

RECORD OF PROCEEDINGS

Minutes of

Council

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held

November 1 2021

MINUTES OF NOVEMBER 1, 2021 MEETING OF COUNCIL

Meeting Called to Order: 7:00 P.M. by President Warner.

Roll Call: 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 Building and Zoning Director, Tom Hale; Building & Zoning Commission, Paula Hay; Mayor, Ray Martin; Director of Public Service, John Mitchell; Recreation and Special Events Manager, Shelton Stanley; Building and Zoning Clerk, Kristie West.

Prayer: Ms. Hall.

Pledge of Allegiance: Mr. Wade.

Motion to Adopt the Agenda by Mr. Conway and seconded by Mrs. Hall.

Roll Call: All yeas.

Motion Carries 7-0.

Motion to Adopt the Minutes of the October 13, 2021, Special Meeting of Council by Ms. Cahill and seconded by Mr. Wade.

Roll Call: All yeas.

Motion Carries 7-0.

Motion to Adopt the Minutes of the October 18, 2021, Meeting of Council by Mr. Patterson and seconded by Mr. Conway.

Roll Call: All yeas.

Motion Carries 7-0.

Motion to Adopt the Minutes of the October 19, 2021, Special Meeting of Council by Mr. Conway and seconded by Mr. Wade.

Roll Call: All yeas.

Motion Carries 7-0.

Take Note of the September 8, 2021, Planning & Zoning Commission Meeting Minutes.

Recognition of Guests: Lisa Wooten, Erica Bogner, Toni Falco, Beth Falco, Connie Klema, James Graham, Chris Snyder, Frank Snead, Laura Snead, Gene White, and Vern Flowers.

Old Business:

Motion to Remove from the Table Resolution 21-075, by Mr. Conway and seconded by Mr. Patterson.

Roll Call: All yeas.

Motion Carries 7-0.

Resolution 21-075, to accept the final development plan from West Jefferson Properties LLC, for parcels 10-01842.000, 10-00980.000, and 10-01806.001, as submitted by Planning and Zoning Commission on September 8, 2021.

Discussion: President Warner invited comments and questions.

Ms. Hall said I have some concerns about some of the issues brought up previously at another public meeting. This plan is not complimentary to the existing area.

Mr. Conway said I had a concern brought up at the previous meeting. The previous guest was concerned about his existing parking lot and if the development was going to let the grass stay next at the shared

RECORD OF PROCEEDINGS

Minutes of

Council

Meeting

BARRETT BROTHERS - DAYTON, OHIO

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property line? This would affect how the previous guest parks his own vehicles. Is there going to paving right up against his paving?

Connie Klema said we have spoken to the person (Connie Klema passed out a diagram). There were questions at the previous meeting regarding building height. None of our building exceed that height. They do have high-pitched roofs. This information is in the architectural drawings. Also, in response to Ms. Hall's concern, this plan has not changed other than the access and number of units. This property is zoned for multi-families and commercial. So, if this consider to be in accordance with the area, then the zoning approval, done in October 2020, should have corrected that. It has already been approved as such. A plan has been submitted in conformance with that zoning.

Ms. Hall said these are the concerns she has heard at the public meetings.

Connie Klema said I understands that and at these meetings there has been about four of five people that have been very vocal and a lot of that board this proposed property. However, I have been to other public meetings with about two hundred people present and the fact that so few people are present to oppose this is actually very promising. In fact, the rezoning for this property was for apartments. So, that is not an issue. It's the only thing it can be used for, except the commercial area. If you deny a plan that is in accordance to zoning, that this body approved, then what is this property going to be used for?

Ms. Hall said I don't have an answer to that question. I am just asking for the people. If it concerns the public, then it concerns me.

Connie Klema said I understand that and that is why we went to so many meetings.

Ms. Cahill said I have some concern and so do several people that came to be that the majority of these are one bedroom. What is preventing a family or four or five people from living in a one-bedroom apartment?

Connie Klema said since these apartments are being leased out, the number of people have to match the leasing agreement.

Ms. Cahill said is there a place for the person who is onsite?

Connie Klema said yes.

Ms. Cahill asked if that person will be monitoring the parking places? Will parking overflow into Westwood?

Connie Klema said we have more parking spaces than we are required to have. The family who will own this property want to make certain it is not overrun by too many people. Otherwise, we would have had larger units and not smaller. The one bedroom attracts people who are single, want to work in the area, and don't have children. It also can attract an empty nester.

Mr. Wade said is there a place for any overage of car or visitor parking? Will the parking spaces be numbered?

