



**Council Meeting Minutes**  
**June 28, 2021**  
**6:30pm**  
**Special Meeting & Worksession**

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

Staff present: Haley Lupton (Management Analyst), Nathan Cahall (Administrator), Renee Sonnett (Fiscal Officer), Dale McKee (Police Chief), Paul Lafayette (Solicitor)

**SPECIAL MEETING**

**Call to Order**

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

**Roll Call:**

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

**Approvals:**

Mr. Rucker motioned to approve the July 7, 2021 Council Special Meeting Agenda, seconded by Ms. Heineman. All in favor.

Ms. Pine motioned to approve the July 7, 2021 Council Worksession Meeting Agenda, seconded by Mr. Rucker. All in favor.

Mr. Rucker motioned to approve the June 28, 2021 Council Meeting Minutes, seconded by Ms. Giaimo. All in favor, Mr. Terry abstained.

**New Business:**

**1<sup>st</sup> Reading - Resolution 25-2021:** A Resolution Establishing Water and Sewer Capacity Fees for Connection to and Use of Plain City Public Water and Sewer Systems up to 8” in Diameter (Request Waiver of Two Readings)

Mr. Reed asked what these fees go towards and if they are negotiable. Mr. Cahall responded that the fees are used for Village water and sewer improvements, and are not normally negotiated.

Mr. Rucker motioned to waive the two readings, seconded by Ms. Pine. All in favor.

Mr. Rucker motioned to approve Resolution 25-2021, seconded by Ms. Pine. All in favor.

**Motion:** Reconsideration of a Motion Certifying a Community Reinvestment Area (CRA) Agreement to the Jonathan Alder Local School District Board of Education for the Property Located at 156 W. Main Street Pursuant to ORC 3735.671 A1

Mr. Reed emphasized that this motion is only to send the CRA agreement back to the School Board, and does not approve the resolution that grants the CRA.

Mr. Rucker motioned to approve the motion, seconded by Ms. Pine.

Yay – L. Giaimo, S. Heineman, S. Pine, J. Rucker, M. Terry

Nay- F. Reed

**Motion:** To Accept the Resignation of Brad Swank from the Board of Zoning Appeals

Mr. Terry motioned to approve the resignation of Brad Swank, seconded by Ms. Pine. All in favor.

**Motion:** To Appoint Brad Swank to the Planning and Zoning Commission

Ms. Pine motioned to approve the appointment of Brad Swank, seconded by Mr. Terry. All in favor.

**Motion:** To Appoint Randa Prendergast to the Board of Zoning Appeals

Mr. Terry motioned to approve the appointment of Randa Prendergast, seconded by Ms. Pine. All in favor.

**Motion:** Adoption of Council Rules

Mr. Reed motioned to accept the Council Rules as written, but after further discussion, this item has been tabled for future meetings.

Mr. Terry mentioned that Robert's Rules have been discussed before, but they're included in the Council rules as proposed. Mr. Rucker noted that the Ohio Municipal League has their own set of rules that they follow. Mr. Terry asked Mr. Reed his opinion on staying with the Ohio Municipal League procedures.

In Mr. Reed's research, he has found that most municipalities follow Robert's Rules, but is open to discussion.

This item will be further discussed during Worksession.

Ms. Pine motioned to adjourn the Special Council Meeting, seconded by Ms. Giaimo. All in favor.

## **WORKSESSION**

Mr. Rucker called the July 7, 2021 Worksession Meeting to order.

### **Noise Ordinance**

Mayor Carney would like to revisit our ordinance because it does not give measurable details on the noise regulations. Mr. Reed had emailed Mr. Lafayette to review the ordinance.

Mr. Lafayette reported that the main concern during the original drafting of the ordinance was about measurement – decibels, locations, etc. The language in the ordinance is drawn from constitutional cases that went through a similar process. The distinction is the hours identified, (between 9am – 7pm on weekdays and 11am – 11pm on weekends). If noise is heard after these hours, it is a de facto violation. Noise heard during the hours is more discretionary. The main discussions when the ordinance was being written were about weekends, and the enjoyment of the music and the residences at their houses. The rest of the language was drawn from cases that went before the Supreme Court.

Mr. Rucker asked Chief McKee if decibel meters need to be set. Chief responded that this would be easier than using the officer's discretion on how loud the music is.

Mr. Rucker also emphasized that the stage was approved by the Design Review Board because it is in the Uptown district. However, the DRB does not review use.

