



**COUNCIL MEETING MINUTES**  
**September 13, 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

**Call to Order:** Pledge of Allegiance

Present- J. Carney, J. Rucker, L. Giaimo, S. Heineman, S. Pine, F. Reed, M. Terry  
Absent-

**Approvals:** Agenda: Council Meeting – September 13, 2021

Mr. Rucker motioned to approve the agenda as amended, seconded by Mr. Terry. All in favor.

Amended as follows:

Mayor Carney added a presentation of a proclamation.

Adding noise ordinance as a discussion item.

Removal of first reading of Ordinance 27-2021

Mr. Rucker's position will be changed to "President" on future agendas.

Minutes: Council Meeting – September 1, 2021

Ms. Pine motioned to approve the minutes, seconded by Mr. Terry. All in favor.

**Proclamation:**

Mayor Carney declared September 2021 as Childhood Cancer Awareness Month. The mayors of Madison County will be organizing a fundraiser for this cause.

**Visitors:**

Lucas Gutierrez – raised concerns about parking changes on Murlay Drive. Residents would like the parking restrictions to be reduced to at least one side of the street. His written comments have been submitted into the record.

Mayor Carney responded that Darby Fields was used as an example, establishing one-sided parking. Mr. Cahall reiterated that the fire and police department were consulted on the curbs that needed parking restrictions. However, he agrees that the length of the zone is more than may be necessary on Murlay and Dickens, and perhaps parking could still be allowed on the outside

of the curb. Conditions may change on the streets going forward. The ‘no parking’ moratorium will continue, and the program will continue to be evaluated.

Ina Medici – Ms. Medici recently submitted a Design Review Board application and believes the Village might have an issue with security issues with that form.

Ms. Medici also asked about the parking changes on North Chillicothe with the 15-minute parking limit and if they are permanent. Mayor Carney responded that these changes are temporary while the parking lot improvement project is being completed. These signs will be removed when the parking lot project is done.

Eric Medici – Mr. Medici asked Council if they were aware that the Design Review Board is against installing a handicap ramp anywhere on Main Street. The Design Review Board rejected his handrail application based on the handicap ramp. His opinion is that the decision needs vacated. Ms. Pine recommended filing an appeal and get the Solicitor’s opinion as soon as its available.

Andy Leer – 127 W. 1<sup>st</sup> Avenue. Mr. Leer would like Council to continue on a solution regarding the noise ordinance. Mr. Leer offered to help, as a sound specialist and a close neighbor, with the changes being made. There may be solutions available such as equalization.

Mike Walter – Mr. Walter appreciates Council’s determination to update the noise ordinance correctly. He suggests that residents form a committee to review the ordinance, so their input is taken. One member could be a council member. Mr. Walter also read Ordinance 1183.07 regarding public nuisances. He asked how a public amphitheater downtown was allowed in the first place, since the intent was always to have live music.

Debbie Freter – Ms. Freter appreciates the changes downtown Plain City but agrees that the noise on weekends is too loud. Some residents are unable to open their windows due to the noise.

## **Reports:**

### Mayor

- Working with staff on the fall and holiday events coming up. There will be a Plain City business event coming up in October.
- Working with farmers on identifying low-hanging electric lines with utility companies for safety purposes.

### Finance Director

- Audit has been accepted by the State.

### Chief

- Interviews for the Administrative Assistant position will be held this Wednesday.

### Village Administrator

- Streetscape project pre-construction is tomorrow afternoon, and a timeline will be available after.
- Tonight's agenda includes a request to award a contract to complete the water line project. This is a vital safety project.
- Paving project is completed, below budget, besides a few punch-list items.
- The Public Works building RFQ is underway and should be sent out soon.
- The Uptown Parking Lot project is in full swing. The Village is trying their best to accommodate neighboring businesses and residents.
- The flatiron accident has received a proposal from the insurance carrier, but the Village plans to negotiate.
- Mr. Terry asked about census data. Nothing official has been received, but Mr. Cahall has seen some preliminary numbers.

#### President

- Nothing to report.

#### Solicitor

- Nothing to report.

#### Capital Improvements

- Met last month to review budget and compensation documents. The next meeting will be September 29.

#### BZA

- Meeting on September 21 on a model home. There is still an opening on the board.

#### Planning & Zoning

- Meeting September 15. There is one item on the agenda – Hamlet on the Darby.

#### Parks & Recreation Committee

- Meeting September 14.

