

RECORD OF PROCEEDINGS

Minutes of _____

Council

Meeting _____

GRAPHIC VILLAGE - CINCINNATI, OH

Form 6101

Held _____

October 2nd 2023



VILLAGE OF WEST JEFFERSON COUNCIL

MINUTES

October 2nd, 2023

Council Members: President Linda Hall, Vice President Jennifer Warner, Samantha Cahill, Mike Conway, Richard King, Jeff Patterson & Howard Wade
Mayor: Ray Martin

CALL TO ORDER

President Linda Hall called the Village of West Jefferson Council Meeting to Order at 7:00 p.m.

·Roll Call.

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

Quorum Declare: 6 present, 1 absent.

Council recognized and excused Richard King from the Council meeting. Jeff Patterson Motioned and Jennifer Warner seconded. All in Favor.

Also attending were: Mayor, Ray Martin; Director of Information Technology, Mark Crosten; Director of Finance, Rebecca Shipley-Arnott; Acting Chief of Police, Brandon Smith; Recreation and Special Events Manager, Shelton Stanley; Director of Development, Tom Hale; Zoning Clerk and Enforcement Official, Kristie West; Assistant Law Director, Josh Beasley; Counsel from BrickerGraydon, Brodi Conover and Clerk of Council, Tisha Edwards.

Not in Attendance: Council member, Richard King and Director of Public Service, John Mitchell.

PRAYER & PLEDGE

Reverend Issac Shupe was invited to give the prayer

APPROVAL OF AGENDA AND MINUTES:

Motion to Adopt the Agenda Moved by Jennifer Warner and seconded by Mike Conway.

·All in Favor

Motion to Approve the Minutes of the September 18th, 2023 Regular Meeting of Council. Moved by Samantha Cahill and seconded by Howard Wade.

·All in Favor

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RECOGNITION OF GUESTS:

Clerk of Council read that each guest would be given 3 minutes to speak. Counsel from Plank Law, Don Plank, asked to speak in regard to the Public Hearing on Greenhaven. The hearing was called to deliberate over a final development plan for parcels 10-00992.000, 10-00992.001 & 16-00034.000. He was directed by the Villages Assistant Law Director that we were unable to have anyone speak on the matter. Mr. Plank wanted to have it stated for the record that he was there to speak.

OLD BUSINESS: None

NEW BUSINESS:

President Linda Hall entered into a Public Hearing at 7:04 p.m.

The first Public Hearing was to make the public aware of an intention to vacate the parcels of 10-01838.000 and 10-00822.000 on Pond Street.

President Hall asked Mayor Martin to speak on this due to the absence of the Public Service Director, John Mitchell. Mayor Martin explained that originally Pond Street crossed Rt 40 and continued until the railroad was put in. It was discovered a few years ago after looking at the plats, that it is still considered Pond Street but currently stops due to the railroad. That portion does not belong to any resident, it belongs to the Village. After questions from a Village resident about the alley and after looking into it, the Village decided the best thing to do was vacate it to the owner of the property it runs behind. This also prevents the Village from having to maintain it.

Assistant Law Director, Josh Beasley, spoke on the matter and explained that the Village was laid out prior to the existence of the railroad. The property lines originally went to the street. With modern layouts, the property lines usually go to the middle of the street and then the street acts as an easement of the property. This parcel is so old there is no parcel # associated with the plat. Because the Village owns it, there are a few things they can do with it; they can divide it up and give one side 50% and the other side 50%, They could give the whole property away, or they could go to the County Engineer and plat it and sell it, it would be the Village's decision.

President Hall asked if Council had any comments or questions. Comments were made that if the property were vacated, it should be vacated to the property that it is next to. Another comment that was made was that it already appears to belong to the building that it sits behind, almost as parking. President Hall asked if anyone in the audience would like to make a comment on the subject. No one approached the podium.

The Public Hearing was closed at 7:10 p.m.

The Second Public Hearing entered in to at 7:10 p.m.