Mr. Terry added that, the businesses have the right to have their business open and draw crowds. He believes that any business in the business district should be able to enjoy their business. The police do not write tickets for excessive noise until after 11:01pm. He does not want to limit the business's ability to profit. However, excessive noise should be dealt with.

Mayor Carney has reached out to Mr. Dawson about maintaining the noise. She sympathizes with the business owner and the residents. She has suggested potential sound absorbing measures around the stage. Mr. Rucker agreed that the noise goes one way due to the metal wall. Mr. Dawson has agreed to look into some measures, because he does not want to be a bad neighbor.

Mr. Rucker added that the ordinance should remain big picture, and how it should be written going forward. The current ordinance is written for only the business district.

There was some more discussion about potentially measuring decibel levels.

Council asked Mr. Lafayette to complete some further research on neighboring communities, and how they have written their noise ordinances, and then to make some suggestions for Plain City. Mr. Lafayette stated that the challenge will come from how small the Plain City business district is, and how close it is to the neighborhoods. Ms. Pine asked that special events have a permit process in the future and Mr. Reed suggested maybe this could be a ballot measure.

### **Neighborhood Parking**

Mayor Carney has heard from residents in Darby Fields that they would like parking on one side of the street, for emergency purposes. Mr. Reed asked if this request is for village wide. Mayor Carney is not sure – Mr. Rucker stated that Carriage Drive is bad when there is parking on both side of the street. Mr. Terry defers to the Chief and Fire Chief, since this is potentially a safety issue.

Mr. Cahall noted that several side streets do get tight and narrow when there is parking on both sides. There are a handful that come to mind as narrow. Administratively, between the Chief and Administrator, the Village will work on a plan, identify some areas, and put a plan in place.

Mr. Terry would like the Village to defer to the Fire and Police Chief. Mr. Lafayette asked if this was in the subdivision plans – but there are more concerns about the older neighborhoods.

Mr. Cahall listed some areas that he can think of that would be a good fit for the parking changes due to how narrow the streets are. Chief McKee noted that there are concerns about North Chillicothe Street right now. Mr. Cahall will work with Chief McKee and Chief Kidd on creating an exhibit for potential parking changes.

### **Commercial Solicitation**

Mayor Carney is aware that there is a permit process in place for commercial solicitation, but it is still a nuisance to residents. She would like to ban commercial solicitation in the Village. Mr. Rucker would be fine with more restrictions. Mr. Lafayette will do some research on what can or cannot be done.

### **Gay Street**

Mr. Cahall provided a construction update. The paving will be taking place next week and the road should be opened up a few days later. There will be some punch list items, but it is progressing within budget.

Residents have expressed concerns about the curb lines. Mr. Cahall noted that, when Council was designing the project, they were faced with a parking problem. After several open houses and resident notifications, the one-way design was determined with consent (two residents submitted concerns). Residents did want to make sure that the one-way street was not a speeding zone, so the curbs were designed as traffic calming measures, in lieu of speed bumps. The con is that it eliminated a few on street parking spaces. Mr. Cahall added that the curb line looks exaggerated now, but will look better when the asphalt is filled in. Overtime, the Village can reexamine the traffic calming measures, if desired.

Mr. Reed asked about the email from the resident to Council. Ms. Pine suggested that Council explain the purpose of the bump outs. Mr. Cahall added that the contractor is taking care of the unlevel concrete sidewalk. The one-way signs will be put out before the road is open to non-local traffic.

Mayor Carney added that some residents have expressed concern about the entrance into the Post Office off of Maple. Mr. Cahall stated that the Post Office's permission would be needed for this project.

Ms. Heineman suggested the post office make a one-way loop around their building, to make it an easier process.

### **Council Rules & Procedure**

Mr. Terry would like some further information on the best method to create Council rules, so they are not stalled in business.

Mr. Lafayette stated that the Revised Code does not require a specific procedure, but he will find some various rules that Council could follow. Mr. Reed stated that most procedural rules can be suspended, if

necessary, so business is never stalled. The only thing that cannot be suspended is ordinances and the Charter. Rules can be amended with notice, as well.

Mr. Terry asked about the length of time that rules need to be established. The rules do not need to be adopted today, per Mr. Lafayette. Mr. Reed suggested that some more research is done on the Ohio Municipal League rules. He added that the rules should be kept simple.

There was some discussion about what qualifies as a Special Meeting.

Ms. Pine commented that quorums for Committees and Boards might not need defined in the rules, since they are specific in the code or Charter.

