

Village of Waynesville
Council Meeting Minutes
December 20, 2010 at 7:30pm

minutes not adopted
01/03/2010 sum
3 yeas
2 nays
1 abstain

Present: Mayor Earl Isaacs
Ms. Sandra Stemple
Mr. Alan Bunker
Ms. Joette Hightower Dedden
Mr. Gary Pelkey

Absent: Mr. James Martin

Village Staff Present: Jeffrey Forbes (Law Director), Bruce Snell (Village Manager), Staci Morris (Finance Director/Clerk of Council)

CLERK'S NOTE - This is a summary of the Village Council Meeting held on Monday, December 20, 2010. A DVD recording of the meeting is available from the Clerk of Council.

Mayor Isaacs called the meeting to order at 7:30pm.
Roll Call - 5 present

*Motion to excuse Mr. Martin from the meeting for work purposes - Ms. Stemple
Second - Ms. Dedden*

Roll Call - 5 yeas

Ms. Stemple led the Pledge of Allegiance.

Mayor (for purposes of acknowledgements)

Mayor Isaacs discussed the following:

- asked for a moment of silence for those serving overseas
- asked veterans to stand and be recognized
- attended the Warren County Municipal League meeting last Wednesday along with Mr. Bunker
- he spoke with Becky at the Recovery Commission meeting regarding the charter change required by the report on accounting methods. He added that he needed a legal opinion as to who is responsible for Mayor's Court - the Manager or the Mayor
- read a prepared statement regarding his point of view on the events that transpired before the last meeting

Ms. Dedden stated that she was asking Mr. Feicht questions, but Mr. Bunker and Ms. Stemple were not engaging in the conversation.

- Mr. Bunker stated that the four being in the room together gave the wrong perception. He wasn't engaged in conversation with Ms. Dedden and Mr. Feicht, and he apologized for the impression.

Disposition of Previous Minutes

*Motion to approve the minutes of the 12/06/2010 meeting - Ms. Stemple
Second - Mr. Pelkey*

Roll Call - 5 yeas

Public Recognition/Visitor's Comments

Warren Sheehan (469 North Street) asked the Mayor if the Recovery Commission met since the last Council meeting and what happened at the meeting.

- Mayor Isaacs deferred to Ms. Morris.

Mary Connolly (8875 Bellbrook Road) asked what she had to do to get a water line extended to her property in the township.

- Mr. Snell stated that he had spoken with Ms. Connolly and she had gotten around ten signatures on a petition regarding extending the water line. Mr. Snell expressed concern with only having 50% approval for the line when the cost would be assessed to homeowners who do not approve. He added that the Village is currently in the process of many water projects for the Village residents, and that has to be our focus before the township. Mr. Snell asked Ms. Connolly to get the signatures of property owners acknowledging the total cost of the project and their portion.

Ms. Connolly stated that she would like to have a public meeting.

- Mayor Isaacs stated that he would look into it.

- Mr. Bunker (Public Works Committee Chair) stated that he would like to look into it, but would not want to jeopardize the Village projects.

Mr. Snell added that if the property was annexed into the Village, the Village would be required to provide water to the properties. He stated that he would have to speak to other municipalities regarding their process for annexation, but as he understands it, once the property is annexed, water quickly follows.

- Mr. Pelkey asked if the property must be contiguous to the Village.

- Mr. Snell stated yes.

Nelson McKeever (8881 Bellbrook Road) expressed support for Ms. Connolly, then questioned whether the Village's agreement with Warren County to provide water to the service area makes putting in a water line an obligation of the Village.

- Mr. Snell stated that the Village does provide water to the Waynesville Water Improvement District.

Rick Becker (89 West Ellis Drive) stated that water lines in the township have generally been privately funded, and once new homeowners decide to tap in, they pay frontage fees. He suggested Ms. Connolly look at privately funding the lines.

Sharon McKeever (8881 Bellbrook Road) stated that her husband volunteered to put in the lines at no cost to the Village. She added that they have been trying to get water for 15 years, so they are serious.

- Mr. Snell stated that he would prefer to upset someone and not cost them any money versus upsetting a neighbor and costing them at least \$14,000. He stated that it is not feasible for Warren County to provide the water, and contracting with the Village is good for Warren County.
- Ms. McKeever asked if the Village would consider the previous proposal.
- Mayor Isaacs stated that the Law Director would look into it and the Public Works Committee will discuss at their next meeting.

