

## Regular Session of Village Council

June 8, 2021

### 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 Solicitor John Kaspar. The following members were present in person.

Jim Frederick – P

Jessica Smothers – A

Rebecca Isaacs-Niemesh – P

Ben Steiner – P

Mike McKeehan – P

Paul Zorn – P

### Approval of Minutes of Previous Meeting

Council reviewed the minutes of the previous meeting of Village Council. Motion by Councilwoman Isaacs-Niemesh to approve the minutes of the May 11, 2021 Regular Session; second by Councilman Steiner. All yeas by roll call. Motion carried.

### Shawn Campbell, Jones-Warner Engineering Consultants – Blackhawk Rd.

Shawn gave an update on the turn lanes at the entrance to the Woodlands Development at the intersection of Alpine Heights Drive and Blackhawk Road. There had been an inquiry at the last meeting about whether the property had been turned over to the HOA. Shawn indicated that no property had yet been turned over to the HOA. Concern has been expressed about site distance at that intersection, given the traffic counts. Shawn suggested that rather than installing turn lanes, that the problem could be better addressed by widening Blackhawk Road and doing some guardrail work. There may also need to be some vegetation removed and top grading. Installation of turn lanes may actually make the site distance issue worse. Shawn is exploring with the developer assuming the cost for these improvements. There will be a further update at the next meeting. A question came up about top coating on Todds Fork Drive at the Rivers View at Todds Fork development. Shawn has recommended that the village not accept that area until one year after completion of paving.

### Nick Selhorst, ChoiceOne Engineering – Zoning Code Revision

Nick Selhorst from ChoiceOne Engineering was present to lead a discussion of the second section of the revised Zoning Code. Councilman Jim Frederick distributed to Council documents relating to bond procedures and subdivision fund, fences and hedges (Waynesville), grading regulations (from old zoning code), lighting requirements (from old zoning code), agricultural overlay, agricultural district, and agricultural exemption as examples from other villages and municipalities. Nick began by following up from questions raised at the last meeting where the first part of the zoning code was discussed. First was the issue of agricultural overlay, stating that he thought a 2 acre lot could be the cutoff for applying the overlay. An alternative of 1 acre was proposed. Second, the issue of fences in front yards was raised. Issues of site distance, maintenance and consistency

of fence type were raised against the idea of front yard fences. Presently, businesses can have fences in front yards, residences cannot. Councilwoman Isaacs-Niemesh thought fences should be allowed in all of R1 but should be limited to white picket or split rail fences. It was asked why are fences in front yards not desirable. Chief Heath Kilburn brought up the idea of painting signs on fences which would be considered freedom of speech. Nick said that he has never seen a zoning code that allowed fences in front yards. The issue was tabled to a future meeting. Councilman Frederick raised the idea of posting the link to the new and old zoning code so that the public can comment on the proposed changes to the zoning code. Councilwoman Isaacs-Niemesh asked to have the new code color-coded to see what is changed from the old code. Councilman Frederick asked to have grading and lighting code regulations added back in. The bonding procedure for subdivisions was raised. It is written into subdivision regulations, which is a separate document from the zoning code. Flood plain regulations were discussed. Currently, restrictions for the flood plain are for a building with a maximum of 40 foot height while maintaining a maximum of 3 stories. This restriction needs to be further discussed going forward, particularly for the downtown historic district. Fred Carmack raised the notion of the Village buying all vacant lots, in order to help control the development. Nick suggested we pause the zoning code review for 60 days and gain feedback from the public. The old code and the new code should be posted prominently on the Village website. A question was raised about adult entertainment centers located 1000 feet away from churches, schools, etc. The Solicitor indicated that the 1000 foot distance was legally tested but will check further into it.

### **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 talked about Phegley Park and the desire to get started on the renovation. The Village cannot move forward with the splash pad with the current amount of money in hand. We will proceed with phase I which is overall planning of the space, renovation of the restrooms, and purchase of new playground equipment. The splash pad can be added at a later date. The issue of the train depot was raised and what should ultimately go in there. The ideas of a restaurant, bar, village center and new location of City Hall were discussed. It was felt that turning the depot into a restaurant/bar/Village Center would be the start of the Main Street comeback.

Village Administrator Caroline Whitacre reported that Austin Center had been hired as the Village maintenance worker for the summer. The new digital signs are installed and we are waiting for the electrical connections. The timing for the sign at the point is behind the one at Village Hall due to electrical work required at the point. At the request of some citizens, a light has been installed at the intersection of Woodville and Blackhawk Roads. The Administrator was contacted by Greg Power, Superintendent of Little Miami who has offered a tour to Council and the Police Department for the new Early Childhood Center on Saturday, July 17 at 10 AM. The Administrator notified council of the need to purchase a new zero turn mower. The quote received was for a John Deere mower with a 54 inch deck for \$10,000. The list price on the mower was

around \$18,000 and we get the lower price through gov deals. The Ohio Department of Transportation requested we update our ordinance for longitudinal striping of roadways and sign an agreement for snow and ice removal. An ordinance was considered giving approval and granting consent to the Director of the Ohio Department of Transportation authority to apply, maintain and repair standard longitudinal pavement markings and erect regulatory and warning signs on state highways inside village corporate limits and giving consent of the village for the Ohio Department of Transportation to remove snow and ice and use snow and ice control material on state highways inside the village corporate limits and giving consent of the Village for the Ohio Department of Transportation to perform maintenance and/or repair on state highways inside the village corporation. Motion by Frederick to suspend the rules, second by Steiner. Motion to adopt the ordinance by Frederick, second by Steiner. All yea by voice vote. Motion carried.

Councilmembers Frederick, Steiner, Isaacs-Niemesh, Zorn and McKeehan did not have any items to bring up.

The Solicitor, John Kaspar, brought up a resolution authorizing the Mayor or his designee to enter into a contract agreement with Surdik, Dowd and Turner for appellate representation. Motion by McKeehan to suspend the rules, second by Frederick. Vote was 4 in favor with 1 abstention. Motion to adopt the resolution by McKeehan, second by Steiner. Vote was 4 in favor with 1 abstention. Motion carried.

### **Public Forum**

Tina Powell reminded Council that next month, July, is our special budget session immediately following the regular Council meeting at 7 pm.

Fred Carmack notified Council that he is ready to do the striping on Main Street next week, and he should be notified what night is best. He also indicated that he regularly cleans up at Flat Rock and Devil's Hole. He requested that there be a police presence at those locations to prevent outsiders from littering and misbehaving.

Executive session was noted on the agenda but not needed.

### **Adjournment**

Motion by Isaacs-Niemesh to adjourn.

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Tina Powell, Fiscal Officer

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York Bryant, Mayor