



COUNCIL MEETING MINUTES
August 9, 2021 · 6:30 PM
Council Chambers

Mayor: Jody Carney **Administrator:** Nathan Cahall
Director of Finance: Renee' Sonnett **Director of Law:** Paul-Michael La Fayette
Council Members: President pro tempore J. Rucker, L. Giaimo,
S. Heineman, S. Pine, F. Reed, M. Terry

Present: J. Carney, L. Giaimo, S. Heineman, F. Reed, M. Terry, S. Pine

Absent: J. Rucker

Mayor Carney called the meeting to Order at 6:31pm, followed by the Pledge of Allegiance.

Approvals: Agenda: Council Meeting – August 9, 2021
Ms. Pine motioned to approve the agenda, seconded by Ms. Giaimo. All in favor.

Minutes: Worksession Meeting – August 4, 2021
Ms. Pine motioned to approve the minutes as amended, seconded by Ms. Giaimo. All in favor.

Visitors:
None

Reports:

Mayor

- Safety Town has wrapped up. The mayor thanked the Police and Fire Departments for helping to make this event successful. There were 66 participants. Thanks also to the Tribune and Madison Messenger for the nice coverage.
- Rock the Clock took place last weekend. Thanks to Tim Dawson for hosting this great event. It would have been impossible for the Village to host an event of this magnitude, so his efforts are appreciated.

Finance Director

- The audit has been completed and results are pending. There were no red flags during the process.

Police Chief

- Detective Greenbaum conducted a presentation on Workplace Violence for the staff at Edgewater Place Assisted Living Facility.
- This Friday will be Administrative Assistant Sherrie Yoakam's last day. The position was posted today.
- The Rock the Clock Event went well with minor issues. The parking was handled very well with no complaints. It's expected that there were 4000 to 4500 people at the event. The Police Department, Mayor, Fire Department, administration staff, and the event organizer met last week for an After-Action Review of the event and discussed what went well this year and what can be improved upon next year
- Chief McKee would like to thank his staff at the police department and all the members of the Public Works Department for all their hard work and long hours during all the events during the month of July. This includes the Fourth of July Celebration, Steam Threshers Show, Safety Town, and Rock the Clock Event.

Village Administrator

- On the agenda tonight there is an ordinance related to the opioid litigation national settlement. The State of Ohio asked all legislatures to adopt the settlement, and it will hopefully result in a settlement nationwide. The Village is estimated to receive around \$20,000 but isn't sure about the timing.
- The Draft FY2022 Operating Budget and Capital Improvement Plan was sent to the committee last week.
- Internal updates to the compensation plan are underway. Staffing plan changes are being looked at this year and in the future. This will be talked through with the committees.
- Hopefully we will be closing on the Jackson Street property later this month, pending the title work.
- The North Water Main line advertisement will be going out later this week.
- Congrats to several public works staff members for obtaining their certifications.
- Staff submitted a prioritization list to the Madison County Engineer today for the HB 168 grant request.
- The Parking Lot bid is on the agenda tonight for contract award. Staff is asking for a waiver of the second reading.
- The Streetscape rebid will be opened this Thursday at 3pm.
- Pursuant to the Worksession meeting, staff had a chance to look through the ideas that were brought up for the Design Review Board ordinance. The meeting notices were observed, and staff made some recommendations. The notification of the meetings is not necessarily the issue, but the timeframe that the DRB must act in is. A decision must be rendered within 60 days of the application being submitted. If Council would like to change anything, staff recommends that clock being started when its first hearing by the Board. Staff also asks Council to consider drafting how a case is reheard – procedurally/interpretively or a complete rehear of the case.
 - Mr. Reed would like to have the Solicitor weigh in on this issue. This item will be discussed later this evening.

President Pro Tem

- Worksession was held last week. The minutes are reflective of the discussion and the next meeting is scheduled for the first Wednesday of next month.

Solicitor

- The opioid settlement will be broken down between the states, municipalities, and foundations. It's payable over 18 years, and in order to accept it a signed participation agreement needs to be back by the end of the week.

Capital Improvements

- The last meeting was rescheduled, and the next meeting will be held on August 25.

BZA

- Since everyone needs to sign off on the prior month, there may be a short meeting on the scheduled date, but there will not be any agenda items.

Planning & Zoning

- Next meeting is August 18. Mayor Carney will meet with Ms. Brill on the agenda.

Parks & Recreation Committee

- There is a meeting scheduled for August 10.

Personnel & Finance

- Next meeting is August 25. At this meeting, Mr. Reed will raise the question of whether CIP and P&F should merge. Currently, only half of the people present at meetings can vote depending on the issue. If the committees merge, everyone can participate. There will still be two Council members assigned for their issues.
- The 2022 budget is being reviewed. The allocation is currently double 2021, due to various factors.
- Mayor Carney asked about Councilman Terry's position if the committees merge. Mr. Lafayette responded that Mr. Terry can still be present.

Fire

- Ms. Pine reported that the Fire Department is in the hiring process for several positions.
- The Department is currently hosting trainings.
- The Fire Department is looking for several emergency notification systems.

Design Review Board

- The next meeting will be held on August 25.