Old Business

Public Hearing

Mr. Forbes explained section 153.043 of the Village Zoning Code. The BZA (Board of Zoning Appeals) controls all appeals for variances from the code. If a resident is affected by a BZA decision, they can appeal to Council. Council then looks at D5 of the code for the process. Council is to have a hearing and at the conclusion make one of three choices: approve, approve with modification, disapprove. Mr. Forbes stated that the Mayor would open the hearing, allow those in favor to speak, allow those against to speak, then Council can debate. Mr. Forbes added that nothing in the code requires a super majority, just a majority.

Public Hearing opened by Mayor Isaacs at 8:12pm.

Cindy Evans (1049 Camp Creek Road) stated that she is appealing the BZA decision not to allow her to put a sunroom (11' x 12' glass three season room) on the back of her home. She stated that the request for a variance was voted down and she isn't sure why.

- Mr. Pelkey stated that he doesn't understand why the BZA is involved in a variance for neighbors.

Mike Alpines (Champion) explained the required set backs for the property in question.

Mr. Pelkey stated that he has a Florida room on the back of his property.

- Ms. Dedden stated that the difference is that Mr. Pelkey's property still maintains the required 31' setback to the property line.

Mr. Snell stated that the BZA was only to consider the seven criteria listed when voting. He pointed Council to the map from the Warren County Auditor's website. He stated that 1035 doesn't appear to comply with the zoning code, but because the sunroom was built with the property in 1993, it predates the zoning code (1996). House 1053 also has a sunroom, but apparently did not require a variance because it was more than 30'.

Mr. Alpines stated that the homeowner is asking for a 10' variance as the sunroom will go into the setback.

Mr. Snell read two emails from residents/homeowners behind the property in question.

Mr. Alpines stated that Champion installs quality rooms, and that the client is unable to use her backyard for most of the summer due to the sun.

Mayor Isaacs closed the public hearing at 8:28pm.

Warren Sheehan (469 North Street) stated that he doesn't have a dog in the fight, but wanted to clarify that the code states a required 30' setback, so the sunroom will encroach on the setback by 10'.

- Mr. Snell stated that the encroachment is all that Council is considering, not the contractor or their quality of work.

Mr. Bunker questions why the BZA denied the variance.

- Ms. Snell stated that the BZA must have a reason to allow deviation from the code, and they couldn't justify allowing the variance.

- Ms. Dedden questioned what would be next if this person was allowed, what will stop the next person and where would it stop. She stated the reason the Village has a zoning code is provide uniformity. She asked the homeowner to consider an awning, as she has done for her patio. Ms. Dedden added that the people residing behind the property have a right to privacy.

- Mr. Pelkey stated that the privacy fence of Ms. Evans provides that.

Mr. Forbes stated that those opposed cannot be required to speak at a meeting, but Council must consider the seven criteria listed in the code to grant a variance. He added that a majority of Council is present.

- Mr. Snell added that Council has 45 days to make a decision.

- Mr. Forbes stated that Council has 60 days from the filing of the appeal to make a decision.

Ms. Stemple stated that she was abstaining from the vote due to her husband being on the BZA.

- Ms. Dedden stated that she preferred to wait until a January meeting to make a decision.

- Mr. Forbes stated that Council's decision must be based on criteria presented at the public hearing and questioned whether a new Council member could vote on the issue.

Motion to approve the variance as requested - Mr. Pelkey

Second - Mr. Bunker

Roll Call - 3 yeas (Mr. Pelkey, Mr. Bunker, Mayor Isaacs)

1 nay (Ms. Dedden)

1 abstention (Ms. Stemple)

- Mr. Fornes stated that a majority of Council is present, so the motion passes.

Reports

(1) Standing Council Committees

(a) Finance Committee - will meet 01/03/2011 at 6:30pm. Ms. Stemple stated the Recovery Commission met and approved the bond anticipation note issuance.

- Mr. Bunker stated that Paul Marshall (the Commission Chair) stated that the Village has done a great job following the timeline to correct deficiencies, and the Recovery Commission is pleased with the progress.