Connie Klema said there is additional parking near the unit they are visiting and I am not sure how they will be number but they will be marked.

(Inaudible)

Connie Klema said the property is not zoned for it. Last year when the property was approved for zoning, it was approved for apartments and commercial. Single families are not permitted on this site.

(Inaudible)

Connie Klema said actually we have not heard that many people against it. We have a lot of people in support of it. People showing up against are not that numerous and we have Zoning Commission recommendations on rezoning and final plan, all of whom reside here in West Jefferson.

Mr. King asked if we have an ordinance regarding lighting?

Tom Hale said we have had issues regarding lighting. So, we have had a much closer look. Yes. It would have to be compliant.

RECORD OF PROCEEDINGS

Minutes of

Council

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held

November 1 2021

Mr. King asked about the height of the trees and how long do they take grow. Do they grow ten feet in a year? How long does it take for these trees to reach the height in the plans?

(Inaudible)

Jonathan Grub, from Architectural Alliance, we have a privacy fence, twenty-five-foot blocker, and different species of trees.

Mr. King asked how high these tresses get?

Jonathan Grub said I am an architectural designer not an arborist.

Connie Klema asked if Mr. King has been able to look at the plans submitted?

Mr. Kind said I have looked at the plans but I need some clarification on these vague tree plans.

Jonathan Grub said the landscape plan shows the list of trees and species of trees.

Connie Klema asked what the concern is?

Mr. King said I am concerned about how long it takes these trees to grow and reach a certain height.

Connie Klema said the number of trees will create quit a buffer as planted.

John said I am from Architectural Alliance as well, what we did was put forty-two trees along the buffer, provided the species, spacing, and height. As far as how much they grow each year, I don't know. But they grow about thirty feet.

Mr. King said that's what I am asking. Do they grow thirty feet over thirty years.

Mr. Conway said there are a lot of things West Jefferson is going through right now. We need houses. This is before us right now. There is no place to go for young people or my mother-in-law. This is for the Village. This is not section eight living. Also, when this is done, then there will be property taxes, which will benefit the Village. I think this is a great opportunity. This is a great thing.

Connie Klema said if the Council would be inclined to vote for this plan, then we would work with you all to plan for the kinds of trees you want.

Motion to Accept Resolution 21-075 by Mr. Wade and seconded by Mr. Conway.

Roll Call: Three (3) yea's and Four (4) nays.

Motion Defeated 3 to 4.

Additional Comments:

Connie Klema said according to your zoning code voting, voting against or altering a Planning Commission's recommendation requires a supermajority, which would be six members. So, the motion may have failed but I don't know if any action has been taken.

President Warner said we will find out.

Jimmy John Hall said this is a simple majority.

Mr. Conway said I think it is on the zoning a supermajority is needed.

Connie Klema said for both.

Second Reading of Ordinance 21-076, an ordinance amending Ordinance 20-052, Passed August 3, 2020, (The Employee Handbook), by amending Policy 14:14.

Discussion: President Warner invited comments and questions.

Motion to Adopt Ordinance 21-076, by Ms. Hall and seconded by Mr. Conway.

Roll Call: Six (6) yea's, Zero (0) nays, and One (1) Recusal.

Motion Carries: 6 to 0 to 1.

RECORD OF PROCEEDINGS

Council

Minutes of

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held November 1 2021

New Business:

Resolution 21-080 approving proposed change to site development in a M-2 District, for Buckeye Ready-Mix LLC.

Discussion: President Warner invited comments and questions.

Tom Hale said in a M-2 District, site plans are always approved by Council. They have sought a variance. Structures in a M-2 can only be 45 feet. But this additional concrete storage is going to be between 50 and 55 feet. Planning Commission approved the variance for the height. Now the site plan is changing. So, the site plans have to be brought back before Council.

Mr. Conway asked Tom Hale if he sees any issues with this at all.

Tom Hale said I do not.

Vern Flowers from Buckeye Ready-Mix said the silos that we have sitting there right now were approved by Council through legislation. They are 55 feet tall. These would be the same height.

Motion to Adopt Resolution 21-080, by Ms. Conway and seconded by Mr. King.

Roll Call: All yeas.

Motion Carries 7-0.

Public Hearing: Snead Appeal.

Calling to Action by the Clerk of Council

Presentation by Zoning Inspector and Law Director.

Calling of Witness

Presentation of Evidence

Building and Zoning Director, Tom Hale, began by providing a chronological order of events beginning with Planning Commissions approval of a variance for the appellant for construction. On October 5, 2016, an application was made to the Building Department for construction.

