



Council Meeting Minutes
June 14, 2021
6:30pm via Videoconference and In-Person

Mayor: Jody Carney – Fiscal Officer: Renee’ Sonnett – Solicitor: Paul-Michael La Fayette
Council Members: L. Giaimo, S. Heineman, S. Pine, F. Reed, J. Rucker, M. Terry

Other staff present: Haley Lupton (Management Analyst), Nathan Cahall (Village Administrator), Renee Sonnett (Fiscal Officer), Paul LaFayette (Solicitor)

Visitors: Kayleen Petrovia, Mark Bennett

Call to Order

Mr. Rucker called the meeting to order at 6:30pm, followed by the Pledge of Allegiance.

Roll Call:

Present – L. Giaimo, S. Heineman, S. Pine, F. Reed, J. Rucker, M. Terry

Absent – Mayor Carney

Approvals:

Agenda: Council Meeting – June 14, 2021. No objections heard; agenda is approved.

Minutes: Council Meeting – May 24, 2021. No objections heard; minutes are approved.
Council Meeting – June 2, 2021. No objections heard; minutes are approved.

Reports:

Fiscal Officer

- The Auditors are onsite this week. Today is their first day.

Village Administrator

- The appraisal work is in progress and should be done by the end of the month.
- The Uptown Streetscape project is moving forward – the property owners have approved final site plans. The bidding process should begin soon.
- The Uptown Parking Lot should be closed by the end of the week. We are waiting on the Madison County Auditor to approve a parcel number. Bidding approval is on the legislative agenda tonight.

- Gay Street is starting to be put back together. Curbing went in this week. Sidewalks should be installed later this week.
- Staff had a good planning meeting last week for the Rock the Clock event logistics.
- Mr. Cahall distributed a preliminary listing of I&I reduction projects that can hopefully be accomplished by the end of the year. The estimates in the document in terms of cost are preliminary and are based on unverified assumptions (the sewers can be lined instead of needing full replacement). The handout also notes that the inflow calculations still need verified by the EPA to make sure that the math works.
 - Mr. Reed asked how I&I reduction is accomplished. Mr. Cahall explained that inflow and infiltration must both be managed – inflow is residents using water that becomes wastewater. This includes some combined sewer issues throughout the Village. Infiltration is the infiltration of groundwater. This is caused by rain events that are in the water table and seep into the sewer lines. Per Mr. Cahall, lining means a sleeve is put in the sewer and it fills the cracks and gaps in the pipe, reducing the infiltration. Before the work is done, a camera is sent through the pipe to locate where the taps are. After the lining is cured, a robot cuts the pipe and reconnects the sewer taps.
 - Mr. Terry asked about how the smoke test and how it comes into play with I&I. Mr. Cahall explained that the smoke test identifies inflow connections. If smoke is sent into the lines, and you can see smoke come out of catch basins, or downspouts, you can find out who is connected to the sewer lines and what may need disconnected or repaired. This process should be completed around the Fourth of July.
 - Mr. Reed asked about the estimated ~400 taps allowed after the I&I projects are installed and if the EPA will allow more taps go in as a result of the projects. Mr. Cahall responded that yes, that is the goal. Some of the calculations may be reduced based on the EPA's calculations, but it would still allow a sizeable number to move forward. This calculation also allows Council to determine the cost per Estimated Residential Unit (ERU).
 - Mr. Cahall elaborated that tonight's legislation for the supplemental budget request includes the American Rescue Plan Act (ARPA) funds that could be used to complete these sanitary sewer projects. Mr. Reed asked if the project could be completed without using the Recovery Act Fund dollars. Mr. Cahall noted that yes, if that's how Council chooses to fund the projects. The sewer capital fund would need appropriations from additional accounts, including the general fund/income tax fund/etc.
 - More discussion will take place during the Supplemental Budget Legislation.

President Pro Tem

- Worksession was held last week.

Solicitor

- Mr. Lafayette finalized the contract for the purchase of the Jackson Street property.
- He is working on a license agreement for the sidewalk project.
- He is working on the upcoming Design Review Board administrative appeals.

Capital Improvements

- Nothing to report but there may be some discussions at the next Personnel & Finance meeting.

BZA

- There is no BZA meeting this month.

Planning & Zoning

- There is a meeting Wednesday night at 6:30pm to look at the final Perry Pike development and some information on Hofbauer Preserve.
- The Zoning Code Update steering committee is taking place this month on June 29.
- UpCo is opening a grant application this month for any business within the Plain City limits. The grant application deadline is July 15.

