

RECORD OF PROCEEDINGS

Minutes of

Council

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held

June 7, 2021

MINUTES OF JUNE 7, 2021 COUNCIL MEETING

Meeting Called to Order at 7:01 P.M. by President Warner.

Roll Call: Council Members Samantha Cahill, Mike Conway, Linda Hall, Richard King, Jeff Patterson, Howard Wade, and Jennifer Warner.

Absent Member(s): None.

Quorum Declare: 7 present, 0 absent.

Also attending were Chief of Police, Chris Floyd; Clerk of Council, Jimmy John Hall; Public Service Director, John Mitchell; Public Service, Water and Sewer Clerk, Taylor Patterson; Recreation and Special Events Manager, Shelton Stanley; and Finance Director, Rebecca Shipley-Arnott.

Prayer: Ms. Hall.

Pledge of Allegiance: Ms. Cahill.

Motion to Adopt the Agenda by Ms. Hall and seconded by Mr. King.

Roll Call: All yeas.

Motion Carries 7-0.

Motion to Adopt the Minutes of the May 3, 2021 Council Meeting by Mr. Conway and seconded by Ms. Cahill.

Roll Call: All yeas.

Motion Carries 7-0.

Motion to Adopt the Minutes of the May 17, 2021 Council Meeting by Mr. Conway and seconded by Mr. Patterson.

Roll Call: All yeas.

Motion Carries 7-0.

Recognition of Guests: Heather Doherty, Protecting the Darby; Paul Rutter, Attorney at Law; James Graham; Erica Bogner; Patricia Blake; Brenda Blanton; Jordan Truxall; Gene White; Bonnie Hamilton; Russ Miller; and Brian Corney.

Discussion: President Warner recognized guests.

- Heather Doherty presented "Protecting the Darby." Some back ground information is that the Big and Little Darby Creek are part of the Scenic River Program of Ohio's 15 designated and special rivers. For example, there are 15 species of fish that are threatened, endangered, or of some concern. Likewise, there are 22 mussel species that are federally listed as well. Those are not the sole reasons for the Big and Little Darby Creeks' special place. There are many families that use it for recreation and plains prairie regions. However, urban expansion with its impervious surfaces increase erosion, a decline in water quality and wildlife, and impacts infrastructure. But the Big and Little Darby Creek can be protected as we build and grow by using grassed swales, bioretention, low impact development, namely, pervious pavers for overflow parking and roadway designs. Also, as we build, the question to consider is: "How much can we build before we lose river quality?" We should protect sensitive areas of forested stream corridors, wetlands, groundwater recharge areas, and create green spaces for our health and saving on infrastructure cost.
- Erica Bogner asked if a call ahead a curtesy or a requirement for bulk pick up. (Numerous Council voices expressed the former) Next, if the trash collectors can place the bins back where they were originally picked up. The bins always start on the grassy area between the sidewalk and curb but are left lining the street and sometimes blocking driveways. Thanks for all you do in keeping the website up to date, and keeping the community informed.
- Patricia Blake and Brenda Blanton said we are representing the Mural Committee. We have two goals; to seek impute and assistance. First, we are seeking impute on having a mural painted for the Village in light of its history. We have permission to paint a mural on the west side of the Blauser building. The mural will take up the entire side of the building. The painter is in a time crunch and will be here in June. The painter's work can be viewed at www.americamuralist.com. Additionally, the painter would like the local high school students to help with painting as a great opportunity for them. Second, we are seeking assistance because of one issue, namely, part of the mural being obscured by trees and the gazebo. What should we do? Another issue with the gazebo is the lack of parking. So, these are the reasons why we are coming to Council.
 - o Mr. King asked if the Mural Committee is asking for the gazebo to be moved and trees cut down.
 - o Patricia Blake and Brenda Blanton said we are asking for the mural to be more visible.

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- Mayor Martin asked if they talked to the VFW and American Legion as it is their park.
- Patricia Blake and Brenda Blanton said they were instructed to talk to Council first.
- Mayor Martin and Jeff Patterson said if the VFW and American Legion are okay with making it more visible, then they stand behind their decision.
- Patricia Blake and Brenda Blanton said we do not want to take anything away but enhance the memorial.
- Chief Floyd asked how this would affect the police cruisers and personal vehicles.
- Bonnie Hamilton said thank you to the Mayor for taking her phone call and sending help for the Lunch and Learn program.

Old Business: None.

New Business:

Resolution 21-047, a resolution placing the recommendations of the Charter Review Commission for changes to the Village Charter on the ballot to be voted on in the November General Election.

Discussion: President Warner invited members of the Charter Review Commission for comment.