- *On October 11, 2016, a permit was issued for building.*
- *In December of 2016 a slab inspection was performed and some underground conduit was present.*
- *After that the construction of the building, called 'red iron', was stamped by an engineer, and modification needed to be made to this unregulated type of construction and dated drawings.*
- *In the State of Ohio and in our Ordinances, if construction gets to one year, and there has been not work, then the permit is expired, unless there is a request for extension. There was no request for extension at that time.*
- *On December 14, 2017, as a result, a non-violation letter was sent. There was no contact as requested.*
- *On August 28, another letter was issued concerning violation of Ohio Building Code, Section 105.*
- *On February 11, 2020, another letter was sent. This letter stated that thus far no response by the Appellant had been received. Consequently, this matter has been forwarded to the Law Director for legal proceedings, being in violation of Residential Code of Ohio, Section 105.1, and International Property Maintenance Code, Section 108.1.4 (8).*
- *On April 20, 2020, there was a conversation the Assistant Law Director and the Appellant. At this time, the Appellant contacted the office and asked what to do. The response was that at this time the Appellant had no permit, an engineer was needed to certify the structure. Without that certification, the Building and Zoning Director could not do anything.*
- *On June 1, 2020, the conversation was that an engineer had forwarded a stamped copy, visited the site, and that the building was secure. The Appellant called the Building and Zoning Director for advice. The Building and Zoning Director said to the Appellant that he could not issue a permit but his advice was to finish the Appellant's building quickly. This conversation was verbal and there is nothing in writing.*
- *On February 16, 2021, Mr. Beasley wrote another letter to the Appellant with no response. Mr. Beasley got ahold of the Appellant and advised him as to what needed to be done. By September, nothing had been done. So, the Assistant Law Director advised the Mayor and the Building and Zoning Director what to do in accordance to the Ordinance 1321.01.*

RECORD OF PROCEEDINGS

Minutes of

Council

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held

November 1, 2021

- On September 29, 2021, the Mayor issued the order of a nuisance, giving fourteen days to either appeal or have the nuisance abated. Proof of that letter was received on September 30, 2021, at 4:26 P.M. via the Chief of Police.
- That brings us up to date. The Appellant has filed his appeal with Council against the Mayor's order to abate the nuisance.

Mr. Conway asked who was here to apply ...

Tom Hale said I applied a lot of pressure over those two years. I started in the Building Department on January 1, 2016. There is a substantial amount of time from the beginning of the build to the violation letter, notwithstanding the complaints.

Mr. King asked from the beginning to where we are to date, is the Appellant in violation of any new codes?

Tom Hale said the violation is in the fact that the building permit expired and the building is not complete. Because of the kind of building, it would have to be certified by a State of Ohio engineer or architect. It was originally. Recently I have had phone calls from those individuals and the company that certified the structure in June of 2020 said they would not certify it again in 2021. This has nothing to do with the code but that the structure has been exposed to the elements.

Mayor Martin said when Tom Hale brought this to his attention, he took it seriously before taking down a building on somebody's land. So, KORDA was contacted. They looked at their records and said the Appellant would have to get another engineer since it has been so long. After that Mayor Martin wrote the letter and talked to Mr. Snead in his office.

Ms. Cahill asked if this was moved from another location?

Tom Hale said I will have to let the Appellant answer that. All I know is that when the building was brought to us, the drawings were out of date. But the premise we worked off of is if an architect or engineer certifies the structure, then that is an option for us to be able to accept the building. There was some additional work done by another architect, that allowed us to get a permit, and we did.

The Assistant Law Director, Joshua Beasley was invited for presentation of evidence.

Joshua Beasley asked if there have been any documents submitted into evidence.

President Warner said yes.

Joshua Beasley said the Village Council has heard of the evidence presented and how this building is in violation of our codes because it is incomplete and exposed to the elements. It is the opinion of the Executive Branch of this Village that this building a nuisance because it is un-permitted and un-safe and it must be abated. That is the issue before you today, namely, is this building a nuisance as defined by our ordinances and an un-safe building.

Presentation by Appellant
Calling of Witness

Presentation of Evidence

Frank Snead said I live at 155 South Frey Street. I am here about the building. I understand that my permits have run out a long time ago. But I have had some serious problems with the house. The Mayor has seen some of the problems we have had.