This Public Hearing was to deliberate over a final development plan for parcels 10-00992.000, 10-00992.001 & 16-00034.000.

Counsel from BrickerGraydon, Brodi Conover, spoke to the public giving Council and the audience background and the reasoning for the Public Hearing. There have been multiple versions of the Development plan presented to Council. Ultimately in January of 2021, after 3 or 4 Public Hearings, Village Council voted 4 to 3 disproving the revised & final development plan. The property owner, Mr. Richard Conie, then appealed the decision to the Madison County Common Pleas court. There, Judge Costello ultimately vacated and remanded Counsels decision back to Village Council for further

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proceedings. That decision was appealed to the 12th District Court of Appeals in Middletown where the 12th district affirmed the decision of Judge Costello to vacate and remand the decision back to Village Council. In the summer of 2023 Judge Costello clarified his decision and said what he meant by further proceedings, it needs to go back to Village Council to essentially have a discussion for their reasons of why they decided to approve or disprove the final development plan. The court was very clear that there would be no new evidence heard by Village Council. This is also why we were not allowed to have Mr. Plank speak earlier during Recognition of Guest. Counsel, Brodi Conover, also advised why the Council was not able to take any new testimonies or hear any new evidence. The Public was given many chances to do so in earlier Public Hearings. Council was asked to give their previous vote and why they came to that vote. There may have been occasions over the last few years to hear new information but he needs to ask Council to respectfully forget the new information and discuss what their vote was and reasonings for it. Those are listed below:

Howard Wade- Mr. Wade stated that he voted yes, originally. The reason why is that Richard King and himself did their due diligence and went through the Merriman addition and spoke with the residents that back up to the property. For the most part, the residents did not have an opinion either way, other than about three people who said they did not like it, the majority did not mind. For that reason, he voted yes.

Samantha Cahill- Council member Cahill voted no, a strong no. She did not like the fact that there was only one entrance and one out all in the same area. Traffic was a huge concern. She drives by that property and the roads are very narrow. She believed adding more traffic to that was reckless. For those reasons, she voted no.

Linda Hall- Council member Hall stated that she would like to reiterate Mrs. Cahill's reasonings, that is why she voted no. She felt that traffic would be a big issue. She too was concerned with the one way in and one way out and the size of the road. For those reasons, she voted no.

Jennifer Warner- Council member Warner voted no. She did a lot of walking around in the area and could not get past Pearl Street being too narrow. She believed it was a lot of homes to put in one condensed area. She is trying to limit growth. She knows that we need to grow, but would like for that to be slowly and responsibly. For those reasons, she voted no.

Jeff Patterson- Council member Patterson voted no. A few of the reasons were that he wanted to keep the green space as it was and he was listening to residents' concerns, many that were in the audience. Another concern was the traffic on Pearl Street. Pearl Street is very small and is already a high traffic area for kids going to school. For those reasons, he voted no.

Mike Conway- Council member Conway voted yes on the plans. At the time he liked what the product was. They do build a good quality home and he thought it was a great opportunity for the Village to finally get some new housing. He felt that they were willing to work with the entrances. For those reasons, he voted yes.

Richard King was not in attendance and wrote a letter for President Hall to read to the public to explain what his vote was and why. The letter stated that he voted yes. Before submitting his vote, he had done his due diligence by walking the property and speaking with the residents who were available. During those discussions the majority of the responses stated that if the development were to be made, they would prefer to see single family housing. In his initial run for Council, he ran with the goal to improve our parks. The proposal was made with the intention that the funds from the sale would be reallocated to approve our local parks, including an all-inclusive park so that children with all abilities could utilize the park equipment. With all of that information gathered, he voted yes.

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Counsel, Brodi Conover, wanted to make sure before roll call that each Council member understood that they were voting on the original motion made in January of 2021 to approve the final development plans submitted by the applicant.

The Public Hearing was closed at 7:21 p.m.

Roll Call.