Parks & Rec

- Nothing to report.

Personnel & Finance

- The last meeting was cancelled so the appropriations were not looked at by the Finance Committee. Mr. Reed would like the appropriations to be sent to the committee ten days prior to P&F committee meetings, and before it comes to Council.
- Mr. Terry will have more discussion items to mention later.
- There are two more charter ordinance substitutions tonight to be voted on.

Fire

- The board met last week. There have been a lot of personnel movements lately. There will be interviews for lieutenants and captains later this month.
- Mr. Reed asked Mr. Rucker about the funding of the fire department. Mr. Rucker responded that the fire department is funded as well as can be right now. The fire chief does a tremendous job squeezing the budget to the maximum effect and the area is lucky to have him.

Design Review Board

- There is an appeal hearing coming up to Council at the next meeting. Mr. Rucker will not be participating to avoid conflict.
- There was some discussion about the makeup of the DRB.

Public Hearing:

The public hearing was opened at 6:55pm. No comments were received. The public hearing was closed at 6:56pm.

3rd Reading - Ordinance 15-2021: An Ordinance Amending the Village of Plain City Codified Ordinance 1139.01(A) To Update the Planning and Zoning Commission Membership Composition Pursuant to the Municipal Charter Passage

Mr. Reed motioned to approve Ordinance 15-2021, seconded by Ms. Heineman. All in favor.

Old Business:

3rd Reading - Ordinance 07-2021: An Ordinance Amending the Village of Plain City Codified Ordinance Chapter 121 Establishing Council Meetings Place and Time and Notice of Meetings Pursuant to The Municipal Charter Passage

Ms. Pine motioned to approve Ordinance 07-2021, seconded by Ms. Giaimo. All in favor.

3rd Reading - Ordinance 08-2021: An Ordinance Amending the Village of Plain City Codified Ordinance Chapter 123 To Update the Codified Ordinance and Resolution Practices and Procedures Pursuant to the Municipal Charter Passage

Mr. Reed motioned to accept the introduced amendment for Ordinance 08-2021, seconded by Ms. Heineman. All in favor.

Ms. Pine motioned to approve Ordinance 08-2021 as amended, seconded by Ms. Giaimo. All in favor.

3rd Reading - Ordinance 09-2021: An Ordinance Amending the Village of Plain City Codified Ordinance Chapter 131 Establishing the Position of Mayor and The General Powers and Duties of The Mayor Pursuant to The Municipal Charter Passage

Ms. Heineman motioned to approve Ordinance 09-2021, seconded by Ms. Pine. All in favor.

3rd Reading - Ordinance 10-2021: An Ordinance Amending the Village of Plain City Codified Ordinance Chapter 133 Establishing A Village Administrator Form of Government and The Duties of The Administrator Pursuant to The Municipal Charter Passage

Ms. Heineman motioned to approve Ordinance 10-2021, seconded by Ms. Pine. All in favor.

3rd Reading - Ordinance 11-2021: An Ordinance Amending the Village of Plain City Codified Ordinance Chapter 135 Establishing A Fiscal Officer Position and the Duties of the Fiscal Officer Pursuant to The Municipal Charter Passage

Ms. Pine motioned to approve Ordinance 11-2021, seconded by Ms. Heineman. All in favor.

3rd Reading - Ordinance 12-2021: An Ordinance Amending the Village of Plain City Codified Ordinance Chapter 137 Establishing A Solicitor Position and The Duties of the Solicitor Pursuant to The Municipal Charter Passage

Ms. Pine motioned to approve Ordinance 12-2021, seconded by Ms. Giaimo. All in favor.

3rd Reading - Ordinance 13-2021: An Ordinance Amending the Village of Plain City Codified Ordinance Chapter 139 Establishing A Police Department and The Staffing, Organization and Chain of Command of the Police Department Pursuant to The Municipal Charter Passage

Ms. Pine motioned to approve Ordinance 13-2021, seconded by Ms. Heineman. All in favor.

3rd Reading - Ordinance 14-2021: An Ordinance Amending the Village of Plain City Codified Ordinance Chapter 715 Establishing Business Regulation Code for Cable Communications Pursuant to the Municipal Charter Passage

Ms. Heineman motioned to approve Ordinance 14-2021, seconded by Ms. Pine. All in favor.

3rd Reading - Ordinance 16-2021: An Ordinance to Provide for Removing the Village of Plain City Codified Ordinance Chapter 136 – Village Engineer/Zoning Manager Pursuant to the Municipal Charter Passage

Ms. Pine motioned to approve Ordinance 16-2021, seconded by Ms. Giaimo. All in favor.

