

Village of Waynesville Council Meeting Minutes July 20, 2009 – 7:30p

Present: Mayor Earl Isaacs
Ms. Sandra Stemple
Mr. Alan Bunker
Mr. Chuck Feicht
Ms. Joette Hightower
Mr. Raymond Otto

Absent: Mr. James Martin

Village Staff Present: Kenneth Schneider (Law Director filling in for Jeffrey Forbes), Bruce Snell (Village Manager), Staci Morris (Finance Director)

NOTE – This is a summary of the Village Council Meeting held on Monday, July 20, 2009. A DVD recording of the meeting is available from the Clerk of Council.

Mayor Isaacs called the meeting to order at 7:30pm.
Mr. Otto led the Pledge of Allegiance.

Disposition of Previous Minutes

*Motion to approve the minutes of the 07/06/2009 meeting – Ms. Stemple
Second – Mr. Feicht*

Roll Call - 5 yeas (Mr. Otto abstained, Mr. Martin not present)

Meeting Roll Call – 6 present

*Motion to excuse Mr. Martin from the meeting – Ms. Stemple
Second – Mr. Bunker*

Roll Call – 5 yeas (Mr. Feicht, Ms. Stemple, Ms. Hightower, Mr. Otto, Mr. Bunker)
1 nay (Mayor Isaacs)

Public Recognition/Visitor's Comments

Larry Weller (representing the Waynesville Warren County Shrine Club, PO Box 100 and Ken Allen, Tom Stamper, and Pete Stemple) discussed the history of the JTM burger fund raisers held at Ellis' Super Valu for the past 30 years. Due to slow business, the group decided to put up signs on Route 42 and removed them immediately after the event. Before placing the signs, the group talked to other groups who had placed signs in the median without Village permission. Mr. Weller had heard indirect complaints about the sign, so he and others met with the Village Manager. Mr. Weller stated that he is looking for direction and advice from Council regarding the placement of the sign.

- Mayor Isaacs stated that he is not against the Shriners and that the organization needs to get Council approval before placing the sign.
- Mr. Snell stated that the sign ordinance states that signs can be up to 30 square feet.
- Mayor Isaacs stated that the Shriners' sign is 32 square feet.
- Mr. Weller agreed to follow the sign code, but he asked that all organizations be required to follow the same rules. Mr. Weller then asked permission to put up two signs on Route 42 – one on the north side of 73 near Der Dutchman, one on the south side of 73).

- Mr. Snell stated that he understood that Council designates where signs can be placed, and he as Village Manager follows Council's directives.
- Mayor Isaacs stated that he spoke with Mr. Forbes (Law Director) on Friday, and Mr. Forbes stated that groups should come before Council to get approval to place signs in median.

- Mr. Feicht asked Mr. Weller how many fundraising events the Shriners held this year and his major concern.

- Mr. Weller stated that the fundraisers had been held already in May, June, and July, and he was told through hearsay that there was an objection to the signs, so he was coming to Council for direction.

- Mr. Feicht stated that there has not been consistency or uniformity in approving signs placed in the median. He believes that it is not Council's role to either approve or disapprove signs; the ordinance is passed by Council and enforced by the Manager. Mr. Feicht stated that no one member of Council should be in control, but matters should be discussed and decided as a group.

- Mr. Snell read the sign ordinance stating that signs cannot be larger than 30 square feet.

- Mr. Schneider stated that the Village Manager decides whether to approve signs, but Council sets the guidelines that the Manager enforces.

Motion to approve two 32 square foot signs to be placed in the median on Route 42 in August and September for the Waynesville Shrine Club – Mr. Otto

Second – Ms. Hightower

Roll Call – 5 yeas (Mayor Isaacs, Ms. Stemple, Ms. Hightower, Mr. Otto, Mr. Bunker)

1 nay (Mr. Feicht)

- Mr. Feicht stated that he believes the Council process is incorrect, and he is sorry that the Shriners were caught in the middle.

Rob Hoffman (1332 East Lower Springboro Road) came before Council looking for guidance on filling his father's land at the northeast corner of Routes 73 and 42. They would like to place fill on the land, which is located on the floodway fringe, but there has not been a conclusion to the fill permit, which was filed some time ago. Mr. Hoffman stated that he is unsure why a fill permit is needed. He passed out two copies of the engineering map to Council.

- Mr. Snell thanked the Hoffman's for being patient with the Village through the process, but he believes that a permit is necessary. To back up his point, Mr. Snell read the definition of a development from the Village sign code, which encompasses filling in land.

- Mr. Hoffman asked what was needed to get the permit approved. He stated that the permit process does not address the issue of filling in land on the floodway fringe just the floodway. Mr. Hoffman read a page from the federal and state regulations for ODNR and stated that FEMA was not mentioned.

- Mr. Snell stated that he is waiting for more information, such as fill material, compaction process, and future development, before he can approve the permit.

