

Village of Waynesville Council Meeting Minutes December 6, 2010 at 7:30pm

Present: Mayor Earl Isaacs
Ms. Sandra Stemple
Mr. Alan Bunker
Ms. Joette Hightower Dedden
Mr. Chuck Feicht (resigned during the meeting)
Mr. James Martin
Mr. Gary Pelkey

Absent: none

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 6, 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 - 7 present

Mr. Bunker led the Pledge of Allegiance.

Mayor (for purposes of acknowledgements)

Mayor Isaacs discussed the following:

- had a moment of silence for the service members serving our nation
- asked the veterans to stand
- stated that the past few weeks have been shocking with the announcement that Der Dutchman would be closing and the loss of jobs
- will attend the Warren County Municipal League meeting Wednesday
- attended a Mayor's meeting on 12/04 where festivities in municipalities were discussed
- Christmas in the Village was held last weekend
- stated that he had received an today email from Mr. Feicht "asking the Village Manager to introduce an alternative implementation for select provisions of the Charter changes under New Business." Mayor Isaacs stated that he felt it was improper to make changes to the Charter. He stated that he felt that "the citizens will feel that this Council didn't listen to their vote in using all these emergencies and rushing legislation through the agenda at this time."

Mr. Feicht asked Mayor Isaacs if he could have the floor to speak.
- Mayor Isaacs said no.

Mr. Feicht resigned from Council at 7:35pm stating that he would not put up with that kind of behavior.

- Mayor Isaacs stated "I guess that means he quit?" He added that Council "should be open to all citizens instead of doing this legislation all the time."

Mr. Martin asked Mayor Isaacs what legislation he was referring to.

- Mayor Isaacs stated "didn't you get the email?"

- Mr. Martin responded that he did receive the email, but there was nothing about legislation in the email.

- Mayor Isaacs stated that he didn't say anything about legislation and "let's move on."

- Ms. Dedden and Mr. Martin stated that they did not want to move on yet.

- Mr. Pelkey requested to speak, and Mayor Isaacs granted him the floor.

- Mr. Pelkey stated that legislation was changed prior to a vote of the people. He stated that an ordinance was passed by legislation that was rescinded and rewritten after Council had voted on it. The change came after Mr. Snell, Ms. Morris and Mr. Forbes expressed concern over one proposed amendment. Mr. Pelkey stated that Mr. Snell said that the government should be larger.

- Mr. Snell stated that he did not say that the government should be bigger, and he asked Mr. Pelkey to correctly quote him.

- Mr. Pelkey claims that the five ordinances were passed by Council before the Charter Review Commission met and amended one provision.

- Ms. Morris stated that legislation had not been passed by Council and then changed.

- Mr. Pelkey stated that they had been passed.

- Ms. Morris added that the amendments had been submitted to Council by the Charter Review Commission, but Council had not passed any legislation related to the Charter amendments.

- Mr. Pelkey stated that people didn't like that emergency legislation could be rescinded after 60 days.

- Mr. Martin stated that it wasn't that people didn't like it; it was that Council asked the Charter Review Commission look into the issue more.

- Mr. Forbes offered to explain what transpired during the votes when the issues were put on the ballot, but clarified that the email from Chuck Feicht has absolutely nothing to do with what Mr. Pelkey is talking about.

- Mr. Pelkey and Mayor Isaacs agreed.

Mr. Forbes explained that the Charter Review Commission made recommendations and brought them to Council. Council adopted some of those recommendations. The Charter Review Commission met again, withdrew the one recommendation regarding emergency legislation, and submitted a different recommendation. Council then put them all on the ballot. Mr. Forbes reiterated that Council putting the issues on the ballot has nothing to do with Mr. Feicht's email that came out today.

Mayor Isaacs stated that he didn't say that the email was legislation. He just wanted to mention that if Council "did this at this time," the citizens could construe this as not being open and honest. He added that some of the things Mr. Feicht brought up may be valid, but it is improper at this time to introduce that kind of legislation without putting

it on the agenda at the proper time. Mayor Isaacs stated that he talked to Mr. Forbes about it earlier in the day.

