

COUNCIL MEETING

May 10, 2016

Mayor Francis led Council and the public in the Pledge of Allegiance.

The invocation was given by Virginia Daum of the West Milton Transfiguration Catholic Church.

Mayor Francis called the meeting to order.

Present were: Mayor Francis; *Councilmembers:* Sarah Copp, Anthony Miller, Scott Fogle, Karen Grudich, Don Dohrman (*came into the meeting at 8:29p.m.*), and Jason Tinnerman (*came into the meeting at 7:52 p.m.*). *Also present were:* Manager Kline, Law Director Lenee Brosh, and Clerk Cantrell. *Absent:* None.

MOTION TO EXCUSE ABSENT COUNCILMEMBERS

Scott Fogle made a motion, seconded by Sarah Copp to excuse Don Dohrman from the May 10, 2016, Council Meeting. After a roll call vote, the motion passed unanimously. *Abstain:* None. *Absent:* None.

MINUTES

Scott Fogle made a motion, seconded by Karen Grudich to adopt the April 12, 2016, Council Meeting Minutes and the April 26, 2016, Council Workshop Meeting Minutes. After a roll call vote, the motion passed unanimously. *Abstain:* None. *Absent:* None. *Minutes adopted.*

CORRESPONDENCE TO COUNCIL

There was no correspondence to Council at this time.

COMMENTS FROM CITIZENS

Denise Winemiller of 2120 S. St. Rt. 48 stated she is concerned about the rezoning of Inlot No. 1444 (2264 S. Miami Street) and Inlot No. 1445 (2270 S. Miami Street) from R-3, Multi-Family Residential District, to B-3, Neighborhood Business District. David Winemiller of the same address asked if an application to rezone Inlots No. 1444 and 1445 had been filed. Manager Kline stated the Real Estate Agent representing the owner of these inlots and the potential purchaser of the lots had verbally requested these two inlots be rezoned. Mr. Winemiller asked if the

Municipality of West Milton has a Comprehensive Plan. Manager Kline stated, "Not a current one." Mayor Francis stated Council would be instructing the Planning Board to do an updated Comprehensive Plan.

Mr. Winemiller stated he is concerned about the type of business that would conform to the B3 zoning criteria that could move to Inlot No. 1444, which is located next to his property. He stated the B3 zoning does not govern hours of operation, aesthetics, landscaping, screening, noise, etc. Mr. Winemiller stated he is afraid a 24/7 convenience store would locate there with their restroom doors or a loading dock that is only 10' off the property line. He stated he thinks allowing B3 zoning at this location is spot zoning. Mayor Francis asked Mr. Winemiller what his plans are for his vacant property next to his home. Mr. Winemiller stated the previous Municipal Manager, Tony Howard, told him this area would be zoned residential. Mr. Winemiller stated he wants to put in high-end estate type housing that would attract doctors, etc.

Mayor Francis asked Mr. Winemiller what he is asking per lot for the lots he has for sale next to his home located at 2120 S. St. Rt. 48. Mr. Winemiller stated his asking price is ninety thousand (\$90,000.00) dollars per lot and wants to building houses valued at four or five hundred thousand (\$400,000.00 or \$500,000.00) dollars. Mayor Francis asked Mr. Winemiller about his driveway being gravel. Mr. Winemiller stated he is going to do concrete curbing and wants to blacktop his driveway. He stated he is waiting on a stonemason to do the work.

Councilmember Tinnerman came into the meeting at this time.

A lengthy, lengthy discussion took place regarding how long Mr. Winemiller has owned the property on S. St. Rt. 48 with no success of getting individuals to purchase any of his lots and building high-end estate homes on these lots; how St. Rt. 48 would be a good location for business to locate to; what kind of tax base businesses verses houses would bring in; how long it would potentially take Mr. Winemiller to get buyers for his property; the average wage in West Milton and whether the average individual could afford to purchase Mr. Winemiller's property; and Mr. Brumbaugh's, (*the potential purchaser of Inlots No. 1444 and 1445*) offer to sell Mr. Winemiller a 120' strip of land to use as a buffer between the properties being considered for rezoning and Mr. Winemiller's personal property; and what impact having businesses located on this property verses high-end estate homes located on Mr. Winemiller's property would have for West Milton.