VOTED YEA: Mike Conway, Howard Wade

VOTED NAY: Samantha Cahill, Linda Hall, Jeff Patterson, Jennifer Warner

ABSTAINED: None. Motion Failed 4-2 (Originally it was 4-3 but Councilman Kings vote cannot count due to his absence.)

Josh Beasley, Assistant Law Director, provided a Greenhaven timeline review to Council and to the audience. This is something that Council believed would be helpful due to comments recently posted on social media in regard to the history.

2015- The Village was approached to purchase this property, 25.415 acres by the Looby family after the death of the matriarch of their family.

In that year, Council authorized the Mayor to enter into a contract with the Looby family to purchase the property. During the sale there was not talk with the family to make this area a park which was confirmed by the Looby family.

The original intent for purchasing it was to create a Community Center with an exercise room, pool, and other features equivalent to the Prairie Township Community Center. There was nothing in the covenants, deeds, easements, or restrictions limiting the use of the property in any way. This was not to be dedicated greenspace, it was to be a large-scale Community Center.

Funds were appropriated in 2015 from the Village Park Development fund to purchase the property.

2015-2019 The Village determined that the cost of the planned Community Center was too much. The cost was going to be almost \$11 million dollars to complete. That plan was then put to rest by Council. That left Council with a parcel with no intended use. During that time, the Village acquired the Zion Lutheran Church and designated it to be used as the Village Community Center as an alternative.

In 2019, Council authorized Madison County Future Inc. to market the property and sell it. Madison County Inc is a public/private partnership of the Madison County Commissioners Development Agency. It is a county entity that markets development in the county. A buyer was found for the property.

2020 Council authorized the purchase of the land to the current developer. This was a 4-3 vote. There are 2 parcels. 1 parcel was sold, the other parcel has not been sold by the Village yet, but the purchasers and developers do have a right to purchase by contract. The Village cannot do anything with that property until that contract is either exercised or terminated.

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Mr. Beasley hopes that this discussion clears up any confusion or questions with the Village residents. Public hearings were held over this development plan and public comments made. The Village residents should not feel as though they were prevented their say.

Council member Conway asked the Finance Director, Rebecca Arnott-Shipleigh where the money comes from for the Parks and Recreation fund. She replied, most of the funds come from the warehouses. They are charged a development fee. The proceeds from selling the property have gone back into the fund. Council member Warner asked the Finance Director for an estimate of what the Village has spent on the parks. The Mayor shared about \$1.3 million is estimated to have been spent between Garrett Park and Westwood Park. The Village feels that this has been a good use of the funds.

President Linda Hall asked Counsel that since the Council has satisfied the courts ruling, did he have anything else to add and he did not. He stated that in theory the developer could appeal the decision again or he could submit a new development plan and begin the process again. The plan would go through the normal process of going to Planning and Zoning Commission first.

A. 2nd reading of **Ordinance 23-063** AN INTENTION TO VACATE POND STREET BETWEEN PARCELS 10-01838.000 AND 10-00822.000. THE VACATION IS SUBJECT TO ALL UTILITY AND/OR SEWER EASEMENT, FUTURE CONSTRUCTION, MAINTENANCE RIGHTS AND ACCESS; INCLUDING ACCESS RIGHTS TO THOSE EASEMENTS.

·Motion to Adopt **Ordinance 23-0063** moved by Jennifer Warner and seconded by Samantha Cahill.

·Deliberations Began. "Any questions or comments?"- Council member Mike Conway asked if Council were to vacate the property, he would like to see the whole property be given to Mr. Bowman. Council member Patterson agreed. Director Hale advised Council that they should check with Assistant Law Director Josh Beasley before giving that permission to vacate the whole property. He stated that he believes there is a ruling that 50% would go to Mr. Bowman and the other 50% to the railroad. Director Hale advised that a survey of the property needs to be done. It was decided that until the Assistant Law Director found out more information that the Ordinance would be tabled until the next meeting. Council member Conway motioned to table the discussion and it was seconded by Council member Howard Wade. All in Favor.

