



Council Meeting Minutes
May 10, 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

Others present: Haley Lupton (Management Analyst), Nathan Cahall (Village Administrator), Renee Sonnett (Fiscal Officer), Paul LaFayette (Solicitor), Taylor Brill (Zoning Inspector), Dale McKee (Police Chief)

Visitors: Mark Bennett, Kayleen Petrovia

Call to Order

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

Roll Call: Present – Ms. Carney, Ms. Giaimo, Ms. Heineman, Mr. Reed, Mr. Rucker, Mr. Terry

Absent – Ms. Pine

Approvals:

Mr. Reed motioned to approve the April 26, 2021 Council Meeting Minutes, as amended, seconded by Mr. Rucker. All in favor.

Mr. Reed motioned to approve the May 5, 2021 Council Worksession meeting minutes, as amended, seconded by Ms. Giaimo. Four yea votes, Ms. Heineman abstained.

Reports:

Mayor:

- Madison Meadows had their groundbreaking ceremony last week.
- National Day of Prayer was held last week with local leaders. It was a successful event with good attendance.
- Ladies’ Night Uptown was last Thursday – there were around 50 participants, despite the weather. The area businesses were pleased with the foot traffic.
- The Plain City Arts Council has been meeting to discuss ways to increase art events in the community. Mrs. Ann Gorman will be starting a Plain City Choir; they will meet next week. Mr. Rodriguez is also having auditions for plays.
- Thanks to Plain City Area Ball Association for the parade on Saturday.

Fiscal

- Staff attended training last week for Fiscal backup – training included payroll and other tasks.

Police

- Officer Howard completed a five-day Field Training Officer course in Dublin, Ohio.
- Plain City's first parade of the year, the baseball parade, went without incident and was well attended. The Jonathan Alder Senior Parade is scheduled for May 23, 2021 at 5:00 PM.
- Reminder that this week is National Police Week until May 15th and that the Union County Law Enforcement Memorial is Thursday 5/13/2021 at 7:00 PM at the Union County Common Pleas Court House. Chief McKee will be the Master of Ceremony. All are welcome to attend.
- Officer Rubio has satisfactorily completed his six-month probationary period and it is Chief McKee's recommendation that he be removed from probation according to section 737.17 of the Ohio Revised Code.
 - Mayor Carney recommended that Officer Rubio be removed from probation. Mr. Reed motioned to remove Officer Rubio from probation, and Ms. Giaimo seconded the motion.

Administrator

- The Villa Drive watermain project will hopefully be completed by the end of the week.
- The Gay Street project is wrapping up around the bridge. Next is the road base, sidewalk and curb work.
- The paving program is close to being ready to be advertised.
- Staff is waiting on final mortgage release for the Parking Lot Project.
- The pool starts up process is in full swing. It should be filled in the next week.
- The Recovery Act dollars are scheduled to be received in the next week or two. This will be an item on a future Worksession. Council will have some decisions on where this money should go. We will have until 2024 to spend the dollars. The current state of material costs is extreme – Council may want to wait on some projects. Mr. Reed asked if material costs would be this high long-term? Mr. Cahall responded that between the pandemic and the Recovery Act dollars allowing projects to start for several municipalities, we may see materials go down when in the future when supply can be caught up.

President Pro Tem

- Last week's Worksession was held in person.

Solicitor

- Nothing to report.

Capital Improvements

- A new member recommendation is on the agenda tonight.

BZA

- At the last meeting, a signage request was rejected.

- The May meeting will take place next week.

Planning and Zoning

- There is a meeting in May. Ms. Brill reported that there will be replats at the Lovejoy parking lot, and a Darby Station variance. Also on the agenda will be a potential subdivision south of Madison Meadows.

Parks and Recreation

- Meeting tomorrow at 6:30pm

Personnel & Finance

- Meeting Wednesday night. The Committee will be discussing Personnel Manual updates and potentially the American Recovery Act funds and how they will fit into the budget.

Fire

- Met last Thursday. There are going to be several full timers leaving the organization, so they will be hiring soon. There is also a vehicle that needs replaced.

Design Review Board

- DRB heard a number of applications two Wednesday ago. There were two approvals and two denials. Approved was a bar and stage in the area behind The Grainery. The property owner will also be installing several sections of fence.
 - Mr. Reed asked about the noise issue of the stage. Mr. Rucker responded that noise issues are not in the scope of the Design Review Board. Mr. Reed asked if the noise ordinances should be reviewed, Mr. Rucker suggested that be an item for the police department if it becomes an issue.
- Mayor Carney mentioned that the owner of the church on Chillicothe Street will be replacing the windows in the next few weeks.

Charter Transition Committee

- Nothing to report.

Old Business:

Nothing to report.

New Business:

Motion: Nomination of Libbi Gallagher for Capital Improvement Planning Committee

Mr. Terry motioned to approve the nomination of Libbi Gallagher for Capital Improvement Planning Committee; Ms. Giaimo seconded the motion. Five yea votes.

