

## Regular Session of Village Council

December 8, 2020

### **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 via Zoom or in person.

Jim Frederick – P

Rebecca Isaacs-Niemesh – P

Mike McKeehan – P

Jessica Smothers – P

Ben Steiner – 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 November 10, 2020 Regular Session; second by Councilman Frederick. Five yea and one abstention by roll call. Motion carried.

### **Fred Carmack / Todd's Fork Adventure**

Carmack presented a map of the proposed special use project property, described the layout and provided additional background information. He asked the Village Solicitor John Kaspar if he reviewed the application and the Zoning Code. Carmack stated the zoning change to B3 with special use qualification and recreational clause was approved by the Planning Commission. Carmack asked if Council had any additional questions. Isaacs-Niemesh stated she did not receive documents mailed to her home regarding the pending zoning change. A copy was provided via Zoom and Carmack identified camper and portalet locations. Discussion followed. Carmack advised this was his third meeting for the zoning request.

Kaspar advised the application was filed with fee payment on September 10, 2020 by Fred Carmack and Glen Hubbard. A notice was provided to contiguous owners on September 10th for the Planning Commission hearing on September 28, 2020. The Planning Commission approved the B3 zoning rather than a variance for outdoor use only. The Solicitor advised Council may vote by code in three specific ways. 1) Adopt the proposed amendment. 2) Reject the proposed amendment. 3) Refer the proposed amendment back to the Commission for further recommendation within a specified time period. Council's written conditions a) Will the proposed amendment intent be in accordance with the basic intent? b) Does it further comprehensive planning goals of the Village? c) Have conditions changed since the Ordinance was adopted? d) Will the amendment correct an inequitable situation? e) Will the amendment result in unlawful exclusionary zoning? f) Will the amendment set an inappropriate precedent? g) Is the proposed zoning consistent with trends in the surrounding area? h) Could all requirements be complied with on the subject parcel? i) Is the proposed zoning consistent with the trends in land development in the general vicinity of the property? Isaacs-Niemesh stated she wanted zoning information in front of her. Councilwoman Smothers asked about interference with other planned zoning. Kaspar referred them to the online Zoning Code, section 24-32. Frederick described the project using map perimeters. Discussion followed regarding the floodway. Carmack stated the property is for seasonal use; the foliage helps. He advised because of the buffer, it is not contiguous to other property; parking, lighting, noise and pollution concerns are not an issue.

Frederick stated the restrictions allow only what is currently being requested. He advised he felt the usage requested was reasonable and not consistent with R1. Carmack discussed appropriate uses and the property being unsuitable for residential use. He advised the concerns of those neighbors who attended the Planning Commission meeting were addressed. Councilman Zorn asked Carmack if he would provide proof of insurance. Carmack stated he was working with Hip Camp for insurance. Councilman McKeehan stated he was in agreement; Councilman Steiner concurred. Isaacs-Niemesh and Frederick requested the rules not be suspended or the three readings waived.

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Motion to adopt a Resolution for the proposed Zoning change for the property parcel from R1 to B3 with the specified restrictions was read by Solicitor Kaspar. 1st Reading Only

Smothers read 11.02, Special Land Use, of the Zoning Code. Discussion followed. Carmack explained the type of camping proposed, referring to the Zoning Code stipulations. He commented on a future movie screen planned; he wants to tie the activities back to the community.

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

Monthly Village Fiscal Revenue Status by Fund Summary, Bank Reconciliation and Disbursements, Mayor's Court Report and Bank Reconciliation were provided.

Mayor Bryant urged citizens to wear masks and social distance. He advised the Duckers would like to give stuffed animals at Buckley Brothers with a drive-by Santa on December 11, 2020 from 5:45 to 8pm. Smothers stated she supported it; all were in agreement.

Village Administrator Caroline Whitacre discussed the Penders Avenue paving project. She stated after a lengthy discussion at the previous meeting, she recognized semi-trucks must make a turn onto Penders; they could not turn onto gravel. She was very concerned about the danger posed by the chlorine trucks turning onto Penders from S.R. 123. The Mayor stated she discussed it with him. Whitacre advised the work was completed on December 7th. She provided a photo of the completed work. Whitacre stated what appeared to be holes in the pavement were turn off valves for the Water Plant. McKeehan inquired about the thickness of the pavement. The Administrator stated about 2 ½ inches. McKeehan expressed concern about the durability of the pavement. Whitacre advised the base was replaced.