- The front door was so rotten that it could not close half the time.
- The ceiling in our dining room collapsed and made a very big mess. We had to put a new roof on it and spent some three months to get somebody out there. The expense was been 20 and 40 thousand dollars. That is a little harsh seeing that we have a fixed income. I ended up doing myself.
- The back porch had rotten wood and we could not even put a roof on it. So, the entire porch had to be torn off.
- Then I ran into serious health problems. I have had two surgeries. Then I got a lung disease; only working a third of the normal amount.
- I printed out a time line of these events.

Ms. Cahill asked if the Appellant did the work himself?

The Appellant said that with the COVID issues, it is impossible to get somebody to do it. When West Jeff Plumbing moved into their new building, we literally went down there to talk to the people. We called their place up on Dublin and they said they are too busy and two years out with work.

RECORD OF PROCEEDINGS

Minutes of

Council

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held

November 1, 2021

Ms. Cahill said she meant the building in question not the house work.

The Appellant said he was planning on doing the work himself. The concrete people never pulled the anchor bolts platforms off and we had to hammer and chisel the bolts free. There are pictures for you all to look at. On October 10 we had people hired to put the siding on but the Mayor sent me a letter saying to stop all procedures.

Ms. Cahill said COVID did not come in 2015 but 2019. So, that is something we have to take into consideration. When you started that structure, COVID was not present.

The Appellant said when we had the permits all the destruction in that house started – my basement was flooded twice because the street in front of my house is higher than my house is. So, all the water flooded my basement. We did not have a sump pump and it's the oldest home in West Jefferson. I am sorry that we did not get the building done but my house was more important.

Mr. Conway asked if the Appellant made an effort to get a hold of anybody in the Village from Zoning?

The Appellant said yes. I talked to Ernie twice. I don't remember everything. Mr. Hale said he sent me some letter and I don't remember seeing them. A lot has happened in the last five years and my life has been a disaster.

Mr. Conway asked if this is going to get done?

The Appellant said on October 10 I had somebody to put up the siding. The building has been inspected by a third-party person. He said the building is perfectly fine. He checked over all the torque on the bolts. We spent the whole day checking with a torque wrench.

Mayor Martin said was this June of 2020?

The Appellant said yes sir.

Mr. King asked if insurance covered any of these issues?

The Appellant said they did some of it. The basement flooding, they did not cover. They offered us \$7,200.00 for the roof. There was five layers of shingles on that house. The wood was slab-wood. Then somebody put OSB on it, which falls apart when it gets wet.

Mayor Martin said Mr. Sneed you said something about my letter saying "stop and deacease." But nowhere on my letter does it say that. I said you have fourteen days to tear it down but I did not say stop and deacease. Also in your time line, you talk about me not calling you back. But we had several conversations and I postponed the meeting several times to give you time to get things in order. You did not mention us meeting in person on your time line when we actually did meet in person.

The Appellant said we meet only one time.

Mayor Martin said that was the time I told you that you are in violation, also, with the vehicles in you yard. You moved the big truck out of the way ...

The Appellant I moved everything out of there, if you take a look.

Mayor Martin said ... and that was given to you on record to give you time to get the engineers in order. If you had brought an engineering sheet in, I would not have written that letter. If another engineer had certified, then I would not have written that letter.

The Appellant said you also gave me the name of an engineer from Plain City. That engineer said he could not help me. I called several other people and called KORDA back.

Mayor Martin said he thought there was a big difference between your information and mine. That is why he did not want to get caught up in this.

The Appellant said if you give back the permit, then I will get this done ASAP.

Mayor Martin said the concern is not the permits. The concern is the structure being exposed in the elements.

Ms. Cahill asked why are they not willing to re-certify?

The Appellant said since the building has been certified last year, everybody said it's already been certified. I even went to London to talk to their people. The people at London said to finish the building. I said I am not because I received a letter from the Mayor saying to stop and deacease. So, I quit.

RECORD OF PROCEEDINGS

Minutes of

Council

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

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November 1, 2021

Ms. Cahill said this is my concern, namely, if you can't get somebody out there to re-certify, then it is probably because it is unsafe. This is my concern. This structure is five years old, out in the elements, and it is not safe.

Mrs. Snead said we did contact several people, however they said it would be six or so weeks before they could come out to re-certify. So, it is not duress ... it's the time line. When you call a doctor's office, you can't get in for months. Likewise, to have an engineer to come out can't be done in two weeks.

Mr. Wade said I have a background in construction. Did you put that structure up yourself?

The Appellant said yes. My wife and I both did.

Mr. Wade said you know everything had to be torqued?

The Appellant said yes. Everything was done right. I am an electrical contractor, retired. I have all the equipment to do this.