#### Personnel & Finance

- Currently reviewing the 2022 budget and wage update study.

#### Fire

- Last meeting was September 2. Fire prevention week is October 3 – 9. The fire department is having an open house and will be working with elementary schools.
- Hired three part-time staff.
- Completed an active shooter training.

#### Design Review Board

- Met on August 25. One application was denied, and one application was withdrawn.

#### Rules

- Will be updated during the discussion portion.

### **Old Business:**

**2nd Reading – Resolution 30-2021:** A Resolution Authorizing and Directing the Village Administrator to Execute a Community Reinvestment Area Abatement Agreement for the Property Located at 160 W Main St.

Mr. Reed believes the agreement is missing essential elements as required by Ohio Revised Code. He requests a tabling of the resolution to gather more information to comply with ORC.

Ms. Pine motioned to approve Resolution 30-2021, seconded by Mr. Terry.

Yay- Rucker, Pine, Giaimo, Heineman, Terry

Nay- Reed

**2nd Reading – Resolution 31-2021:** A Resolution Authorizing and Directing the Village Administrator to Execute a Community Reinvestment Area Abatement Agreement for the Property Located at 156 W Main St.

Mr. Reed repeated the same objections as to Resolution 30-2021.

Mr. Terry motioned to approve Resolution 31-2021, seconded by Ms. Pine. All in favor.

Yay- Rucker, Pine, Giaimo, Heineman, Terry

Nay- Reed

**2nd Reading: Ordinance 26-2021:** An Ordinance Amending Village Ordinance Sections 1327.10 and 1327.11 Concerning the Uptown Plain City Historic District

Ms. Pine motioned to approve Ordinance 26-2021, seconded by Ms. Giaimo. All in favor.

Mr. Reed suggests that the Charter (section 3.01(a)(10)) will coincide with the Design Review Board changes and will change the appeal process as written in the ordinance. The current language is in conflict with the updated ordinance.

Ms. Pine believes that code is specifically outlining a Design Review Board appeal. Mr. Terry asked for a response from the Solicitor. Mr. Holthus stated that he would think that the section in the Charter being referred to is regarding investigating a conduct in office. The ordinance would not apply to this appeal process. Mr. Terry would like to delay the vote until further opinion can be received.

Mr. Rucker motioned to table Ordinance 26-2021, seconded by Ms. Giaimo. All in favor.  
Ordinance tabled.

**New Business:**

**Motion:** Merger of Capital Improvement Projects/ Personnel & Finance Committees

Mr. Reed motioned to approve the merger of the CIP/P&F committees, seconded by Ms. Pine. All in favor.

**Motion:** Appointment of Ronald Price to the Design Review Board

Mr. Price was in attendance and introduced himself. He has experience helping contractors through the design process with municipalities.

Ms. Pine motioned to approve the appointment of Ronald Price to the Design Review Board, seconded by Ms. Giaimo. All in favor.

**Motion:** Appointment of Derek Gibson to the Personnel Appeals Board

Ms. Pine motioned to approve appointment of Derek Gibson to the Personnel Appeals Board, seconded by Ms. Giaimo. All in favor.

**Motion:** Appointment of Becky Atcheson to the Personnel Appeals Board

Ms. Pine motioned to approve the appointment of Becky Atcheson to the Personnel Appeals Board, seconded by Ms. Giaimo. All in favor.

**1st Reading: Resolution 33-2021:** A Resolution Authorizing the Village Administrator to Accept the Bid of, and Execute an Agreement with J&J Schlaegel, Inc. for the Plain City Jackson Boulevard and Wesley Avenue Water Main Improvement Project, and Requesting Waiver of Second Reading

Mr. Rucker motioned to waive the second reading for Resolution 33-2021, seconded by Ms. Pine. All in favor.

Mr. Rucker motioned to approve Resolution 33-2021, seconded by Ms. Pine. All in favor.

**1st Reading: Resolution 34-2021:** A Service Resolution in Support of the Proposed Annexation of Property Containing 79.644 Acres More or Less from Darby Township, Madison County, Ohio to the Village of Plain City, Madison County, Ohio Pursuant to the Requirement of Section 709.023 Ohio Revised Code.

**1st Reading: Resolution 35-2021:** A Resolution Regarding Zoning Buffers in a Proposed Annexation of Property Containing 79.644 Acres More or Less from Darby Township, Madison County, Ohio to the Village of Plain City, Madison County, Ohio Pursuant to the Requirement of Section 709.023(C) Ohio Revised Code.

