

RECORD OF PROCEEDINGS

Minutes of Council  
GRAPHIC VILLAGE - CINCINNATI, OH

Meeting  
Form 6101

Held August 22, 2022

**MINUTES**  
**SPECIAL MEETING OF COUNCIL**  
**AUGUST 22, 2022**

**Called to Order:**

President Conway called the Village of West Jefferson Council Meeting to Order and asked for a Roll Call at 7:00 P.M.

**Roll Call:**

Council Members: Mike Conway, Richard King, Jeff Patterson, Howard Wade, and Jennifer Warner.

**Quorum Declare: 5 present, 2 absent.**

**Motion to Excuse** Ms. Cahill and Ms. L. Hall moved by Ms. Warner and seconded by Mr. Wade.

VOICED VOTE AFFIRMED

**Motion Carries 5 -0.**

Also attending were: Jimmy John Hall, Clerk of Council; and Ray Martin, Mayor.

**Prayer:** Mayor Martin.

*Most gracious and eternal Heavenly Father, we are so thankful for all the blessings that we have. We have a wonderful community, with wonderful people, and the ability to enjoy life. We ask that you would bless us tonight, everybody here, and be able to talk, deliberate and hear each other's opinions. We pray for each person that is sick and afflicted that they might overcome it. In Jesus name we pray. Amen.*

**Pledge of Allegiance:** Ms. Warner.

*I (we) pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.*

**The Agenda:**

**Motion to Adopt the Amended Agenda** moved by Mr. Wade and seconded by Mr. King.

VOICED VOTE AFFIRMED

**Motion Carries 5-0.**

**New Business:**

*President Conway welcomed each guest and asked that comments be kept to issues of rezoning. Also, we are going to permit three minutes per guest.*

**A. Public Hearing.** (Not a transcription)

*President Conway declared the Public Hearing to be in order at 7:05 P.M.*

*Mr. Tom Falco said as I read the letter sent out, I picked up three mistakes right away. When I sent questions in, you did not receive it. The first mistake is with the word 'parcels.' How many parcels are there? Is there another parcel number? The second mistake is with the ordinance, it's the wrong ordinance. I understand a letter was sent of correction. Can you vote on this tonight? The third mistake is addressing us as 'residents.' We are not residents. We are just surrounding property owners. So, how many other Council members read this before Mike signed it? If you're going to do this, you have to dot your i's and cross your t's. This is not correct. What else are you doing? This is in my back yard, I don't like it, and I have been there for forty-five years, and we still don't have single family homes. But hang your hats on the warehouses.*

*Ms. Linda O'Reilly said the notice that went out in the newspaper did not have a location. It just had a parcel number. It tells people nothing. Somebody said it was going to be re-posted. I never*

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saw it re-posted. That is an issue. According the Village Comprehensive Plan, 2007, page 2, Council is supposed to provide guidelines for the preservation of the Village natural assets. Also, there is another place in zoning that addresses the tree issue. The trees, the wetlands, and the slope are a major concern. Once they are gone, we are not getting them back. What guidelines are you using to protect the 10.7 acres that may be lost forever? If this zoning does not pass, does it revert to A-1? How are you going to address the slope issue and the water run off? This all needs to be adjusted and we need answers.

Ms. Heather Dorthey said the project is near the Little Darby Creek, the best in Ohio. It also provides a place for families to fish and spend time with families. So, in order to preserve this resource, we need to protect sites around it. So, our recommendations are: (1) avoid the wood lot. Clearing them would be inconsistent with West Jefferson's Woodland Code; (2) avoid impact to the slope. The slope soil is not recommended for residential development; (3) avoid impact to the wetlands. The wooded slope provides the buffer to the wetland. The wetland and wood lot are needed together; (4) avoid increasing storm water volume. More should be done to reduce the volume of storm water, which strips roots bank erosion and delivers pollutants. In summary, the proposal will impact a vulnerable natural resource. This is inconsistent to zoning code, as well as a community asset.

Mr. Josh Beasley, Attorney-at-Law, the letter sent out is a form letter. It's not personalized for each person. It just a form letter used by the Village. These issues in the letter are clerical mistakes and do not change the substance of the matter. The citation to the zoning chapter is unfortunate but a notice is what is require concerning the purpose of the meeting. That requirement was met. Although there were some errors, the letter met the purpose.

Mr. Falco said the point is that the letter should be clear. This is right and wrong. It should be correct before it's sent out.

Mr. Beasley said nothing in our law ...

Mr. Falco said I am not talking about the law but right and wrong. Do it right or don't do it at all.

Mr. Beasley said that is not a legal issue ...

Mr. Falco said I'm not going there. I'm just saying this was wrong. It should be corrected.

Ms. O'Reilly said in the business world, this would not be accepted. Somebody would be fired.

President Conway asked Mr. Beasley if the property reverts back if the legislation does not pass.

Mr. Beasley said there is a reverting clause. Currently it does not have a Village designation. It has a township designation. So, it would revert back to the current designation of the township.