Councilmember Tinnerman stated his view is that it seems St. Rt. 48 would be more of a business area rather than a residential area. He stated it has always been his understanding that the bulk of St. Rt. 48 from McDonalds to the south end of town was to be used for businesses.

Mayor Francis asked Manager Kline if he knew what the Miami Valley Regional Planning Commission's (MVRPC) ten (10) year to forty (40) year plan is for St. Rt. 48. He stated he thought the MVRPC's plan was to make St. Rt. 48 three (3) lanes at some point in the future. Manager Kline stated he did not know but would check to see what information he could get from the MVRPC.

Philip Brumbaugh of 108 Philip Drive, West Milton, stated he asked for Inlots No. 1444 and 1445 to be zoned B3 so he can locate his business there. He stated they would be building a big building and occupying half of it. Mr. Brumbaugh stated he wanted to purchase the other lot as a way to pay for the big building. He stated he has thirty-five (35) employees and hopes to have forty (40) employees by the end of 2016. Councilmember Tinnerman asked if Mr. Brumbaugh planned to have some type of sound bearer between the property he wants to purchase and the Winemiller's property. Mr. Brumbaugh stated maybe an 8' fence and shrubbery as a buffer. Manager Kline stated in a B3 zone if the rear of the property is near a residential property there has to be a 40' setback. He suggested maybe it could be put in the Ordinance that there would have to be a 40' setback in the side yard.

Mayor Francis asked Mr. Winemiller if he thought the 120' strip that Mr. Brumbaugh is offering to sell him is worth sixty-four thousand (\$64,000.00) dollars. Mr. Winemiller stated, "No it would not appraise for that." Mayor Francis stated that the 170' strip that Mr. Winemiller has for sale at ninety thousand (\$90,000.00) is the same per square foot so why would the bank give anyone a loan for one of his lots.

ORDINANCES AND RESOLUTIONS

Ordinance CM-16-07

Ordinance CM-16-07 was read by title only by Law Director Brosh, AN ORDINANCE TO AMEND THE "OFFICIAL ZONING MAP OF WEST MILTON" AS ADOPTED BY CHAPTER 150.006 OF THE WEST MILTON CODE OF ORDINANCES. Jason Tinnerman made a motion, seconded by Anthony Miller to adopt *Ordinance CM-16-07*. After a roll call vote, the motion passed unanimously. *Abstain: None. Absent: Dohrman. Ordinance CM-16-07 adopted.*

Ordinance CM-16-10

Ordinance CM-16-10 was read by title only by Law Director Brosh, AN ORDINANCE TO AMEND THE 2016 APPROPRIATIONS. Scott Fogle made a motion, seconded by Jason Tinnerman to adopt *Ordinance CM-16-10*. After a roll call vote, the motion passed unanimously. *Abstain: None. Absent: Dohrman. Ordinance CM-16-10 adopted.*

Manager Kline stated a mistake was made when the Budget for 2016 was passed. He stated the Municipality received a grant to replace the playground equipment in the Municipal Park for seventy-six thousand two hundred ninety-three (\$76,293.00) dollars. Manager Kline stated the grant received is a reimbursable grant. He explained the process that needs to be followed in order to receive the grant money.