Whitacre provided drawings of the digital signs for the Municipal Building and the west end of the Village. She reported the CARES funds were from Warren County and the Bureau of Workmen's Compensation, were spent on the two digital signs as well as safety equipment, cones, barriers, etc. Any remaining dollars after the electrical work is completed will be applied toward personnel. The Administrator stated the Village received additional money from the County as well as BWC; we spent the amount we were required to spend right away. She provided details of the signage at the Point and the Municipal Building and provided two drawings. Whitacre advised after negotiation, the price was reduced for the Municipal Building sign. McKeehan asked about the warranty. The Administrator advised there is a 5 year warranty on parts and a 25 year life expectancy; the company is in Lebanon, Clary Signs. Isaacs-Niemesh asked for the cost of the blacktop pavement. The Administrator stated \$52,000.

Zorn reported he received two complaints about the old Lumber Company. The Mayor asked if he spoke with the Zoning Inspector. Whitacre advised the Zoning Inspector sent letters to the owner, especially regarding the Pepsi Truck. She advised she would bring a Public Nuisance Ordinance for the next meeting that she believed would be helpful. Isaacs-Niemesh stated she wanted the information in her mailbox in advance of the next meeting. Zorn stated he wants something done with the old sign from the Point. The Mayor suggested donating it to the Historical Society.

McKeehan posed a question to Smothers. He asked if she spoke to Kilburn, the Zoning Inspector regarding animals in the Village. She stated she has been talking with Choice One Engineering, the Administrator and the Zoning Inspector. Whitacre commented on agricultural zoning and several properties within the corporation limits. McKeehan stated if Main Street residents want chickens and pigs in the yards or horses. Smothers stated if you have proper land for horses they can have them. The Mayor and Frederick commented. Discussion followed. Smothers stated she has been corresponding with Choice One Engineering to determine the kinds of animals the Village might allow. Whitacre stated there will be a working meeting in the future. Discussion followed.

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Kaspar discussed a pending Resolution, increasing and decreasing appropriations as requested by the Fiscal Officer. An increase of \$64,760.59 in Street and a decrease of \$553,105 in Water were needed. He read the pending Resolution.

Motion by Frederick to suspend the rules and waive three readings of Resolution #10-20; second by Steiner. All yeas by roll call. Motion by Frederick to adopt Resolution #10-20 approving adjustment in appropriations as noted; second by Steiner. All yeas by roll.

**Public Forum**

Cliff Kerr discussed his property issue on West Pike Street; a neighbor has 3 cars and debris on his property. The neighbor, Van Williams, appeared in court in September. The Mayor advised Magistrate Kaufman issued a citation and fined the offender the maximum amount. Isaacs-Niemesh stated the resident has been dealing with this a long time. Kaspar stated if the items have been on the property for more than 90 days, it is abandoned and the property owner can junk the items. He stated it is a civil matter. McKeehan stated give him a deadline to move everything; call the salvage yard and have the items removed. Solicitor Kaspar advised him to have the Police Chief meet him and go to the neighbor's residence. Discussion followed. Isaacs-Niemesh stated Cliff is trying to repair a water issue. Smothers asked if there was room on the neighbor's property for the junk vehicles. She asked if the property could be foreclosed. The Mayor provided additional information. Mr. Kerr provided photos of the vehicles. Kaspar stated a lien could be filed. Frederick stated we will look into it further, maybe a lien or daily fine.

Bob Grier stated he lived in Morrow for 14 years with his wife Pam. He asked if the Village was getting a grocery store or restaurant. He stated a lot of people are eating and shopping outside of Morrow. Grier also inquired about the parking in the Woodlands on both sides of the street. Mayor Bryant advised when the blacktop is completed and the street turned over to the Village, we can address the concern. The Mayor commented on the Plaza space and its condition. He advised it is the only building in the corporation limits large enough for a grocery store. Mayor Bryant stated no one will put a grocery in a flood plain. Council has worked on this for years. McKeehan stated 3 contracts fell through due to the problem.

Grier asked if they could get a street light at the junction of Front Street and Morrow Blackhawk Road. There is a ditch on one side and no lines in the road on the other side. The Mayor stated there is mud on the right side; speed limits are being conformed now and new signs planned. We also plan to stripe the road.

Regarding Kerr's concern, Kaspar stated he would look at Land Contract Provisions that can be placed on possessions; he will look into what the Village can do. The Mayor and Frederick commented. Discussion followed.

Judy Neal provided a year-end report for the Tree Board. We spent \$400 out of the \$2500 budget this year. She stated her term would expire at the end of the year and according to the Ordinance, the Mayor will make the appointment to the Tree Board. Neal stated she would like to be reappointed. The Mayor stated the Tree Board has gotten out of hand; too much money has been spent for trees and he doesn't plan to make an appointment before January 1, 2021.

**Adjournment**

Motion by Isaacs-Niemesh to adjourn; second by Frederick. All yeas by roll call.

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Tina Powell, Fiscal Officer

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York Bryant, Mayor