- Mr. Forbes stated that Mr. Feicht had requested something be added to the agenda today, but Council Rules require that things be submitted by noon on Friday. Given that it wasn't requested until today, it could not be put on the agenda. Council has the ability to amend the agenda at the beginning of the meeting by motion and four affirmative votes.

- Mr. Snell clarified that the Village Manager was not introducing anything to the agenda. Mr. Snell read Mr. Feicht's email asking Mr. Snell to adjust the agenda accordingly, but Ms. Morris did not make any changes to the agenda.

- Mayor Isaacs stated that no collusion is going on.

Mr. Bunker stated that he is saddened to have Mr. Feicht resign, as he looked to see the best interests of the citizens fulfilled. Mr. Bunker stated that he believed Mr. Feicht's email to be put forth in a sincere, legal way for everyone's consideration, and Mr. Bunker stated that he would like to see the issues addressed at a future meeting to improve the efficiency of the government.

Disposition of Previous Minutes

Motion to approve the minutes of the 11/15/2010 meeting - Ms. Stemple

Second - Mr. Pelkey

Roll Call - 6 yeas

Public Recognition/Visitor's Comments

Bill Stubbs (255 North Fourth Street) stated that the Charter Review Commission met in 2010 to bring several issues to the ballot, the issues were defeated, and the Charter was not changed. Mr. Feicht brought forth issues that wouldn't require changing the Charter. Mr. Stubbs stated that Mr. Feicht was doing what he (Mr. Feicht) thought was the right thing and improve communication with the public for a better government.

Warren Sheehan (469 North Street) stated that he is upset about Mr. Feicht resigning. He stated that he and Mr. Feicht met to discuss the CRC's proposed amendments (12 were items that could only be accomplished with a Charter change, 16 were word changes, and 22 were changes that could be addressed by Council without changing the Charter to make the government more transparent).

- Mayor Isaacs stated that he wasn't trying to "start anything" with Mr. Feicht.

- Mr. Martin asked to speak, the Mayor declined.

- Mayor Isaacs added that things would be a lot better if communication among Council members was better as he is only able to communicate with one Council member. He stated that Mr. Martin and Mr. Feicht wouldn't meet with him, but it doesn't hurt his feelings. Mayor Isaacs stated that "these types of things will happen as long as they don't communicate with the Mayor."

Bill LeMay (_____) stated that as long as he's lived in this town, this is the first time he's seen resistance to the people's vote. He said the problems came down to three issues:

whether people wanted to get rid of the Mayor, whether they wanted the finances and management of the funds in the hands of the Manager with only one report per year, and why the charter was sent out without reasons for the change. “We” made a reply and sent it out to all people. Based on what you submitted and what we submitted, the people want the Charter to remain the same, offensive to do away with the Mayor without a vote. Mr. LeMay added “when you step on my freedom and decide you know better than me, I wonder why I fought World War II to get to a situation like this?” He stated that Council doesn’t like the Mayor, but there are other ways to get rid of him.

Old Business

none

Reports

(1) Standing Council Committees

(a) Finance Committee – met 12/06 at 6:30pm, nothing new to report

(b) Public Works Committee – met 11/15 at 6:00pm and discussed the following:

- 11/15 minutes in Council’s packets
- inquiries asking Public Works to address the safety at Route 42 and North Street
- ongoing housekeeping at the Streets building and the WWTP

(c) Special Committees - none

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

- contact with ODOT regarding the possibility of putting a traffic light at Route 42 and North Street. He sent an email to ODOT District Director regarding the number and timing of accidents.
- Thatcher Hill gravel has been put down on the polymer base as recommended by engineers Jones Warner. Complaints have been received by residents, and Mr. Snell stated that Jones Warner will get Cox Paving to sweep up the gravel asap. Mr. Snell apologized to residents for the mess.
- Alex Foltz has acquired a verbal donation of a 1990s Ford 2.5 ton dump truck from another jurisdiction.
- Chief Copeland acquired a surplus cruiser from Warren County, which is in better shape than our three cruisers.
- Christmas in the Village was held last weekend, kudos to the Chamber for a great event.
- the hydrant grant project will kick off any day now, weather permitting. The underground utilities have been located and Shawn from Jones Warner said the project will be completed by the end of the year.