Mr. Wades said if by chance you get re-instated, can you do this? What kind of time line? End of the year? Next year?

The Appellant said all's we have to do is put the skin on it. I could finish it by the fourth of July. Now I have to try to get ahold of these people because on the tenth of October they moved on. It is hard to get people to work.

Mr. Conway said I understand all that. We had a time line which began in 2016. Why should we believe you now?

The Appellant said if I don't get it done, then tear it down.

Mr. Patterson said I don't see a problem if you can get it re-certified and finished in six weeks or the fourth of July. In my understanding you are just asking for a little more time.

Tom Hale said let me clarify. Everybody is talking about re-certification and new permits. There would have to be a new application and a new plan review process. If you allow him to finish the building, it will have no signature from me when it is done ...

Jimmy John Hall interjected a point of order. The Village will have a time calling for rebuttal.

Tom Hale said this is just for clarification on the permit status.

The Appellant said whatever it takes to get this done, we will do it. We are paying for storage as we speak and some of the materials are sitting in those storage units. This is killing us.

Josh Beasley said I would like to cross exam the witness. Mr. Snead, I have had conversations with you about this building before. One of those conversations was back in April of 2020. Do you recall?

The Appellant said I have talked to so many people that I can't recall.

Josh Beasley said that I have memorialized this conversation via email. Do you recall receiving this email?

The Appellant said I don't recall.

Josh Beasley showed the Appellant a document of the email and asked if it looked familiar.

The Appellant said I believe so.

Josh Beasley said can you tell me what that document is?

The Appellant said it is directing to get a third-party inspection done ...

Josh Beasley said not what is within the document but what is that document? Is this an email? What is it?

The Appellant said it is an email.

Josh Beasley asked who is it from and to?

The Appellant said it is from you and to me.

Josh Beasley said this is an email communication between the two of us. Does this email communication memorialize the phone call we had?

RECORD OF PROCEEDINGS

Minutes of

Council

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held

November 1, 2021

The Appellant said I don't remember.

Josh Beasley said that document indicates that back in April of 2020 all you had to do is side the building. Also, the document indicates what you need to do to obtain a new permit, not re-apply or re-new a permit, but get a new permit. Is that correct?

The Appellant said yes sir.

Josh Beasley asked what were the things you needed to do back in April of 2020 in order to get a new permit for the building?

The Appellant said to find a third part person to inspect the building ... but that was very difficult ...

Josh Beasley said but you did it with KORDA in June of 2020. It took you only two months. Did you get a new permit?

The Appellant said I went in to talk to Mr. Hale and he said he would not give me back my permits but just get the building done.

Josh Beasley said I was not talking about get back the permits but getting new permits. Did you apply for a new permit after June 2020?

The Appellant said he would not give me back the permits but told me to get the building done. So, I said you will not issue me new permits. He said no but get the building done.

Josh Beasley asked did you get the building done?

The Appellant said that's when we had the inspection. I took the paper work into him and everything we had done ...

Josh Beasley said in June of 2020, you were told to just get the building done, and all you had to do was put up siding.

The Appellant said yes sir.

Josh Beasley said did you get it done?

The Appellant said with all the health problems I had, no sir.

Josh Beasley said no you want eight more months, when you had over a year to get it done?

The Appellant said yes sir.

Josh Beasley said what can you accomplish in the next eight months that you were unable to accomplish since June of 2020?

The Appellant said I am going to try to get somebody to work.

Josh Beasley asked do you have somebody lined up to work?

The Appellant said yes, we did.

Josh Beasley said why is it going to take that person eight months to put up siding on the building?

The Appellant said we had a person lined up but they have moved on.

Josh Beasley asked when this person was lined up?

The Appellant said on October 10 but the letter from the Mayor made us stop everything. I understood it - my fault for understanding it wrong - to stop and de cease.

Josh Beasley said so, between June of 2020 and October of 2021, you were only able to find one person who would be willing to put up the siding?

The Appellant said yes, sir. Have you tried to hire a contractor?

Josh Beasley said I am doing it right now and have had three in the last six months.

The Appellant said every contractor I know in this town would love to hire twenty people but they're not hiring nobody. There is nobody out there.

RECORD OF PROCEEDINGS

Minutes of

Council

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held

November 1, 2021

Josh Beasley said I understand the difficulty but we have to look out for the safety of the people in this Village. You yourself said the beams of this building weigh a lot. How high up of the ground are these beams?

The Appellant said twelve feet.

Josh Beasley asked what would happen if you dropped that much weight from twelve feet?