- Karl Frybarger thanked the Mayor and Council for the opportunity to work on the Charter that will benefit the Village. The approach we took was listening to each department head and departments and their concerns. Then we debated about the best interest for the Village. The Charter Review Commission had 14 meetings, 36 hours of work, and 9 speaking guests. We also received a late proposal for a change.
- Susan Krumm said in Section 17.02 we changed the wording adding additional relatives. There was a relative missing from the former list and the relationship of 'sister' was added as well as 'spouse or significant other.'
- Karl Frybarger said in Section 4.09 we changed paying for missed meetings during a calendar year up to 4.
- Karl Frybarger said in Section 4.09 we changed how to advertise Council Meetings. This was a very old section when regular newspapers were used that were circulated weekly. But platforms have changed and are more board. Lastly, the Committee left this addition open for future advancements in social platforms.
- Mark Pelphrey said in Section 3.04 we made changes to our Economic Development position. Basically, in Section 3.04 and 7A.02 we are adding a position of Economic Development and providing powers and duties to the same.
- Mark Pelphrey said in Section 7A.02 changes were made to Powers and Duties concerning the Economic Development position.
 - Ms. Cahill asked if this is creating the position.
 - Mayor Martin said this is changing the title.
- Karl Frybarger said changes were made to Section 4.06 concerning removal and providing protection for a serious illness and the maximum allowed meeting absences of a Council member per calendar year. Previously, there are no protections for Council if, God forbid, they should become seriously ill. This does not include Special Meetings.
 - Ms. Hall why was it changed to 4.
 - Karl Frybarger said the change was deemed a reasonable change for accountability.
 - Mr. Hall asked if the Committee considered adding the words 'without excuse.' In this way, an excuse could at least be voted on by the Council and ruled excused or unexcused.
 - Karl Frybarger said who is to excuse or decide what is excused.
 - Mr. Hall responded we live in a day when the question is asked what's fair and what is not fair. However, these Council members and Mayor have been delegated authority to make certain judgements. They can discern if it is a fairly excused absence.
 - Karl Frybarger the Committee did see the lack of mercy and corrected the Charter in this section and specify this to apply to Regular Meetings.
 - Mr. Wade said he agrees with Mr. Hall.
 - Karl Frybarger said that none of the Council Members had previously abused absences and the Committee improved the Charter.
 - Mr. Hall said he would much rather prefer mercy be taken advantage of and in our world today there is not enough of this in practice for people in need.
 - Karl Frybarger thanked Council for their service and for this Committee's service to the Village.
- Karl Frybarger said changes were made to Section 4.07 as to how a vacant Council seat is filled.
 - Mr. Conway said there are at least three examples of this problem. Three current Council Members were told three different things concerning running or not running for office after filling a vacant seat. This proposed change makes sense.

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- o President Warner said thank you to the Charter Review Committee. Being on the Committee is not easy and the way you all design the work and its layout is really good.
- o Paul Rutter said he was asked to come in near the end of the process to make sure the language conforms to the rest of the Charter. The Committee incorporated a lot of recommendations.

Motion to Post Pone Resolution 21-047 to June 21 Council Meeting by Ms. Hall and seconded by Mr. Conway.

Roll Call: 6 yeas, 1 nay.

Motion Carries 6-1.

- Mr. King asked if there is any way to place these changes individually on the ballot.
- Paul Rutter said after talking to the Law Director both of them has seen it performed both ways and the Law Director is trying to get a clearer answer.
- Mr. Conway said we are having a Special Meeting to discuss this Resolution after the Charter Review Committee meets.
- Mayor Martin said Council just voted to postpone to June 21, 2021.
- Mr. Conway said the Regular Meeting on the 21st is for the ballot. The Special Meeting – here – is to discuss the results of the Charter Review Committee's meeting.
- President Warner said the Special Meeting is Wednesday, June 9, 2021 at the Community Center.

Ordinance 21-048, approving the execution of a Community Reinvestment Area (CRA) agreement among the Village of West Jefferson and Pizzuti-Centerpoint Joint Venture LLC., and declaring an emergency.

Discussion: President Warner asked Mr. Mitchell why this Ordinance is an emergency.

- Mr. Mitchell said probably due to the development timing.

Motion to Adopt Ordinance 21-048 by Ms. Cahill and seconded by Mr. Wade.

Roll Call: 7 yeas, 0 nays.

Motion Carries 7-0.

Resolution 21-049, amending resolution 21-020 passed February 17, 2021, setting employee cell phone reimbursement allowances.

Discussion: President Warner invited comments.

- Mayor Martin said there are three employees that would like to abstain from the reimbursement.
- Ms. Arnott-Shipley said we need to change and add Public Service Water Superintendent and Public Service Wastewater Superintendent and there are employees who would like to refuse cell phone reimbursement.
- Chief Floyd said employees are trying to keep their personal cell phones out of the public use. All cruisers have a phone, camera, and digital camera.