Rules

- Mr. Reed did a review of the minutes and found that the Rules Committee was established at the first of the year. He is concerned that the committee is stymied in terms of being able to discuss what's in documents due to meeting constraints (meeting minutes, announcements, etc.). The Solicitor is reviewing possible solutions.

Old Business:

None

New Business:

First Reading: Resolution 27-2021 A Resolution Authorizing the Village Administrator to Accept the Bid of, and Execute an Agreement with Byrne & Jones Construction for the Plain City Uptown Parking Lot Improvement Project, and Requesting a Waiver of the Second Reading

Ms. Pine motioned to waive the second reading for Resolution 27-2021, seconded by Mr. Terry. All in favor.

Mr. Terry motioned to approve Resolution 27-2021, seconded by Ms. Giaimo. All in favor.

First Reading: Resolution 28-2021 A Resolution Authorizing and Directing the Village Administrator to Enter into a Pre-Annexation Agreement with Norman A. Beachy and Lois F. Beachy, Trustees

First Reading: Ordinance 24-2021 An Ordinance Authorizing the Village Solicitor to Accept the Material Terms of the One Ohio Subdivision Settlement Pursuant to the One Ohio Memorandum of Understanding and Consistent with The Terms of The July 2, 2021 National Opioid Settlement Agreement, and Requesting a Waiver of the Second Reading and Declaring an Emergency

Mr. Reed motioned to waive the second reading for Ordinance 24-2021, seconded by Mr. Terry. All in favor.

Ms. Pine motioned to approve Ordinance 24-2021 as an emergency, seconded by Mr. Reed. All in favor.

Motion: Authorizing the Administrator to Advertise for Sale Municipal Properties located at 213 S. Chillicothe Street pursuant to the Terms and Conditions Generally Detailed in Exhibit A included in the Council Meeting Packet.

Ms. Pine motioned to Authorize the Administrator to Advertise for Sale Municipal Properties located at 213 S. Chillicothe Street pursuant to the Terms and Conditions Generally Detailed in Exhibit A included in the Council Meeting Packet, seconded by Ms. Giaimo. All in favor.

Discussion Items:

Trick or Treat

Usually, the community goes with MORPC's decision, but this year Halloween is on a Sunday. Mayor Carney would like it to be 5pm – 7pm on Sunday. Last year it was held earlier in the day, due to other circumstances.

Mr. Terry's neighbors agree that it should be held on Sunday. Should Saturday be held as a backup day, in case of weather? Ms. Pine responded that this has never been done because of planning purposes. Council decided to hold Trick or Treat on Sunday, October 31, rain or shine.

Design Review Board ordinance

Mr. Lafayette has some follow up items from Worksession. Under the current DRB code, the issue is there is a difference between having a full rehearing of a case and determining whether an error was made in the statute or procedure. Typically, courts of appeals would look for plain error. With the DRB code, Mr. Lafayette believes that this is the way it should be. When you get into a full rehearing, the merits are being argued. What Mr. Lafayette recommends to Council is, because the way the code is written, a full de novo review being held. If the code was clearer, Council could have reviewed strictly for error, as opposed to rehearing it. The language may just need cleared up. At this point, any appeal could be held as a full rehearing and Council would be serving as a secondary DRB. Right now, Council should hold de novo hearings only, while looking to see if the Design Review Board made an error.

Mr. Reed believes that both types of hearings may result in a similar outcome, but Mr. Lafayette responded that that depended on how much of the application is brought up during the hearing.

Ms. Pine would not like Council to conduct de novo hearings. Mr. Reed is okay with however Council decides, but more explanation is needed on the procedures of the hearing. Mr. Lafayette would recommend that appeals have to cite where they believe the error is.

Mr. Terry asked if all buildings are under the DRB, and all guidelines apply to the buildings, and the bank building has the strictest rules due to it being a "Historic Building". Mr. Lafayette responded affirmatively and explained the historic building process determined by the Department of Interior. There will be some discretion to the Design Review Board, by the nature of the guidelines that are defined and how they are applied. This is similar to the process held by the Board of Zoning Appeals.

On this point, Mr. Reed asked if the DRB is able to make a decision that is clearly not within the guidelines, since they are flexible? He is unhappy that guidelines can be ignored if the Board chooses. Mr. Lafayette responded that the board members are appointed to take the guidelines seriously. He gave an example of one of the guidelines and how it could be interpreted differently based on the building the applicant was applying for.

Mr. Terry agrees with the distinction between the buildings and the district, and that there should be different sets of criteria for each. As the rewrite is done, everything that is in question should

be through – for example, who can appeal and how do we avoid pitfalls in the process? The process should be written very clearly to avoid questions in the future.

Mr. Lafayette asked what Council would like to do in the short term – should the appellate part be cleaned up before the rewrite?

Staff will clean up the language about the 60-day timeline and rewrite the appeal process. Council will review these draft ordinance changes.

Executive Session:

Ms. Pine motioned to enter Executive Session, seconded by Ms. Giaimo. All in favor

Pursuant to Ohio Revised Code Section 121.22 G (3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action.

Ms. Pine motioned to exit Executive Session, seconded by Mr. Terry. All in favor

Meeting adjourned at 8:03pm.

Clerk

Mayor