- (b) Public Works Committee – met 12/20 at 8:00am and discussed the following:
- fire hydrant grant
 - street sweeping – helps to minimize storm sewer damage. The committee recommends using the \$8000 not used in the Thatcher Hill repairs is used by the Village Manager for timely street sweeping of the Village.
 - vehicular and pedestrian safety at Route 42 and North/Corwin Avenue. An application can be filed with ODOT for a traffic study grant. Without the grant, the cost is \$12,000-\$16,000. The committee recommends the Manager begin the application process with ODOT asap.

Mr. Pelkey stated that Centerville sells the leaves they pick up to the lady in Lytle and this offsets the cost of picking up the leaves.

- Mr. Bunker stated that they have been looking into obtaining a leaf vacuum in addition to the street sweeping.
- Mr. Snell stated that he has bid on a few leaf machines, but he expressed concern with towing the machines from far away.

Mayor Isaacs stated that the Veteran’s Memorial Park wasn’t plowed last time it snowed, and he had several calls about it. Mayor Isaacs stated that he has done it in the past with his atv and plow.

- Mr. Snell stated that he will see to it in the future.

(c) Special Committees - none

(2) Village Manager’s Report – Mr. Snell stated that all the items had already been discussed.

Ms. Dedden thanked Mr. Snell and his team for doing a good job plowing the streets.

- Mr. Snell thanked the Streets Department for their hard work. He added that the Village increased the size of our fleet by 50% by adding a new truck from West Chester Township for \$1.00. The truck needs a plow and brake repairs, but after about \$5000, the truck will be road-worthy. He thanked Alex Foltz for securing the donation to the Village.

(3) Finance Director’s report – Ms. Morris stated that she would explain each piece of legislation before its reading.

(4) Police Chief’s Report – Chief Copeland left a written report.

- Mr. Snell added that the Village had acquired a surplus cruiser, which is at the Career Center being painted. Chief Copeland will discuss the paint scheme with the Police Committee, but he would like to get away from the big city black and white cruisers.

(5) Law Director's Report – Mr. Forbes stated that Mr. Snell is responsible for Mayor's Court as the Village Manager. The Charter states that the Clerk of Court is responsible for the receipts and expenditures of Court, is hired by the Manager, and is ultimately responsible to the Manager.

New Business

Mr. Bunker stated that he would like to see the vacancy on Council be filled at the next meeting.

Legislation

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*Ordinance 2010-044* – an ordinance establishing Fund D01 for Issue 2 Grants and declaring an emergency  
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Motion to waive the two reading rule for Ordinance 2010-044 - Ms. Stemple

Second - Ms. Dedden

- Ms. Morris stated that the legislation is to establish a fund where the Village will record receipts and expenditures for the hydrant grant on the Village's behalf.

- Mr. Bunker stated that Section 4 states the reason for the emergency (to comply with audit standards for the State of Ohio).

Roll Call - 5 years

Motion to adopt Ordinance 2010-044 as an emergency - Ms. Stemple

Second - Mr. Bunker

Roll Call - 5 years

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*Ordinance 2010-045* – an ordinance adding Fund D01 to the Revised Financial Recovery Plan for the Village of Waynesville, Ohio and declaring an emergency  
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Motion to waive the two reading rule for Ordinance 2010-045 - Ms. Stemple

Second - Ms. Dedden

- Ms. Morris stated that the legislation is to add an additional page to the current recovery plan for the newly established fund. No other part of the current plan is changed.

Roll Call - 5 years

Motion to adopt Ordinance 2010-045 as an emergency - Ms. Stemple

Second - Mr. Pelkey

Roll Call - 5 years

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*Resolution 2010-046* – a resolution amending the appropriations for the Village of Waynesville for calendar year 2010 (amendment #4) and declaring an emergency  
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Motion to waive the two reading rule for Ordinance 2010-046 - Ms. Stemple
Second - Ms. Dedden

- Ms. Morris stated that the legislation is to amend appropriations for the amount that OPWC is expected to distribute on the Village's behalf this year.

Roll Call - 5 years

Motion to adopt Ordinance 2010-046 as an emergency - Ms. Stemple
Second - Ms. Dedden

Roll Call - 5 years

Executive Session

none

Motion to adjourn the meeting at 9:10pm - Ms. Stemple
Second - Ms. Dedden

Roll Call - 5 years

Date: _____

Staci Morris, Finance Director/Clerk of Council