3rd Reading - Ordinance 17-2021: An Ordinance to Provide for Removing the Village of Plain City Codified Ordinance Chapter 138 – Recreation and Parks Director Pursuant to the Municipal Charter Passage

Ms. Pine motioned to approve Ordinance 17-2021, seconded by Ms. Heineman. All in favor.

3rd Reading - Ordinance 18-2021: An Ordinance Establishing Codified Ordinance Chapter 134 To Create Clerk of Council Position Pursuant to the Municipal Charter Passage

Mr. Reed introduced an amendment for Ordinance 18-2021. Ms. Pine motioned to accept the amendment, seconded by Ms. Giaimo. All in favor.

Ms. Pine motioned to approve Ordinance 18-2021 as amended, seconded by Ms. Giaimo. All in favor.

3rd Reading - Ordinance 19-2021: An Ordinance Establishing Codified Ordinance Chapter 144 To Create the Personnel Board of Appeals and To Set Composition, Duties and Functions of the Board Pursuant to The Municipal Charter Passage

Ms. Heineman motioned to approve Ordinance 19-2021, seconded by Ms. Pine. All in favor.

2nd Reading - Ordinance 20-2021: An Ordinance Accepting the Transfer of PID#113450 Johnson Court/Gray Street Parcel from The Ohio Department of Transportation

2nd Reading – Resolution 16(a)-2021: A Resolution Amending the Village of Plain City Employee Policies and Procedures Handbook

2nd Reading – Resolution 17-2021: A Resolution Authorizing the Village Administrator to Apply for An Ohio Department of Transportation Permit

New Business:

1st Reading – Ordinance 21-2021: An Ordinance Authorizing the Village Administrator to Advertise and Accept Bids for the Uptown Parking Lot Project (Request Waiver of Three Readings)

Ms. Pine motioned to waive three readings for Ordinance 21-2021, seconded by Mr. Terry. All in favor.

Ms. Pine motioned to approve Ordinance 21-2021, seconded by Mr. Terry. All in favor.

1st Reading – Resolution 20-2021: A Resolution Authorizing and Directing the Village Administrator to Enter into a Purchase Agreement for Real Property Located at 183 Jackson Street, and Declaring an Emergency

Mr. Reed motioned to amend Exhibit 1 for Resolution 20-2021 to increase the time for an Environmental Assessment from 14 days to 60 days, seconded by Ms. Pine. All in favor.

Ms. Pine motioned to waive three readings for Resolution 20-2021, seconded by Ms. Giaimo. All in favor.

Ms. Pine motioned to approved Resolution 20-2021 as an emergency, seconded by Mr. Terry. All in favor.

1st Reading – Resolution 21-2021: A Resolution Approving a Supplemental Appropriation of Funds and Amendments to the Village of Plain City 2021 Budget, And Declaring an Emergency

Mr. Terry asked the total amount of the increase in appropriations. Mr. Cahall noted that it includes the purchase agreement for the real estate. This amount needs appropriated before it can be spent. There is also a placeholder for the upcoming ARPA funds. The new appropriation is at \$21.6 million, an increase from around \$21.4 million. Mr. Terry would like to see a timeline of these projects with the I&I, streetscape, etc. (anything that is a major expenditure) by the Worksession. Mr. Cahall noted that staff is still waiting on two answers from the EPA and hopes to have this timeline ready by the end of week.

Mr. Reed added that the General Fund account is around \$2 million. He asked, if some of these projects are started, can the overall budget handle the expenditures? Mr. Cahall responded that yes, these projects have been included in the overall budget.

Mr. Reed also noted that the ARPA funds are in the supplemental budget. He asked, in terms of the ARPA funds being appropriated, what are the planned use? Mr. Cahall responded that these dollars will have their own fund created. As placeholder, about \$350,000 have been identified for I&I reduction projects. Another \$100,000 will be held for other projects for Council to decide on as long as the usages falls under the ARPA guidelines.

Mr. Reed asked if the funds for the I&I project are being appropriated tonight. Mr. Cahall responded that yes, but it does not have to be appropriated tonight. A firm ARPA number has not been received yet. Mr. Reed does not want to see all the ARPA funds go to Village infrastructure. Per Mr. Reed, there are several items that still need to get done. He is ok with using the funds if it urgent to do so, but only if some of the projects still are on the final list. For the remaining funds, Mr. Reed would like to see a detailed discussion with Council about the amounts and how they can be spent. Mr. Reed would like to see some of the money go to businesses as grants. This would need a policy and procedure for determining how the money is spent.

