

RECORD OF PROCEEDINGS

Minutes of Council

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6-101

Held August 5, 2019

MINUTES OF THE AUGUST 5, 2019 COUNCIL MEETING

Meeting called to order at 7:00 p.m. by President Steve Johnston

Council Members Present: Steve Johnston, Howard Wade, Jennifer Warner, Jim King, Linda Hall, Doug Eakins and Mike Conway. Also attending were Mayor, Ray Martin, Clerk of Council, Debbie Dileo, Public Service Director, John Mitchell, Director of Building, Zoning and Planning, Tom Hale and Chief of Police, Christopher Floyd and Parks and Recreation Director, Marci Darlington.

Council Members absent: None

Prayer: Pastor Ruth Pribe

Pledge of Allegiance: Mr. Johnston

Motion to adopt the agenda by Ms. Warner and seconded by Mr. King
Passed by Acclamation of Council

Motion to adopt the Minutes of the July 15, 2019 Council Meeting by Mr. Wade and seconded by Ms. Hall
Roll Call: All Yeas
Motion carries 7-0

Recognition of Guests:

Mayor Martin administered the Oath of Office to Police Officer, Maria Magana

Several residents of Fellows Avenue expressed displeasure and concerns about the street construction in their neighborhood. Paula Bollinger, although very supportive of past projects, expressed disappointment in the village's lack of communication about this project. She did not know what the flags and markings painted on her property indicated and advance notice to the residents would have allowed them time to make preparations for any inconveniences that the construction could cause. She also had concerns about the safety of children in the neighborhood and Garrett Park. She hopes that in the future the Village will be more diligent in disseminating information to those that will be affected. She also asked if more lighting would be added to the street, and if speeding increases due to the smoother road, what will Council do to address the issue.

Mr. Johnston asked that everyone who wished to address Council would speak before Mr. Mitchell or the Mayor responded to their concerns.

Allie Sylvis has three children under five years of age and reiterated safety concerns. In addition, she feels that knowing what contractors were involved and who would be on their property would have put her more at ease. Residents lost electricity and water and she understood there was a boil alert. She didn't receive notice and spoke to the Mayor. He assured her there was no boil alert, but several days later she received notice on her door that it was safe to drink the water. The lack of communication has been very disappointing. She is also disappointed with the deflection of responsibility and ownership of the issue, that she experienced, when she expressed her concerns to Village representatives. Moving forward she hopes a communication strategy will be developed.

Mr. Mitchell stated the scope of the project is to pave the street, replace curbs and sidewalks and upgrade storm sewers in the area. Early in the project there were waterline issues that caused some precautionary boil alerts but they were not required by EPA standards. Rosa Dodaro said she never received an alert. Mr. Mitchell explained the notices are placed on front doors and could have blown away, but the proper testing was completed and the water

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was safe to drink. He has requested an updated schedule from the contractor but has not received it at this time. He is holding payment until he receives the information. They are behind due to early rain delays, waterline issues and delays in moving utility poles. The project was geared toward being completed while the schools were on summer break. The project may not be done when students return, but it should be close. They are still shooting for completion before the Ox Roast.

Rosa Dodaro also complained about the lack of communication. There were times when she could not leave her driveway and had to drive through her yard. She was without water for two and a half days during the day. Allie Sylvis corroborated that her household also lost water for that amount of time. She is frustrated that she has shared her experience with elected officials and has been told that it was not she experienced. Mr. Mitchell stated the village was not aware of all the problems residents were having until now and even if prior communication was distributed, there were still emergency problems that could not be foreseen. Paula Bollinger said that she and her husband started making phone calls last Wednesday. Allie Sylvis also asked about right of ways and new sidewalk placement. She feels that if the sidewalks are moved in one foot, even if it is in the right-of-way, it is still closer to her home and affects her family. Mr. Mitchell can appreciate the concerns about lack of communication and feels we can learn from this in the future. Rebecca George asked if there is a standard for a right-of-way and is there a plan to restore the property after construction. Mr. Mitchell said there are different standards for different areas and streets. He will have to review the plans for the exact right-of-way for this area. He assured residents, that once construction is complete, areas that have been affected will be seeded and repaired. If anyone has questions, please feel free to call him or Brian Farley.

Mr. Johnston wrapped up the discussion by apologizing for the lack of communication. We are working on a website upgrade and will work on better methods of distributing information in the future. Ms. Warner noted that all council members' phone numbers are listed on our website and encouraged residents to call with any questions or concerns. She said, "We will learn from this."

Another resident of West Street asked if there were any plans for that area. The Mayor stated that there is a plan for all village streets and has asked Mr. Mitchell to look into repairs for West Street next year.

Eric Guzak is a new dentist in town and has purchased Dr. Wiseman's practice on Twin Street. He is from Pittsburg Pennsylvania and is looking for ways to be involved with the community and wanted to introduce himself and his fiancé. He is excited to be part of our community and is holding a family event in his parking lot on August 24th and extended an invitation to everyone.