The Appellant said I don't think they are ever going to fall down. The anchor bolts are eighteen inches down into the ground and concrete. I don't know how you could ever make that building fall down.

Josh Beasley said is it not possible for that building to fall down?

The Appellant said if a hurricane or tornado came through this place, I don't believe that building would ever fall down. It might tear the aluminum siding off but the steel structure ... no.

Josh Beasley asked does metal rust? What would happen if one of those metal beams rusted?

The Appellant asked how long does it take a piece of 3/8 steel to rust in half?

Josh Beasley said I have no idea but doesn't a gas line run through it?

The Appellant said we ran a gas line and an electric line out there.

Josh Beasley said is the gas line exposed to the elements?

The Appellant said it's above the concrete.

Josh Beasley said so it is exposed?

The Appellant said yes, it is exposed.

Josh Beasley asked how safe is it to have an exposed gas line?

The Appellant said it is capped off. Every gas meter on everybody's house has the same iron ... do they rust?

Josh Beasley said the gas company replaces them from time to time. Has the gas company come to your property and replace it periodically?

The Appellant said no.

Josh Beasley said he has no further questions.

**Opportunity to Rebut by Village
Calling Rebuttal Witness(es)**

Tom Hale said I don't have a rebuttal but would like to clarify something. When the Appellant was told to come down and a new permit, he was told by me that a permit cannot just be re-instated. I cannot do that after its expiration. What he would have to do is re-appl for a new permit. What I told him at that time was it would be costly and time consuming for him ... just finish the building. If you finish the building and had the third-party inspection, then there you go. We are done. If Council allows for him to finish, there will be no permit. The permit is expired. It is gone. If he wants a building permit, he has to apply for it with new documents, under the new code, with an engineer stamp, and we start all over. That is the two options. We cannot re-instate or re-issue a permit.

Mr. Wade asked he cannot continue based upon everything you said. He needs a building permit to continue.

Tom Hale said he has two options. First, he would bring current, stamped drawings to the office, with a new application. It would go through the process it went through as before - plan review, building permit, a new building permit, and one year from date of issuance to expiration date. Second, he can hire a structural engineer to certify this building as a third-party inspector, finish his building, and submit those documents to the Building Department. But as far as the building goes, my name would be on any other building but this one would have a third party on it.

President Warner asked if that would take liability away from West Jefferson?

Tom Hale said we really do not have liability as long as things are built within the approved plans.

RECORD OF PROCEEDINGS

Minutes of

Council

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held

November 1, 2021

Mr. Conway asked is the option to finish it gone now?

Tom Hale said it is up to Council.

Mr. Conway asked if I am reading this right, you were told to finish the building. Then from April to June you had KORDA come in to certify, which you did not need ...

Josh Beasley said the letter I sent in April outlined the process he would have to under go to apply for a new permit, which was attained by KORDA. He was supposed to apply for a new permit after that, which he failed to do.

Mr. Conway said so after that all you had to do was finish the building. Then you got the Mayor's letter in September. You stopped everything. You had somebody lined up in October. Why did you not simply pick up the phone and talk to Tom or the Mayor and ask if you had to stop or continue building?

The Appellant said I talked to the Mayor once and Mr. Hale once and set up a meeting. We've had a couple of conversations on the phone. He was going to set up a meeting with Mr. Hale, Josh Beasley, and he never did this. Then he sent me the letter, September 29, I just assumed it meant stop.

Mr. Conway said after trying to get somebody lined up after five years, I think I would have clarified what that letter meant. You never did that, right?

The Appellant said I met the Mayor the day I got the letter from him. The day I got set up, according to the secretary, the Mayor took a personal day. I called back again and again. The Mayor and I finally had a meeting ... he said it's a good thing you came in today because we are going to tear down the building tomorrow.

(inaudible)

Ms. Cahill asked what other structure of people in the Village get five years to put up a structure? We cannot set a new precedence like this. I am sorry about all your health problems. We have to look at how this affects other people.

Mr. King said asked the Appellant if he is an electrical contractor and done any work in Columbus?

The Appellant said we used to do a lot of work for Wendy's Corporation

Mr. King asked if he ever had any of those permits pulled because they too expire after a year?

The Appellant said no because they build those stores in a hundred and forty-four days.

Mr. King said so it was uncommon for a job to expire beyond a year an lose its permits?

The Appellant said we have had jobs stop for whatever reasons and pick up years later after they re-applied for a permit.