B. 1st reading of **ORDINANCE 23-077** TO APPROVE THE PRELIMINARY AND FINAL DEVELOPMENT PLAN PER ORDINANCE 1125.10, FOR A PROPOSED CIRCLE K RETAIL GASOLINE SALES AND CONVENIENCE STORE.

Council member Mike Conway asked Director Hale after looking at the site plan his concern was between the existing house and the proposed station. Director Hale stated that the Planning Commission acknowledged that the distance is less than it needs to be and that it was discussed and will be reviewed. The Mayor then asked what would be the barrier between the residence and the station? Director Hale said they did discuss it at the Planning and Zoning meeting, but he did not have the specifics with him at the meeting. Council member Patterson did voice that we already have 3 gas stations in town and his main concern is over the traffic that the station would bring. Council member Samantha Cahill did state her concern that the other stations here in town are not open 24/7 and this would be helpful, in case of an emergency. Other Council members and the Mayor spoke up to say that 2 of the stations leave their pumps on but they are not staffed all evening. Another concern mentioned was the new tanks compared to the old tanks. Council member Howard

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Wade asked if this would close the other Circle K in town and the answer is yes, they would relocate to the new location. Some mentioned that this would open a location for a new business to come into town. This is just the first reading of the Ordinance. The 2nd reading and Public Hearing will be held on Monday, November 6th at the Regular meeting of Council.

C. RESOLUTION 23-079, AUTHORIZING THE MAYOR AND DIRECTOR OF DEVELOPMENT TO ENTER INTO AN AGREEMENT WITH THE MADISON COUNTY COMMISSIONERS TO PROVIDE BUILDING DEPARTMENT SERVICES FOR ENFORCEMENT OF THE PROVISIONS OF THE OHIO BUILDING CODES.

Motion to Adopt Resolution 23-079 moved by Mike Conway and seconded by Jeff Patterson.

Deliberations Began. "Any questions or comments?" Director Tom Hale spoke to let Council know since 2019 we have been under contract with the County but with all of the electronic changes it was necessary for us to update our agreement for the Commissioners. The agreement was drafted, reviewed, and approved by Council and this is simply our portion to enter into the agreement.

Deliberations Ended.

Roll Call.

VOTED YEA: Samantha Cahill, Mike Conway, Linda Hall, Jeff Patterson, Jennifer Warner, and Howard Wade.

VOTED NAY: None.

ABSTAINED: None. **Motion Carried 6/0/0**

COMMITTEE REPORTS

Public Service and Special Events (Chair & Council member, Howard Wade) None.

Finance (Chair & Council member, Mike Conway) None.

Employee Benefits (Chair & Council member, Richard King) None.

Parks and Recreation (Chair & Council member, Jeff Patterson) – None.

Development (Chair & Council member, Jennifer Warner) Chairperson Warner will be calling a development meeting soon to discuss development matters with the other committee members.

Police (Chair & Council member, Samantha Cahill) – None.

At this time, Counsel, Josh Beasley stated that he had found information in regard to the discussion on **Ordinance 23-063** and explained it to Council. He gave Council the information and Council member Jennifer Warner motioned to take it off the table and Samantha Cahill seconded. Roll call was interrupted and the Counsel from Plank Law asked if he could provide information since he deals with this in Columbus. He began giving advice to Council and then our Assistant Law Director asked him to turn around and give the advice to the property owner. Too many discussions began in the audience and between Council. The Clerk addressed the President and asked that since there was still information that needed to be looked into if Council would be willing to table the matter until the next meeting. Roll call was done for leaving it on the table and discussing matters at the next meeting. Motion was passed with 6 nays and 0 yays. All in favor.