(3) Finance Director’s report – Ms. Morris discussed the following:

- November 2010 month-end reports in Council’s packets

- Street Maintenance and Repair Fund (B01) is currently the only fund with a deficit at the current time \$-52,532.22. The Police Levy Fund (B20) is currently positive, but will become negative until the first half property taxes are received in April 2011. Then the fund should become and remain positive.
- the bond anticipation note for the land in which the Government Center is located will have a second reading tonight. The Village will be paying off \$336,000 notes and reissuing \$316,000 notes at an interest rate of 2.0%. The low interest rate will allow the Village to pay off additional principal, resulting in a \$24,000 savings over the life of the notes.

Mr. Pelkey thanked Ms. Morris for explaining the bond anticipation note process to him.

Mayor Isaacs asked Ms. Morris the impact of Der Dutchman closing on Village finances.

- Ms. Morris stated that about \$10,000 was built into the income tax estimate for Der Dutchman employees, which equates to about 6% of total collections. The income tax collections are currently coming in better than the estimate, so the impact is expected to be negligible on Village finances. Ms. Morris added that the loss of Der Dutchman will not keep the Village in fiscal emergency.

(4) Police Chief's Report - no report

(5) Law Director's Report – Mr. Forbes stated that the Department of Liquor Control gave notice to the Village, as required by law, a chance to object to the issuance of a liquor permit in the Village. The Ohio Revised Code only gives the Village a few possible objection reasons and none apply in this instance. Mr. Forbes stated that Ms. Morris must report to Liquor Control whether Council has requested a hearing or not, and it would assist her if Council took a vote on the matter.

*Motion not to request a hearing for the liquor control permit – Ms. Stemple
Second – Ms. Dedden*

Roll call – 6 yeas

Mr. Forbes added that he will explain the Board of Zoning Appeal process as well.

New Business

Cynthia Evans (1049 Camp Creek Road) acquired her property in June and would like to build a small addition to the home. The addition contradicts with the zoning code, thus she requested a variance. The Board of Zoning Appeals (BZA) did not see the hardship in her request and did not grant a variance. Ms. Evans appealed the BZA decision, thus it is before Council.

- Mr. Pelkey stated that he spoke with the owner who wants to put a 11x12 sunroom/three season room on her home and the covenants in the subdivision allow for her to do that. Mr. Pelkey questioned why the issue has to go through the BZA if all the people around have sunrooms.

- Mr. Forbes stated that the Village zoning code requires the issue to go before the BZA if the proposed addition is not permitted. The BZA denied issuing a variance, thus the homeowner can appeal to Council, which she has done. Council has sixty days to

consider the issue with a public hearing to be held. The applicant can appear at the hearing. Council must then make one of the following decisions: approve the variance, approve with modifications, or disapprove. Section 153.043 Section C of the zoning code addresses the criteria for approval.

- Mr. Pelkey asked what role the subdivision covenants had in the process.
- Mr. Forbes stated that he doesn't know the subdivision's covenants, but it doesn't matter because those are an agreement between private property owners. The Village handles zoning and what was requested was not in compliance with the zoning code. Mr. Forbes suggested that Council set a hearing for their next regularly-scheduled meeting and that information will be distributed to Council on the application.

Motion to have a public hearing 12/20/2010 at 7:30pm for the BZA appeal under "Old Business" on the agenda - Mr. Bunker

Second - Mr. Pelkey

Roll Call - 6 yeas

Mr. Pelkey asked why the group home wasn't brought before the BZA for a variance.