Mr. Cahall responded that the Council can choose when they allocate ARPA funds.

Mr. Terry is in favor of completing the supplemental appropriation tonight so the I&I projects can get started.

Mr. Terry motioned to waive three readings for Resolution 21-2021, seconded by Ms. Pine. All in favor.

Mr. Terry motioned to approve Resolution 21-2021, seconded by Ms. Pine.

Yea – Terry, Giaimo, Heineman, Pine, Rucker

Nay – Reed

1st Reading – Resolution 22-2021: A Resolution Authorizing the Village Administrator to Enter into an Employment Agreement for the Position of Finance Director

1st Reading – Resolution 23-2021: A Resolution Amending Resolution 05-2021 Authorizing the Sale of Impounded Vehicles

Motion: A Motion Certifying Two Community Reinvestment Area (CRA) Agreements to the Jonathan Alder Local School District Board of Education for the Properties Located at 156 and 160 W. Main Street Pursuant to ORC 3735.671 A1

Mr. Reed believes the CRA agreement should not be before Council because it is missing information and may not be valid. The applicant was not supposed to begin work on the project at the time of the agreement. This building owner in question is already completing some of the remodeling, which makes the agreement false. Mr. Reed does not believe Council should consider the agreement.

Mr. Terry added that the filing date was April 30, so the work done today is irrelevant. He does not believe Council should be playing “gotcha”. Mr. Rucker added that the property owner went before the Design Review Board around that time so obviously had not started work by the date on the application.

There is some discussion about if the agreement must be in place before work is completed. This includes the agreement going before the school board and Council. Mr. Reed mentioned that other building owners know this rule, and the Development Services Agency website mentions that property owners should not begin work until the CRA is approved. Mr. Reed added that the CRA is in place to incentivize property improvements, not reward building owners.

Mr. Lafayette added that the Ohio Revised Code defines what remodeling is – an improvement to the building that makes it more inhabitable, more structurally sound, or improves its appearance. The overarching issue is the value before and after; an abatement is only on the improved value. Council should decide if they feel the work being done counts as remodeling or not.

Mr. Rucker said that the buildings are being improved with the new windows at this current time.

Mr. Terry emphasized that the CRA is in place to get people to reinvest in the area. He stated that the application would not result in a large amount of property taxes being forgiven, and the second look at the application after feels like an overreach.

Mr. Lafayette added that it is a technicality about windows and whether Council determines this to be remodeling.

Mr. Cahall added that the motion may want to be bifurcated since there are two properties. 156 W. Main is the property in question with the windows.

Mr. Reed does not believe that 160 W. Main should not be approved either because it does not include all relevant information that ORC requires. The applicant left a lot of spaces blank, including a project description. The Administrator is required to verify the information on the application including payroll numbers, employee numbers, project costs, etc. and Mr. Reed believes this was not done. Other problems include issues with annual reporting, and this would jeopardize the Village’s ability to issue tax exemptions in the future.

Mr. Terry noted that the process is in place to remove tax abatements if they do not comply with the agreements.

Council decided to bifurcate the CRA agreements.

Mr. Terry motioned to approve the CRA for 160 W. Main, seconded by Ms. Pine.

Yay – Pine, Giaimo, Terry

Nay – Heineman, Reed, Rucker

Motion failed.

Ms. Pine motioned to approve the CRA for 156 W. Main, seconded by Mr. Terry.

Yay – Giaimo, Pine, Terry

No – Heineman, Reed, Rucker

Motion failed.

After further discussion, the members decided the vote needed rescinded due to uncertainties on the separate properties.

Ms. Pine motioned to reconsider the original vote for 160 W. Main, seconded by Mr. Rucker. All in favor.

Mr. Rucker motioned to approve to certify the CRA agreement for 160 W. Main, seconded by Ms. Pine.

Yea – Terry, Giaimo, Pine, Rucker

Nay – Reed, Heineman

Motion passed.

Mr. Rucker motioned to reconsider the original vote for 156 W. Main, seconded by Ms. Pine.

Yea – Terry, Giaimo, Pine, Rucker

Nay – Reed, Heineman

Mr. Rucker motioned to approve to certify the CRA agreement for 156 W. Main, seconded by Ms. Pine.

Yea – Terry, Giaimo, Pine

Nay – Reed, Heineman, Rucker

Motion failed.

Discussion Items

None.

Mr. Reed announced that he has more discussion items, but the majority of Council decided the discussion can't occur since they weren't on the approved agenda.

Meeting adjourned at 7:51pm.