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DEPARTMENT REPORTS

Report for Mayor - Mayor Martin reported that the Westwood Park trail is complete. A lot of residents are enjoying it. The request to change the speed from 50 to 35 from Inwood Rd to Dollar General will have to be sent through the correct channels of the State, ODOT. The Mayor is looking into curbs on Rt 40 to see who has responsibility of maintaining those, the Village or ODOT. The annual food drive for the pantry begins on October 15th. Be on the lookout for flyers and information on social media to explain how that will be done. John Mitchell, the Public Service Director will be back tomorrow. He personally wanted to thank the public for coming to the meeting this evening. He addressed the questions and comments on social media and hoped that those in attendance could spread the word and that the truth will set you free. He addressed Ms. Debbie Warner who was in attendance. Ms. Warner replied that she believed that everyone over talked each other. She felt as though no one really knew what they were doing. She stated that Council member Warner made a comment that she agreed with. She suggested that everyone listen a little more and talk less.

Report for the Director of Public Service- Director, John Mitchell - Mr. Mitchell was not in attendance this evening.

Report for Recreation and Special Events Manager - Manager, Shelton Stanley reported that he passed out flyers prior to the meeting about the Fall Fest which is Saturday, October 21st. He will be meeting with students at the high school on Thursday looking for volunteers to help with the event. This will give the students Community Service hours, which they have to have 10 to graduate. Student Council and the Renaissance Group have to have a particular number of hours as well. Manager Stanley also gave Council a list of the rest of this year events and all of next year's events with dates. He mentioned the Small Business Saturday event that will be held the Saturday after Thanksgiving which is 11/25/23. The "Shop Hop" has 22 vendors and is full and they will not be able to take anymore vendors at this time.

Report for Director of Finance - Director of Finance, Rebecca Arnott-Shibley reported that the August financials are in the packets for this meeting. She has had her budget meetings with each Department head and the Mayor. She would like to set up workshops for the next three weeks.

Income tax for August was still flat.

Since the last meeting:

Revenue items (over \$10,000 other than water, tax and regularly recd items):		
Ohio EPA (9/21/23)	H2O Equipment Grant	\$ 10,000.00
Total receipts since last reporting, 78 receipts for		\$ 404,007.91
Payment items (over \$10,000 other than reoccurring expenses, non-Payroll)		
)		
Paid: Strawser Paving	Westchester Subdivision	\$ 280,020.74
Total payments since last reporting	55 payments for 87 invoices paid	\$ 383,481.81 Thru 10/2/23

Report for Chief of Police - Acting Chief, Lt. Brandon Smith reported that things are going great at the Police Department. Officers have been completing on-going trainings. The Village K-9 team is set to be certified through the state on October 20th. Officer Salem and Diego will be returning to the road. Morale is up very high and everyone is working well with one another. The Department is working with Batelle on on-going training for mutual aide with their officers. The Department will be meeting

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with the schools this week for their emergency plans. Since the last meeting there have been 203 traffic stops, 118 were on Main Street and 48 citations have been given.

Report for Director of Development – Director, Tom Hale reported that he has nothing at this time.

Report for Director of Information Technology – Director, Mark Crosten reported that he has been extremely busy. Things are going well and they are moving forward.

Recognition of Clerk and Council – Manager Shelton Stanley asked Council members that if anyone is interested in volunteering for the Fall Fest to please let him know. He also wanted to remind everyone of Meet the Candidate night on Sunday October 8th at the Community Center. This is not a Village sponsored event and every candidate was invited. It is being held by a non-partisan committee and allows the community to meet with each candidate.

ADDITIONAL BUSINESS- *A resident wished to say to the Village, nice work on the Westchester improvements. She would like to suggest that next focus be on removal of old vehicle sitting in the yards.*

PAY THE BILLS

Motion to Pay the Bills moved by Samantha Cahill and seconded by Howard Wade.

·All in Favor

ADJOURN

Motion to Adjourn by President Linda Hall at 8:07 p.m. and reconvene at the October 16th, 2023 regular meeting of Council. Motion moved by Jeff Patterson and seconded by Jennifer Warner.

All in favor.

Tisha Edwards 10-16-23
Tisha Edwards Date
Clerk of Council

Linda Hall 10/16/23
Linda Hall Date
President of Council