There was some discussion on who can and cannot submit and/or introduce legislation to Council. Mr. Lafayette stated that the Charter has permissive language, not prohibitive language. Per the Charter, the Administrator, Council and Mayor can submit legislation.

Ms. Pine also asked about standing committees, specifically Planning & Zoning and the Personnel Board of Appeals, since a Councilmember is not on these committees. Mr. Reed is open to taking these out based on Ms. Pine's interpretations. Ms. Giaimo added that, if committees are added or deleted, the rules would need updated, so it's better to leave them out.

Mr. Reed asked Council if they believe quorum should be defined. Mr. Rucker agreed with Ms. Pine that there may be exceptions. Ms. Pine is ok with leaving it in, as long as the boards and committees wording is removed. Mr. Reed noted this feedback and added that committees will have their own rules developed.

There was further discussion about the makeup of committees, and how they are determined by ordinance already. Mr. Reed will take this feedback and bring it to the next meeting.

Ms. Pine asked if there is a need for a Rules Committee. Mr. Reed has been working with Ms. Giaimo but would need a third member for an ad hoc committee. Council will vote on this at the next Council meeting.

### **Personnel Appeals Board**

Council would like to dial into who shall make up this board.

Ms. Giaimo would like someone with Human Resources experience to be on the committee. Mr. Cahall added input that, ideally this board will not meet beyond an annual organization meeting. Some specialized members are ideally, with HR, business owners, legal experience, labor relations, Civil Service Commission, etc.

Ordinance 19-2021 mirrored the language in the Charter, with the nomination process, terms, etc. The Personnel Handbook detailed the filing of grievances to the Board. The ordinance does not set residency requirements for this board. Mr. Terry suggested that the mayor find members that can sit on this board. Council agreed that non-residents who have the qualifications for this board can be appointed.

Mayor Carney will nominate the three members at the next Council meeting.

### **Wastewater Treatment Plant Expansion Project**

Mr. Cahall provided an update on the wastewater treatment plant expansion project. CT Consultants are present for informational purposes.

Per Mr. Cahall, the National Pollutant Discharge Elimination System (NPDES) should be submitted next week. After this, the public notification process and public comment process will start after EPA review. This process will take 60 days. Information will be compiled by EPA and then the report is forwarded to US EPA for review (35-40 days), before it is returned to the State for a final permit. Concurrently, the PTI permit process is ongoing. If stars align, everything will be completed by January. As part of this project, the scope has changed so the Division of Environmental Finance (DEFA) loan must be renominated. A memo to Council was distributed to show the annual debt service, and resolutions will be submitted to Council later in the year. Once the bidding process is complete, the EPA will release funding.

Wes Hall and Tom Aldrich were present from CT Consultants. They discussed the improvements to the Wastewater Treatment Plant. They presented the current plant, the original improvements, and then the modified scope for 1.5 million gallons. The oxidation ditch will remain in the current space, but the rings around will be constructed as capacity is increased. As capacity grows, the treatment (grit, UV, etc.) requirements and bio sludge handling also increase. The new expansion will take this into account.

The key takeaway is that, once the Village expanded from 1 million, everything else needed to increase. Originally the goal was to keep the limit at 1 million, and not need to expand on the infrastructure. However, the engineering efforts that have already taken place were useful in the expansion.

Mr. Terry asked about future expansions and how that would be handled. Mr. Hall answered that the current plant could handle one more ring expansion, but one more clarifier, one more UV structure, and some other treatment buildings would also need constructed. Mr. Terry also asked about the current buildings and where they would go. Per CT, options are being explored on if they can be reused. Mr. Cahall added that this building can be used as some storm sewer retainage if needed.

Mr. Reed asked if there were any new technologies to handle wastewater. Mr. Cahall responded that the Village has looked at different aeration processes. There are some pros to a different type of filter, but maintenance is a concern if there are issues. The systems also have not been used much in cold weather. CT Consultants stated that oxidation ditches are efficient and there are ways to save on chemicals and energy.

Mr. Terry asked about when capacity can be used - end of construction or as each phase is completed? CT Consultants stated that peak flows cannot be handled until construction is completed. Mr. Cahall added that the focus will be on the new oxidation pond and the clarifier. These things will allow us to create some capacity in the interim. Treatment procedures also depend on the time of year.

Mr. Cahall added that the engineering contract with CT Consultants is complete, and more funding will be needed before the end of the year. Since this payment will straddle a fiscal year, payment will have to come out of Village funds.

This concluded the discussion.

Meeting adjourned at 8:07pm.