- Mr. Hoffman stated that he could not answer the question of future development because he is not sure. He stated that the land would "probably be vegetation, maybe a park bench."

- Mr. Snell stated that he spoke with other officials and engineers, and they confirmed that he needs more information before approving the permit.

Mr. Hoffman said that they should not bear the cost of educating Village officials on the process.

- Mayor Isaacs stated that he agrees with the Hoffman's, and he is sure that they will compact the land as they said they would.

- Mr. Schneider stated that the developer usually paid the Village an estimate of the engineering cost up front, and this was not done in this situation.

- Mr. Hoffman stated that the Village does not need to spend taxpayer's money to review his engineer's work because "you can tell it is good information."

- Mr. Schneider stated that it is standard procedure for a municipality to have their engineer review work submitted to them.
- Mr. Hoffman stated that the cost should be built into the permit, not charged separate from the permit.
- Mr. Schneider stated that the engineer's cost is not built into the permit, and it is usually not in other municipalities either.

Mr. Snell stated that he will talk with the Village Engineer and get back to the senior Mr. Hoffman.

Gary Pelkey (830 Camp Creek) stated that he is confused by the 07/06/2009 meeting and the vote to make the Mayor the Council President.

- Ms. Stemple stated that she is the President Pro Tempore and the Mayor has always been Council President. Anything in the past stating she was the Council President was an error.
- Mr. Pelkey stated that Council is against what the Mayor says and that he is flattered that someone would think he was smart enough to write the Mayor's speeches.

Old Business

Ms. Stemple discussed the lock-up building and the necessary repairs. The approximate cost is \$2600 to replace doors, waterproofing work and tuck-pointing.

*Motion to begin Historic Preservation fundraising for repairs to the lock-up – Ms. Stemple
Second – Mr. Otto*

- Ms. Morris stated that the money for the repairs has not been built into the Recovery Plan or appropriations. The plan and appropriations will need to be amended before the repairs can begin.

Roll Call – 6 yeas

Reports

(1) Standing Council Committees

- (a) Finance Committee – will meet 08/03/2009 at 6:00pm
- (b) Public Works Committee – met 07/20/2009 at 6:00pm. Mr. Feicht stated that the Committee discussed the following:
 - repairs to lock-up building and addressing cause of the problems after repairs
 - EMH&T engineering study regarding the water system infrastructure (started due to Miami Street water breaks). The plan is to begin connecting service lines to the 8" main installed in 2005. The bulk of the project may be completed next year due to the Sauerkraut Festival and weather.
- (c) Special Committees – nothing to report

(2) Village Manager's Report – Mr. Snell discussed the following:

- Workforce One has been working on the pavers downtown. The pavers have settled and become a public safety issue. The workers are doing an outstanding job.
- Miami Street water break repairs. The Village would like to move on this project as quickly as possible by starting with one or two tie-ins a week and progressing from there.
- a resident's water has been shut off unintentionally three times, and Mr. Snell has talked to the landlord and sent the resident a personal apology (no current phone number). The issue has been resolved now, and Mr. Snell assured Council that it wouldn't happen in the future.
- requested an Executive Session at the end of the meeting to discuss real estate

(3) Police Chief's Report – Chief Copeland is out for the week and did not leave a written report.

(4) Law Director's Report – no report

- (5) Finance Director's report – Ms. Morris discussed the following:
- the 2010 Tax Budget was turned into Warren County on 07/17/2009, so it was in time for the 07/20/2009 deadline
 - will be out of the office next week

New Business

Mayor Isaacs stated that Chris Lash (radio station in the Village) was doing an outstanding job. Mayor Isaacs also stated that a bike ride was being held 07/25/2009 to support the Veteran's Park.

Ms. Hightower stated that she will not be at the next meeting (08/03/2009).

*Motion to excuse Ms. Hightower from the 08/03/2009 meeting – Ms. Stemple
Second – Mr. Bunker*

Roll Call – 6 yeas

Legislation

~~~~~  
Resolution 2009-023 - an ordinance authorizing the waiver of certain fees for the property located at 234 High Street  
~~~~~

*Motion to adopt Resolution 2009-023 – Ms. Hightower
Second – Ms. Stemple*

Roll Call – 6 yeas

~~~~~  
Resolution 2009-013 – a resolution authorizing the Village Manager to enter into a contract for professional engineering services  
~~~~~

Mr. Snell asked Council to continue to table Resolution 2009-013.

*Motion to adjourn to Executive Session to at 8:41pm to discuss real estate – Ms. Stemple
Second – Ms. Hightower*

Roll Call – 6 yeas

Return from Executive Session at 8:52pm – 6 present

*Motion to adjourn meeting at 8:52pm – Ms. Stemple
Second – Mr. Otto*

Roll Call - 6 yeas

Date: _____

Staci Morris, Finance Director/Clerk of Council