deterrent with a \$100 daily fine. Whitacre commented. Discussion followed. Isaacs-Niemesh questioned the fee. The Zoning Inspector discussed the process prior to a fine initiated; a court appearance is required before the fine is imposed. Discussion followed. The fine will be \$100 per week (Sect. 5b). Walls-Parker stated consequences are necessary and recommended a 30 day notice before the fee is imposed. Comments and suggestions were made from the floor. The Solicitor read the proposed pending amendment to Ord. #6-92 (5b)...fine of \$100 per week after a 30 day notice.

Motion by Isaacs-Niemesh to suspend the rules and waive three readings of Ordinance #4-19; second by Councilwoman Smothers. Motion by Isaacs-Niemesh to adopt Ordinance #4-19, amending Ordinance #6-92 as requested; second by Walls-Parker. All yea by roll call.

Administrator Whitacre discussed Ordinance #18-92 and proposed changes, 1) Section 3, Change to *height of the vegetation does not exceed 10"*; 2) Section 4b, *Strike If the address of the owner or...is unknown, publish notice once in newspaper...* 3) Change Sect. 7 to \$250. Zorn posed a question. Whitacre clarified. Ron Kilburn commented on the process. He stated if they appear in court, there is a fine. Discussion followed. Kaspar read the pending Ordinance.

Motion by Smothers to suspend the rules and waive three readings of Ordinance #5-19; second by Walls-Parker. Motion by Isaacs-Niemesh to adopt Ordinance #5-19, amending Ordinance #18-92 specified; second by Walls-Parker. All yea by roll call.

The Administrator discussed Ordinance #10-98 recommending deleting the provision for a Citizens Housing Committee which is not currently used, editing Section B and Section 6; complaints will be handled by the Zoning Inspector. She cited the Plaza as an example. The

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Zoning Appeals Board will be used as an appeal process. Kaspar read the pending Ordinance.

Motion by Isaacs-Niemesh to suspend the rules and waive three readings of Ordinance #6-19; second by Zorn. Three yea, one nay by Zorn. Motion by Isaacs-Niemesh to adopt Ordinance #6-19, amending Ordinance #10-98 as cited; second by Walls-Parker. All yea by roll call, constitutes First Reading of Ordinance #6-19.

Fiscal Officer Tina Powell introduced a water leak adjustment request for 101 Highlawn Avenue. She stated the leak was on a meter pit and discussed the standards for approval. The adjustment requested was \$256.20 for 42,700 gallons of water.

Motion by Smothers to approve the water adjustment for \$256.20; second by Walls-Parker. All yea by roll call.

Public Forum

Bev Massey presented a Trunk or Treat flyer for October 27, discussed the candy, treats and requested set-up help. Mrs. Massey also stated she was concerned about the #10-98 revision not passing as an emergency. She commented on semi-truck parking and other problems.

Ciona Massey, a high school senior, commented on the playground equipment at Phegley Park which is old and falling apart. She asked if it could be redone. She stated she felt it was dangerous and wanted to plan an activity on October 20 from 2pm to 10pm to raise money to redo the park and purchase new playground equipment. Walls-Parker complimented her interest and participation, advising she, Smothers and Whitacre were already researching fund raising and grants for park equipment. Isaacs-Niemesh suggested Ciona Massey consider a future date and noted October was too soon to schedule and plan an activity. The Mayor advised the equipment at the park originally cost \$10,000. Kaspar discussed legal concerns. Whitacre asked the Solicitor if the Village could fund raise. Kaspar commented, citing concerns. He suggested for fund raising, keeping funds separate or using an existing organization. Jim Frederick suggested seeking out an organization with a 501C3.

Larry Bauman of Hopkins Street stated he was concerned because his neighbor had a vicious dog and he experienced daily problems. He advised his main concern was if he could contain the dog. He stated the neighbor's fence was on his property and the dog lurches toward him from the fence. Discussion followed. Bauman stated the Zoning Inspector has spoken with his neighbor. He moved back to Morrow 5 years ago as a single parent. Kaspar advised the issue with the fence is trespassing; if a survey demonstrates the fence is on his land, he can file in Civil Court. The Dog Warden can be called. Walls-Parker commented on steps that need to be taken. Bauman stated he has videos and discussed a permit for privacy fencing.

Judy Neal discussed the Tree Board projects. She advised the project designates if an award is given. Neal stated if the tornado took down trees, FEMA wouldn't help. A Storm Preparedness Plan is needed; she discussed the cost of tree removal. Isaacs-Niemesh asked her to draw up a plan for approval.

Motion by Isaacs-Niemesh to adjourn to Executive Session for Personnel Matters at 7:25pm; second by Walls-Parker. Motion by Isaacs-Niemesh to return to Regular session; second by Walls-Parker. All yea by roll call.

The Mayor discussed 209 Main Street and commented on family there.

Adjournment

Motion by Isaacs-Niemesh to adjourn; second by Zorn. All yea by roll call.

Tina Powell, Fiscal Officer

York Bryant, Mayor