- Mr. Snell stated that the group home was in compliance with the Village's zoning code, so the home was not an issue for the Village to address.
- Mr. Pelkey asked when he could look at the application and drawings for the appeal.
- Mr. Snell stated that he could come in anytime after 10:30am tomorrow, as the staff meeting is at 9:00am.

Legislation

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*Resolution 2010-040* – a resolution adopting the appropriations for the Village of Waynesville for calendar year 2011

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Motion to adopt Resolution 2010-040 - Ms. Stemple

Second - Mr. Bunker

- Ms. Morris stated that 2011 appropriations are slightly higher than 2010 appropriations due to the Main Street Water Improvement grant matching funds being listed in appropriations.

Roll Call - 6 yeas

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*Ordinance 2010-041* – an ordinance authorizing the transfer of money from the Federal Grants Fund B05

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Motion to adopt Resolution 2010-041 - Ms. Stemple

Second - Mr. Bunker

- Ms. Morris explained that the resolution is to transfer \$0.13 out of the Federal Grants fund (B05) from Hurricane Ike to bring the fund balance to zero.

Roll Call - 6 yeas

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*Ordinance 2010-042* – an ordinance providing for the issuance of \$316,000 notes by the Village of Waynesville, County of Warren, Ohio in anticipation of the issuance of bonds for the purpose of acquiring land for various municipal uses and declaring an emergency  
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Motion to adopt Ordinance 2010-042 as an emergency - Ms. Stemple
Second – Ms. Dedden

- Ms. Morris stated that the legislation is to renew the note for the land in which the Government Center sits. The renewal rate is 2.0%, which is almost half the previously estimated rate. This interest savings of \$8000 has been added to a principal payment in the current recovery plan to pay off the land more quickly.
- Mr. Bunker asked Ms. Morris to state the reason for the emergency clause.
- Ms. Morris stated that the current note of \$336,000 must be paid off by Friday, and this note is being issued to cover most of that payment. If Council didn't adopt as an emergency, the Village would be required to pay the current note off in full at \$336,000.

Roll Call - 6 yeas

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*Ordinance 2010-043* – an ordinance for the special purpose of flood plain reduction in the Village of Waynesville, Ohio and declaring an emergency  
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Motion to adopt Ordinance 2010-043 as an emergency - Ms. Stemple
Second - Mr. Bunker

- Mr. Snell stated that FEMA came to the Village and requested that Council pass the legislation to reduce flood damages in the Village and join NFIP. If the Village does not pass the legislation, residents within the Village will not be able to purchase flood insurance for their homes or businesses.
- Mr. Pelkey was asked if FEMA determined the flood plain. Mr. Snell that FEMA does determine the flood plain boundaries and the legislation does not change the flood zone.
- Mr. Bunker added that the legislation was having a second reading and was an emergency to have it in effect immediately for the 12/17 FEMA deadline.

Roll Call - 6 yeas

Executive Session

none

Mr. Pelkey asked if there was any truth to the rumor that the Village is interested in purchasing the vacant land on the east side of the Mill Race.

- Mr. Snell stated that the issue would be an executive session matter as it pertains to real estate.

Mr. Bunker asked Mr. Forbes if Mr. Feicht's resignation is effective immediately and if it had to be in writing.

- Mr. Forbes stated that he does not know of a requirement to submit a resignation in writing and does not know of a requirement for Council to accept a resignation. There is no requirement to advertise the position either. Council has 45 days to appoint another member or the Mayor appoints the position.

- Mr. Martin stated that Mr. Feicht worked behind the scenes a great deal and he is an asset to the Village that will be sorely missed. Mr. Martin stated that he is disappointed Mr. Feicht resigned, but expressed appreciation at all he did for the Village. Mr. Pelkey seconded the statement.

Mayor Isaacs wished everyone a Merry Christmas.

Motion to adjourn the meeting at 8:40pm - Ms. Stemple

Second - Mr. Martin

Roll Call - 6 yeas

Date: _____

Staci Morris, Finance Director/Clerk of Council