A public hearing was called to order at 7:45 p.m. by Council President Johnston to discuss a recommendation from the Planning and Zoning Commission to create a new zoning district of Planned Unit Development (PUD)

Discussion: Mr. Eakins asked "What does this do that is different from our current PRD or PCD districts." Mr. Hale explained that the PUD would allow a developer to design a project and then they would be held to that standard. It also allows for a little more latitude in design by the developer, but everything needs to be pre-approved by the Planning and Zoning Commission and then by Council. Mr. Mitchell added that the PRD is residential, the PCD is commercial and industrial and the PUD would allow mixed use that is similar to the PMU. Mr. Brad Johnson said the classic example of a PUD is Easton. Mr. Mitchell reiterated that every project has to be pre-approved and Council actually has more control than through the normal process. Mr. Eakins has some issues with allowing multiple story apartments. Mr. Wade asked if HOA's could modify the restrictions. HOA's may hold the association to higher standards but could not have standards less than the pre-approved plan.

The meeting was closed at 8:00 p.m.

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Old Business:

2nd reading of Ordinance 19-089, an ordinance amending Zoning Ordinance 03-022 passed April 21, 2003 by adding a new zoning district entitled Planned Unit Development District (PUD) and declaring an emergency

Discussion: None

Motion to adopt Ordinance 19-089, by Ms. Warner and seconded by Mr. Johnston

*Roll Call: Yeas: Johnston, Warner, Conway-Nays: Hall, King, Eakins, Wade
Motion fails 4-3*

New Business:

Resolution 19-091, approving the Site Plan and granting a variance for the Landscape Plan for Project Comet, for property located at Walker Way and Commerce Parkway, as recommended to Council by the Planning and Zoning Commission on August 1, 2019

Discussion: Mr. Brad Johnson explained the project is a manufacturing firm on a 37acre site. They are asking for a landscape variance because of the need for a very clean environment near a 280,000 square foot building. Both the site plan and variance have been approved by the Planning and Zoning Commission and they are requesting Council's approval tonight. They would like to begin construction in the next 45 days. The building is designed for expansion.

Motion to adopt Resolution 19-091, by Mr. Eakins and seconded by Mr. Wade

*Roll Call: All Yeas
Motion carries 7-0*

Ordinance 19-092, authorizing supplemental appropriations in the Duke and Battelle TIF Funds

Discussion: None

Motion to adopt Ordinance 19-092, by Mr. Conway and seconded by Mr. Wade

*Roll Call: All Yeas
Motion carries 7-0*

Resolution 19-093, authorizing Rebecca Arnott, Village Finance Director, to invest One Million Dollars of Village Interim Funds in a Huntington CDAR

Discussion: Ms. Arnott said the CDAR matures on August 8th and would like to reinvest the \$1M. She stated we accrued over \$23,000.00 in interest in the past year. Ms. Warner relayed this was presented to the Finance Committee and they all agreed to reinvest the funds.

Motion to adopt Resolution 19-093, by Ms. Hall and seconded by Ms. Warner

*Roll Call: All Yeas
Motion carries 7-0*

Resolution 19-094, authorizing the Mayor and Public Service Director to enter into an agreement with Madison County to provide building inspection services

Discussion: This agreement was discussed at the last meeting.

Motion to adopt Resolution 19-094, by Mr. King and seconded by Ms. Hall

*Roll Call: All Yeas
Motion carries 7-0*

Resolution 19-095, authorizing the Mayor and Public Service Director to enter into an agreement with SAFEbuilt OHIO, LLC to provide backup building inspection and related services

Discussion: Mr. Hale is currently the only certified inspector and will need to have contracted inspectors available as needed because of the additional contracts with Plain City, London and Madison County.

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Motion to adopt Resolution 19-095, by Mr. Eakins and seconded by Mr. King
Roll Call: All Yeas
Motion carries 7-0

Resolution 19-096, authorizing the Mayor to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) and to execute contracts as required
Discussion: This is for capital improvements to the Converse Park Subdivision also known as the Westchester Addition.

Motion to adopt Resolution 19-096, by Mr. Wade and seconded by Mr. Eakins
Roll Call: All Yeas
Motion carries 7-0

Ordinance 19-097, setting employee cell phone reimbursement allowances and repealing Ordinance 19-009, passed January 21, 2019 and Ordinance 19-048 passed May 6, 2019 and any ordinance or section of ordinance in conflict with this ordinance, and declaring an emergency

Discussion: We are changing the Public Service Labor and Maintenance Supervisor position to a different reimbursement amount.

Motion to adopt Ordinance 19-097, by Ms. Warner and seconded by Mr. Eakins
Roll Call: All Yeas
Motion carries 7-0

Resolution 19-098, creating the position of Part-time Building and Zoning Clerk
Discussion: This was reviewed and recommended by the Finance Committee. The position will be located in the London office.

Motion to adopt Resolution 19-098, by Ms. Warner and seconded by Mr. Eakins
Roll Call: All Yeas
Motion carries 7-0

Ordinance 19-099, amending Ordinance 19-068 passed June 17, 2019, which amended Ordinances 18-090 and 19-019 (2019 Employee Pay Scale), by adding the positions of Part-time Building and Zoning Code Enforcement Official and Part-time Building and Zoning Clerk and declaring an emergency

Discussion: This ordinance was also reviewed by the Finance Committee and pay scales need to be added for the positions in the London office.