Motion to Adopt Resolution 21-049 by Ms. Hall and seconded by Mr. Conway.

Roll Call: 6 yeas, 0 nays, and 1 abstain.

Motion Carries 6-0-1.

Committee Reports:

Finance: Committee Chair, Ms. Hall, said nothing at this time.

Police: Committee Chair, Ms. Cahill, said nothing at this time.

Employee Benefits: Committee Chair, Mr. King, said nothing at this time.

Public Service: Committee Chair, Mr. Wade, said nothing at this time.

Development: Committee Chair, President Warner, said nothing at this time.

Parks and Recreation: Committee Chair, Mr. Patterson, said nothing at this time.

Special Events: Committee Chair, Mr. Conway, said on July 4th there is the Village Parade. Mr. Conway asked which Council Members will be riding on the float.

Department Reports:

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Mayor's Report and Recognition: Mayor Martin said on Friday June 11th, the Village has organized an event called "Friday Night Up Town." Businesses are encouraged to stay open and offer good deals. Construction is going really well. Congratulations to all the recent West Jefferson graduates. The Wall that Heals came through on May 26th. It was great to be part of that, even though it was raining. Mr. Mitchell will talk about this but we did not get the grant for Westchester Subdivision. However, we are going to try to incorporate it into next year's paving project.

Discussion: None.

Director of Public Service Report: Mr. Mitchell said Lilly Chapel is coming along. The Foundation Drain Disconnect Program is going fairly well. Mr. Brian Farley passed the sanitary sewer collection license. We are interviewing three candidates for the Assistant and Wastewater Superintendent positions this week.

Discussion:

- Mr. Conway said the Village has an attractive pay scale.
Mr. Mitchel said that indeed is attracting people to the Village.
Ms. Hall said a resident asked about the closing of Merriman.
Mr. Mitchel said near the middle to end of July.

Recreation and Special Events Manager: Mr. Stanley said the Lunch and Learn program is going well with some 50 kids participating. The schedule is posted on the Parks and Recreation page. A man from Battelle taught the kids on water conservation. The pool opened Memorial weekend and it's going well. The concessions sold out. Friday Night Up Town is this Friday. The entertainment band starts at 6:00 P.M., ends at 9:00 P.M., in the grass, and a food truck called Slap Happy will be serving Cajun food.

Director of Finance Report: Ms. Shipley-Arnott said the May financials are in the packet. Income Tax is up 47% for May and 81% for the year. So far for June Income Tax is up 22%. The Auditors sent draft copies of the report, which have sent to the President of Council. We are also in the process of getting a quote for cyber insurance.

Discussion: President Warner invited discussion.

- Mr. Conway asked if the Village received any other money.
Ms. Arnot-Shipley said the Village received \$259,000.00 going to Parks and Recreation. There was also a small check from the real estate company.

Chief of Police Report: Chief Floyd said May 2021 was the worst crime in the Village. There was a homicide. The Police Department did a great job in securing the scene and getting witnesses. We are positive this crime will be solved. Since the last meeting there have been 213 traffic stops and 140 resulted in tickets. Lastly, the Wall that Heals organizers were shocked and thankful that the Village showed up to watch the memorial travel through. As usual, the Village did a great job.

Discussion: None.

Recognition of Clerk and Council:

Discussion: President Warner invited comments from Clerk and Council.

- Mr. Conway asked if the Village has anymore COVID relief money.
Ms. Shipley-Arnott said we are supposed to receive \$870,000.00, half this year and the rest the following year. Cities with populations over 500,000 will receive relief directly from the Federal government but smaller municipalities will receive relief from the State.
Mr. Wade asked if there will be guidelines.
Ms. Arnott-Shipley said there will be guidelines, especially since most of it seems to be unrelated to COVID relief.
Mr. Conway said he would love to see another speed sign.
Ms. Arnott-Shipley said the relief appears to be for a broader use for infrastructure, namely, storm water, sewers, broad band internet, et al.
Mr. Conway asked about the traffic at Norwood and Chief's plan.
Chief Floyd agreed that there is a problem.
Mr. King suggested a conversation with the school.
Mr. Wade asked if there are parents that would volunteer.

Additional Business: None.

Motion to Pay the Bill.

Passed by acclamation of Council.

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

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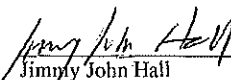
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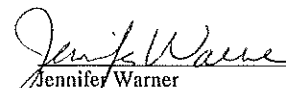
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Motion to Adjourn at 9:55 P.M. by Mr. Patterson and seconded by Mr. Conway.
Passed by acclamation of Council.


Jimmy John Hall
Clerk of Council


Jennifer Warner
President of Council

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