Mayor Martin said I disagree with the communications spoken of as there has been a lot of communications. Mr. Snead said that I talked to the Mayor once and I never got back with him. In fact, we talked three times after that. I purposely dragged my feet to give him time to get this done. To do further due diligence, I called KORDA myself. The issue is the engineering approval, not to go ahead and finish the building. I told him that if he came here tonight, with engineering approval, then Council would allow him to renew his permits. That was not done. This is what it about. Nothing against Mr. Snead. We have had pleasant conversations and neither of us have been short with each other. It's a safety issue.

Mr. Conway addressed Tom Hale and stated that the building sat out from 2016 to 2020, exposed to the elements, KORDA said the building is fine. A year later, do you think the, structurally, the building is okay?

(inaudible)

Mr. Mitchell said the best bet is to have another structural engineer inspect it and approve it.

Mr. Hale said many times my opinion matters to Council, whether it's a huge warehouse, built in the winter time ... its that somebody with the authority can approve the integrity of it. We don't have the authority to do that. I have the authority to accept documentations, according to Ohio Law. You have a building that is outside of the residential Code Book and that's why you need an engineer to approve it. In this particular

RECORD OF PROCEEDINGS

Minutes of

Council

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held

November 1, 2021

case, how I feel about it does not matter and has no value. My professional opinion is that he must get an engineer. We have an email from KORDA, in September, that said although it was certified a year ago, they have no way of knowing if there is further deterioration and will not come out again. That is a true statement. However, it still requires a stamp. It still requires an engineer to approve it.

Closing Arguments by Village

Josh Beasley said there has been a lot of talk about if this Council is going to grant eight months or not. I would caution you to not speak in those terms. According to the Village Charter, the judicial power rests in the Mayor. The Mayor has made a judicial determination that this nuisance property must be abated. The only question before Council is to either over rule of affirm the determination of the Mayor that the abatement must happen. That is the question before you. Mr. Snead applied for a permit for his building in October of 2016. Those permits are good for one year. Incidentally, the permits are good for one year but they allow for a period of six months for construction to begin. So, technically, the permit can be up to eighteen months. In December of 2017, the one-year permit ended. He was issued a letter that his permits had expired. Then a letter in August of 2018 and another letter in February of 2020. Mr. Snead finally responded to Mr. Hale, which lead to conversation with myself. In April of 2020, I informed Mr. Snead of the steps to be issued a new permit. He did not take these steps to get another permit. The fact is this is a metal structured building sitting out in the elements, with unprotected gas lines, no roof, no walls, and is unsafe. It presents a hazard to public health. It is a nuisance because it prevents the enjoyment of its property by both Mr. Snead and adjacent property owners. Our ordinances describe a nuisance as any building, which presents hazard to public safety by reason of inadequate maintenance, dilapidation or obsolescence. Dilapidation is another way of saying: degrading, exposed, rotting, rusting, falling down. Obsolescence is another way of saying: the building is not in use. The building can't be in use because its not a building ... it's a framed structure. Mr. Snead has had adequate time to address this. This Village has been more than willing to work with him. It's unfortunate that he has suffered so many health challenges and other issues with his home but those are risks that we all take as home owners. This building cannot continue to stand. I would ask that this Council vote affirming the judgement of the Mayor.

Closing Arguments by Appellant

The Appellant said I have provided a time line for why the building did not get finished as it did. The guys who poured the concrete, the anchor bolts, they did not take them up. So, I had to chisel that stuff out. Its hard to get it up in the winter. That building has not been up for five years but two years. (Inaudible)

*The Appellant entered into evidence a binder note book with pictures.

Deliberation by Council

Vote by Council: President Warner asked, "Shall the Abatement be Affirmed?"

Roll Call: Four (4) yeas, two (2) nays, and one (1) recusal.
Motion Carries: 4 to 2 to 1.

Mayor Martin asked how long the Appellant has to take down the building?

Josh Beasley said ten days.

Mayor Martin asked if the Appellant came up with the proper documents, could that change?

Josh Beasley said that is up to the Building and Zoning Department.

Mayor Martin said to the Appellant that you have ten days to take the building down or get an engineer's stamp of approval, then you can re-apply to zoning.

Committee Reports:

Finance: Committee Chair, Ms. Hall, said nothing at this time. The Director of Finance Director is out of town. Would Council be available for Thursday, November 11, for work session on the budget?

Police: Committee Chair, Ms. Cahill, said nothing at this time beside scheduling a meeting.

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

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

RECORD OF PROCEEDINGS

Minutes of

Council

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held

November 1, 2021

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 nothing at this time.

Department Reports:

Mayor's Report and Recognition.