**1st Reading: Resolution 36-2021:** A Resolution of Commitment to Sustainable2050

**1st Reading: Ordinance 27-2021:** An Ordinance Repealing and Replacing Village Ordinance 509.10

Ordinance removed during agenda approval.

**Discussion Items:**

*Uptown Walk Through - October 6 at 6:00pm*

Mayor Carney would like Council to meet Uptown on October 6 to help plan for the next phase of the Uptown Streetscape. Mr. Terry would like to see the full scope of the potential project.

Meeting time determined to be 6:00pm. Worksession will be held immediately after.

*Rules Committee*

Mayor Carney would like to gather Council's intent for the committee. At the last Rules Committee meeting, there were some questions about the purpose of the committee.

Mr. Terry stated that the Charter did not establish a rules committee. The committee was supposed to exist to write rules and then be dissolved. He would be fine with Village staff and the Solicitor writing up a sample set of rules to be presented to Council. There is already guidance available and those can be determined by the full Council. Ms. Giaimo and Ms. Pine agreed.

Mr. Reed agrees that rules will cause issues and discussion no matter how they are presented. There are other municipalities that have Rules Committees, and they have good use. However, if Council does not want a Rules Committee, it does not have to. He does not agree that rules shouldn't be that hard; they may be as complicated as a Charter. Mr. Reed has reviewed other sets of rules from municipalities, but they may not be applicable to Plain City, or reviewing an existing document may take a while.

Ms. Giaimo agrees that the rules will be taken seriously, but Council will all have to look at it anyways. The rules won't be easy but may be easier with all voices at the table during development. Ms. Heineman agrees that the committee may be dissolved. Ms. Pine explained that larger cities have a Rules and Refence Committee, and it may be needed in the future, but not at this time.

The motion will be added to the next Council agenda.

*Noise ordinance*

Mr. Terry would like further review of the ordinance before a first reading is done. He appreciates the idea of a sub-committee of residents, the police department, businesses, and a council member, if an impartial committee can be found. It would also be with the understanding their decision may not be implemented. Ms. Giaimo would like a demonstration of the decibel

levels, if possible. Mr. Reed agrees that although decibels are a good way to measure noise, the residents would rather not hear any of the noise. The measures should also include language about noise crossing boundaries. However, Mr. Terry does not believe that this is possible because it will result in the businesses shutting down. Instead of pushing forward, a group of people should help to determine what a reasonable level may be.

Mr. Reed reiterated that residents could hear the noise in their living rooms and, until that is resolved, the residents will not be happy.

Mr. Walter explained that residents do not mind government-sanctioned events but agrees that as long as he can keep hearing the music, he will not be happy.

Mr. Terry noted that, without a pragmatic approach on this ordinance, everyone will continue to be unhappy. There will always be upset people. Ms. Giaimo agreed but stated that there must be some sort of medium that can be reached.

Mr. Cahall asked Council if it would be helpful if staff put together real-world examples of decibel levels. Mr. Reed added that a noise ordinance would not affect necessary noise and permitted events. He believes “plainly audible” is good standard to use and should not be found objectionable. However, Ms. Giaimo disagrees that that is a standard can be applied to different people. This language is currently in the ordinance and if left in, it will not solve the issues.

Mayor Carney asked Council their thoughts on forming a resident-business owner committee. Mr. Leer should be contacted. This will be like any other committee, and the Mayor can present who she believes is qualified. Anyone will be welcome to attend. The other option is to have open meetings at the Administration building.

Mayor Carney will formulate a committee of people and set a time frame of meetings. The committee will only make recommendations to Council on what they will see as valuable changes. Mr. Walter suggests that an attorney review the current ordinance. Mr. Terry responded that the Solicitor has already reviewed it and believes that the current noise ordinance will stand up in court. With the many complaints, it has become an enforcement issue and putting the onus on the police department has become the issue. Council has decided to remove the gray area of the ordinance.

Chief McKee added that the first noise ordinance was written because of the bars that used to be downtown. Per Chief, it is not true that downtown used to be completely quiet. Bars used to play live music loud enough to be heard in other subdivisions.

A resident suggested that a committee member take readings during live events to determine the decibels in separate locations through town to determine actual levels.

Mayor Carney will work on the committee and start contacting potential members.

Meeting adjourned at 8:24pm.