Mayor Martin asked doesn't the PMU language say that if the developer fails to develop, then it will revert back?

Mr. Beasley said that is correct.

Ms. O'Reilly asked if it reverts back to A-1?

Mr. Beasley said it would revert back to whatever it is currently zoned as.

President Conway said if the property stayed PMU, then the next property owner still would need to go through the plan development process for final site plan approval.

Ms. O'Reilly asked if the property is annexed or not?

Mr. Beasley said it is annexed into the Village although it still has township designation as NCD and R-1.

Ms. Warner asked Mr. Beasley the current zoning designation.

Mr. Beasley said it has township designation as NCD and R-1, which are for single-family residences, accessory buildings, storage, offices, veterinary offices, and public uses.



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Ms. O'Reilly asked what about the re-posting and protecting the natural resource?

President Conway said we have to abide to what our Codified Ordinances and Charter say regarding this process.

Ms. O'Reilly asked what's the plan? Do you know?

President Conway said we don't know the plan. We haven't seen the next step, which would be the Final Site Plan Approval. We have seen their plans. They have been upfront. But some of these plans have changed due to these meetings.

Ms. O'Reilly said you should be giving them guidelines to tell them what they can and cannot do.

President Conway said they have all that information.

Mayor Martin said they will at the time Redwood turns in their plans. During the application process, they submitted a conceptual plan. The developers are still doing research. We have talked to them about the trees. For example, which ones were natural to the area and which ones are invasive. We also talked to ODNR about the ditch. There is not so-called 'woodland zoning code' in West Jefferson.

Ms. Dorthey said the Codified Ordinances Section 1143.22 concerns woodlands.

Mayor Martin said we have to look at all this. I am a proponent of preserving the Darby. One thing we should think about is what if the current property owner wanted to cut those trees down now? So, this zoning allows us to address these concerns. The developers are listening. How do we know the developers are listening? We have to see the plans which come next.

Ms. O'Reilly said you should have something in writing.

Mayor Martin said that comes next according to the Codified Ordinances. As they present their plan, we can discuss what types of trees we prefer.

Ms. Dorthey said if there are invasive trees, please remove them. But mature trees, please keep them. If a preliminary plan is approved, that is approval for the number of units, correct? Concerning the ditch, that doesn't affect the slope and trees.

Mr. Todd Foley, with Todd Design, said there has been a lot of concern about what is coming next. The first step was the annexation. The next step is zoning. Zoning is what we are addressing right now. We are not talking about what kinds of trees and so on. However, we have provided the Village a development text. The text has standards for the residential and commercial parts of the property. We have shared our intent. However, the plan is not fully developed because that is the next step. We will be preparing plans that include architecture, the height of the building, and what we are going to do with the trees. Please understand, the trees are important to Redwood too. They add character and beauty to the site. Our engineers are working to incorporate these natural resources into the site. We have a better plan than the original plan with all of your comments.

Mayor Martin said has Redwood pursued the EPA permits or received them? They state that the run off cannot be anymore than it is currently.

Mr. Foley said our civil engineers are not here tonight. But they will have plans that adhere to the standards you are talking about. We have to quantify the amount of water moving across the property and make the adjustments.

Ms. Dorthey said the water has to be released at the same rate. More water will leave the site over time.

Mr. Foley said the obvious fact is that right now there is no control over the water on the site. It leaves whenever and damages whatever. We are aware of the processes we have to go through.

President Conway said we are off topic. These questions will be answered during the next step of the process.

Ms. Doris Pickens asked if the number of units is still around 150.

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Mr. Foley said our plans under this zoning is requesting to be approved for that amount.

Ms. Pickens said that is a lot.

President Conway said to Mr. Beasley what advantage does this annexation and zoning give to the Village as opposed to staying in the township?

Mr. Beasley said it is my understanding that the site is split-zoned and without annexing and zoning, they site owners could do what they want according to the township zoning laws.

Mayor Martin said, in response to providing water and sewer, the Village has already set a precedence to sell water and sewer to those outside of the Village.

President Conway declared the Public Hearing to be closed at 7:43 P.M.

B. Second Reading of Ordinance 22-048, pursuant to Codified Ordinances Chapter 1117.01, Council shall set the zoning classification at the time of annexation of parcel 08-00582.000 to Planned Mixed Use District (PMU).

Motion to Adopt Ordinance 22-048, moved by Ms. Patterson and seconded by Mr. King.

Deliberations: President Conway opened up Council deliberations.

Deliberations: President Conway closed Council deliberations to vote on the main motion.

VOTE YEA: Mr. Conway, Mr. King, Mr. Patterson, Mr. Wade, and Ms. Warner.

VOTE NAY: None.

ABSTAIN: 0

Motion Carries 5-0.

Adjourn:

Motion to Adjourn at 7:44 P.M. moved by Ms. Patterson and seconded by Ms. Warner.

VOICED VOTE AFFIRMED

Motion Carries 5-0.

Signature of Jimmy John Hall, Clerk of Council

Signature of Mike Conway, President of Council