Mayor Martin reported on an Eagle Scout, who raised money for some signs for the Village. It is time for getting ready for winter. We have had a great Fall. We would like to thank all the Veterans in light of Veterans Day coming up. We were going to recognize Riley Adkins tonight. We will get a hold of him. Mayor thank the Council for setting a good precedence for the County and State – impact fees, pay, benefits, a good work environment – we appreciate your work on all of that.

Director of Public Service Report

John Mitchell said the first item is Garrett Park. I have made a couple of phone calls and sent a few emails concerning Garrett Park installation and the contractors and have not heard back. But with our staff and crew, we have put in some sewer and water lines. Also, some electrical for lights and the shelter house. Additionally, we have installed a dog drinking fountain. Lastly, we are working on putting in a walking path. The next item is leaf pick-up. Leaf pick-up began last week. We had to make some repairs to the machinery, bought in 1996. We might need some legislation to purchase another one at around \$35,000 to \$45,000.

Recreation and Special Events Manager.

Shelton Stanley said the Fall Festival was great. All the feed back was good. The only comment was about getting more tractors. Next year we will look at adding more events. We to the handicap chair for the pool. The Madison County board of Development also gave a donation. On November 27, we are doing a Shop Hop at the Community Center with about twenty vendors. It is from 10:00 A.M. to 1:00 P.M. (Inaudible)

Director of Finance Report.

Jackie Tiberio said the financials for September are in your packets. The September Income Tax collections were up 19% for the month and 41% for the year. Next, some payment items were Jefferson Township Fire Department, \$11,901.00, Choice One Engineering, \$10,289.94, and Intellitech Corp, \$10,768.13, for Fire Plan Review/Fire & EMS Service Fees, Lilly Chapel Road, and ALERTS annual license, respectively.

Chief of Police Report.

Chief Chris Floyd said first I would like to thank Shelton for the good job he did during the Fall Festival. Besides some parking issues, everything else went smooth. We are interviewing new hirers. With everything going on in other counties, we have a lot of applicants from those municipalities. In the last two weeks, there have been 154 traffic stops and 105 citations. The speed sign was down due to the cloudy weather.

President Warner asked how many officers is the department lacking right now?

Chief Chris Floyd said we are caught up but need two additional.

Recognition of Clerk and Council:

Discussion: President Warner invited comments.

Jimmy John Hall said this past month included a large mailing for Election Day. However, in five years when we do this again, we need to consider how the mail will get to the people in the Village. After talking to various people, no one has received the Clerk of Council letter and ballot information. So, first of all, an apology is needed to those who have not received the mail. To fix this, we need to take our mail to a different post office because our mail goes from here, to another post office, then another, and then back to our post office for delivery. Second of all, on the Auditor's web site, it does not appear to be accurate. People were included on the list who are in the Township but I thought I would rather over mail than miss somebody as I don't know all the Village addresses. In order to address the issue, I put the ballot information on the Web site. Jill Sorenson, who has been so helpful, put the same on Facebook. We legally did what we were

RECORD OF PROCEEDINGS

Minutes of

Council

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held

November 1, 2021

supposed to do but were unaware of the failures in the system and so we did want to do better for the Village and made these minor changes. Lastly, replacement pages will be on the next meeting's Agenda.

Mr. Wade said he would like to thank everybody who came to the Mural Dedication. Everything went really well.

President Warner praised Shelton Stanley for the wonderful job of the Fall Festival.

Ms. Cahill asked about the EPA paperwork on the Fisher Steel concern the safety of 'crunching' metals. Is there any updated EPA information I can pass along to a concerned resident? This person's house is a mess due to the soot.

Mayor Martin said this might not be an EPA issues but concern Marin Pollution Control.

Additional Business: None.

Motion to Pay the Bills:

Passed by acclamation of Council.

Motion to Approve "Then and Now" Certificates over \$3,000.00:

Executive Session:

Motion to Enter into Executive Session to Discuss Confidential Business Information of an Applicant for Economic Development Assistance moved by Ms. Hall and seconded by Mr. Conway.

Roll Call 7 Yeas 0 Nays.

Motion to Return to Regular Session by Ms. Cahill and seconded by Ms. Hall.

Roll Call 7 Yeas 0 Nays.

Motion to Adjourn at 10:30 P.M. by Mr. Patterson and seconded by Ms. Hall.

Passed by acclamation of Council.

Jimmy John Hall
Jimmy John Hall
Clerk of Council

Jennifer Warner
Jennifer Warner
President of Council

RECORD OF PROCEEDINGS

Minutes of _____

Meeting _____

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held _____