Motion to adopt Ordinance 19-099, by Mr. King and seconded by Ms. Warner
Roll Call: All Yeas
Motion carries 7-0

Resolution 19-100, authorizing the Mayor to hire a temporary Part-time Building and Zoning Code Enforcement Official and a temporary Part-time Building and Zoning Clerk
Discussion: The positions and pay scale have been authorized and this resolution allows the Mayor to hire staff.

Motion to adopt Resolution 19-100, by Mr. Eakins and seconded by Ms. Warner
Roll Call: All Yeas
Motion carries 7-0

Resolution 19-101, authorizing the Mayor to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) and to execute contracts as required

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Discussion: This project is for Lilly Chapel Road from Garfield Avenue, heading west, to Merriman Drive.

Motion to adopt Resolution 19-101, by Mr. King and seconded by Mr. Johnston
*Roll Call: All Years
Motion carries 7-0*

Resolution 19-102, setting the pay rate for full-time police officer, Murad Deluca, at the two-year level

Discussion: The Mayor reported that Mr. DeLuca will start on August 12th. He is fluent in both Spanish and Arabic.

Motion to adopt Resolution 19-102, by Ms. Hall and seconded by Mr. Wade
*Roll Call: All Years
Motion carries 7-0*

Resolution 19-103, approving a donation in the amount of \$3,000.00 to the West Jefferson Community Association

Discussion: This is the annual donation to the Ox Roast Festival.

Motion to adopt Resolution 19-103, by Mr. Conway and seconded by Ms. Warner
*Roll Call: All Years
Motion carries 7-0*

Committee Reports:

Finance: Minutes will be presented at the next meeting

Police: None

Employee Benefits: None

Public Service: None

Development: None

Parks and Recreation: A meeting will be held on Monday, August 12th at 6:00 p.m.

Special Events: The Ox Roast parade will be held on August 31st. Ms. Warner will be unable to attend as she will be working.

Director of Finance Report: The July Financials were presented by Ms. Arnott. Income tax collections are down 7% but collections for the year have an overall 7% increase.

Director of Public Service Report: As soon as he receives the new schedule for the Fellows Avenue project, he will share the information with Council, the Mayor and residents. He will work on the communication problem that was discussed this evening, for finishing this project and the next projects as well. Waterline installation has begun on US Route 40 and is moving along well. This project has been in the works for approximately four to five years and it is good to see that it has been started. The sewer lines will be tied in at the Mill Street intersection.

Director of Parks and Recreation Report: Four movies have been held this summer. The one at the pool had the greatest attendance. The last outdoor movie will be this Friday at Westwood Park. Food trucks will be available. Coney Dogs were passed out at the pool and this Saturday they will have S'mores available. There have been two concerts in the park. The next concert is August 13th at Garrett Park. Open Houses at the Community Center have been going on since February and are growing in attendance. Toddler Gym is every Saturday morning from 9 to 11. A Back to School Bash will be held on August 17th. This is a family

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event dance with food and activities. Fall softball will begin on August 18th. National Night Out is tomorrow evening from 5 to 8 p.m. Wrapping up her report, Ms. Darlington recognized the volunteers that have helped with Lunch and Learn, three of which are present at tonight's meeting. Thirty volunteers have donated 207 hours of their time. They have served 404 adults and 1,047 children thus far. There are two weeks left in the program. Battelle has already committed to financial assistance for next summer.

Mayor's Report and Recognition: The Mayor apologized for interrupting Mr. Johnston earlier. He wears hearing aids and doesn't have them in tonight. He also apologized to the residents of Fellows Avenue. He is making attempts at better communication and will provide updated information as soon as we have it.

Recognition of Clerk and Council: Mr. King said this was a special day for him. Many years ago, he was honorably discharged from the Army. He also asked if the addresses at the Sky Ranch development would be Broad Street or Route 40 and would the numbers stay the same. Mr. Mitchell explained that Arnie Booth assigns addresses. He believes that it will be a Galloway postal address and will be consistent with their numbering. Mr. Eakins observed that we had a lengthy agenda and suggested at the next Charter Review, we may want to change council meetings from twice a month to every two weeks. It may alleviate delays in months where there is a three-week gap between meetings. The Mayor thinks it could throw the rotation off, but we could look at additional meetings in those months. Mr. Johnston pointed out things have changed and we are very busy and will probably continue to be busy. We have already passed over one hundred pieces of legislation and it is just the beginning of August.

Additional Business: None

Motion to pay the bills by Mr. King and seconded by Ms. Warner
Passed by Acclamation of Council

Motion to approve "Then and Now" Certificates over \$3,000.00: None

Motion to adjourn at 8:50 p.m. by Mr. Eakins and seconded by Mr. Wade
Passed by Acclamation of Council

Deborah J. Dileo
Deborah J. Dileo
Clerk of Council

Steve Johnston
Steve Johnston
President of Council