Mr. Reed brought up the issue on how Ordinances are put on the agenda. He would like discussion on the Charter Ordinances before they are read or have motions made to approve agenda items. Mr. Terry suggested that an agenda item be added for "Acceptance of Agenda" at the start of every meeting.

Mr. Lafayette responded that legislation is only be required to be read three times. Council is able to adopt further rules and procedures on how they handle legislation. However, there are administrative things that come up during the week that will not be able to have a motion made on them.

Mr. Reed noted that the Charter gives the Mayor the authority to submit the agenda to Council. Mr. Rucker noted that we are not currently operating under the Charter. Mr. Reed responded that Council is currently responsible for the agenda. Mr. Lafayette responded that the Mayor could put whatever they want on the agenda and then, once an item is on the agenda, Council can act on it or not. Since the Ordinances are in their first reading, they cannot be acted on.

Mr. Reed would like to see Council require a motion to put things on the agenda. Mayor Carney responded that there is opportunity for discussion after the readings of each ordinance or resolution on the agenda. She also emphasized that the Charter Transition Committee has reviewed the ordinances. The Committee reviewed the red-lined ordinances provided by staff and have approved the ordinances that are on the agenda tonight.

Ms. Giaimo, Mr. Terry, Ms. Heineman agreed to move on. Mr. Terry added that he would like to see the motion request to accept the agenda as stated. This will give Council the opportunity to amend the agenda as they see fit, in the future.

1st 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

Mr. Reed commented that these ordinances should just reference the Charter, and not codify the changes. For example, the meeting time should not be codified because it is difficult to change. If these items are set as rules, Council can make motions to change things like the time, when it is necessary. Mr. Reed would not like the Charter language to be cut and pasted into the codified ordinances. Some solutions include deleting the Codified Ordinance, refer to the Charter, and amend it as necessary or Council could include the Charter by reference in the sections and remove the current language.

Mr. Reed also noted that, once Ordinances are read, they can be amended without restarting the readings.

Mayor Carney said that, during the Zoning Code Rewrite, they are asking staff to be very clear in the codified ordinances. She took that direction for the charter changes as well. Mayor Carney suggested that the Charter language could be included in the ordinances, as well as the references.

Mr. Lafayette responded that, we do not need to cut and paste the Charter language into the Codified Ordinances. Job, duties, and responsibilities are in the Charter. However, each of these sections has some duties that are delegated. For this reason, the sections should not be deleted altogether and should be left as placeholders. Anything inconsistent with the Charter can be deleted.

The Mayor asked if setting the details, such as the meeting times, helps to ensure that everyone is on the same page and sets clear rules for staff for notifications. Mr. Lafayette responded that Ohio Revised Code does not prohibit Council from adopting these ordinances, but do not require it. As long as the notice is given, Council can follow the rules that they have adopted.

To move meetings that have date and times codified, Council will continue to give proper notice to the public and will need to continue to meet all notification requirements under this requirement.

Mr. Reed would like Council to give the format of the ordinances some thought. He will provide further language for the alternative ordinances.

1st 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 noted that he believes procedural rules should not be codified. The procedural rules will remain in the Charter and can be referenced in the Ordinances. This will allow the change of rules for specific situations without the passages of more ordinances. A motion can be made to suspend or change the rules, in these cases. Mr. Reed will not vote for the adoption of this ordinance.

1st 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

1st 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

1st 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

1st 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

1st 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

1st 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

1st 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

1st 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

1st 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

1st Reading - Ordinance 18-2021: An Ordinance Establishing Codified Ordinance Chapter 134 To Create Clerk of Council Position Pursuant to the Municipal Charter

1st 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

Mr. Reed would like to amend Ordinance 19-2021 because it does not describe a Personnel Board of Appeals. He would like Council and staff to further review the ordinance and put more content into the ordinance.

Discussion items:

- *Uptown Streetscape Project:* Mr. Rucker asked Mr. Cahall if there is a clearer path forward on the Uptown Streetscape project after today’s meeting with the property owner, Council members, and Mr. Cahall. Mr. Cahall responded that there is a good understanding between the engineer and the property owner, and a middle path forward can be decided on. Mr. Rucker appreciated Mr. Reed and Ms. Giaimo for joining him at a meeting with the property owner today. Mr. Reed noted that the walkthrough helped all parties understand each other’s concerns and he looks forward to the final plan.

Executive Sessions:

Executive Session – Pursuant to Ohio Revised Code Section 121.22 G 2 – To consider the purchase of property for public purposes, the sale of property at competitive bidding, or the sale or other disposition of unneeded, obsolete, or unfit-for-use property in accordance with section 505.10 of the Revised Code.

Ms. Giaimo motioned to enter executive session, seconded by Mr. Terry. All in favor.

Mr. Rucker motioned to exit executive session, seconded by Mr. Terry. All in favor.

Executive Session – 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. Giaimo motioned to enter executive session, seconded by Mr. Terry. All in favor.

Mr. Terry motioned to exit executive session, seconded by Mr. Rucker. All in favor.

Meeting adjourned at 8:42pm.

Minutes submitted by Haley Lupton, Management Analyst

Haley Lupton

Clerk/Management Analyst