Resolution CM-16-11

Resolution CM-16-11 was introduced by Council and read by Law Director Brosh, A RESOLUTION DECLARING THE INTENTION TO PROCEED UNDER THE ALTERNATIVE TAX DOCUMENT FORMAT PROVIDED UNDER SECTION 5705.281 OF THE OHIO REVISED CODE. Anthony Miller made a motion, seconded by Scott Fogle to adopt *Resolution CM-16-11*. After a roll call vote, the motion passed unanimously. *Abstain: None. Absent: Dohrman. Resolution CM-16-11 adopted.*

Manager Kline stated this is a housekeeping item each city and village in Ohio has to pass each year when starting the Budget process. He explained how the taxes from the state get divided among cities and villages in Ohio. Manager Kline stated the Municipality has to pass two (2) Resolutions prior to July.

Resolution CM-16-12

Resolution CM-16-12 was introduced by Council and read by Law Director Brosh, A RESOLUTION TO SPECIFY THE DATE UPON WHICH AN ELECTION SHALL BE HELD TO CONSIDER THE RENEWAL OF THE CURRENT ½% (ONE-HALF OF ONE PERCENT) INCOME TAX FOR THE PERIOD COMMENCING JANUARY 1, 2017, AND EXPIRING DECEMBER 31, 2021, FOR THE SPECIFIC PURPOSE OF POLICE AND FIRE SAFETY SERVICE EXPENDITURES FOR THE MUNICIPALITY OF WEST MILTON, OHIO. Scott Fogle made a motion, seconded by Jason Tinnerman to adopt *Resolution CM-16-12*. After a roll call vote, the motion passed unanimously. *Abstain: None. Absent: Dohrman. Resolution CM-16-12 adopted.*

Ordinance CM-16-13

Ordinance CM-16-13 was introduced by Council and read by Law Director Brosh, AN ORDINANCE TO RENEW THE LEVY OF THE ½% (ONE HALF OF ONE PERCENT) INCOME TAX EXPIRING DECEMBER 31, 2016, WITHOUT RECIPROCITY FOR THE SPECIFIC PURPOSE OF FUNDING POLICE AND FIRE OPERATIONS IN THE MUNICIPALITY OF WEST MILTON, OHIO, FOR AN ADDITIONAL FIVE-YEAR PERIOD COMMENCING ON JANUARY 1, 2017, AND EXPIRING DECEMBER 31, 2021. The public hearing for *Ordinance CM-16-13* will be held on Tuesday, June 14, 2016, at 7:30 p.m. in Council Chambers of the Municipal Building.

Ordinance CM-16-14

Ordinance CM-16-14 was introduced by Council and read by Law Director Brosh, AN ORDINANCE TO AMEND THE “OFFICIAL ZONING MAP OF WEST MILTON” AS ADOPTED BY CHAPTER 150.006 OF THE WEST MILTON CODE OF ORDINANCES. The public hearing for *Ordinance CM-16-14* will be held on Tuesday, June 14, 2016, at 7:30 p.m. in Council Chambers of the Municipal Building.

Councilmember Don Dohrman came into the meeting at this time.

Mayor Francis asked Philip Brumbaugh if he had to have an approval for the rezoning of Inlots No. 1444 and 1445 before June 1, 2016. Mr. Brumbaugh stated he obtained a thirty-day (30) extension so he has until July 1, 2016. Councilmember Fogle asked Manager Kline where the Comprehensive Plan could be found in the Ordinances. He stated he would like to see the Comprehensive Plan so he could have everything in front of him when he goes to vote on the rezoning of Inlots No. 1444 and 1445. Manager Kline stated he would check on this for Council.

MUNICIPAL MANAGER

1) Emerick Sewer Lining –

Manager Kline stated Choice One is putting together the specifications and project details for the Emerick Sewer Lining. He stated he anticipates going out to bid for this project in June 2016. Manager Kline stated the Municipality of West Milton received a grant from the Ohio Public Works Commission (OPWC) in the amount of one hundred thousand (\$100,000.00) dollars and the money should be released in July 2016.

2) Payment Surfacing –

Manager Kline stated Wagner Paving plans to start paving in West Milton at the end of May or the first week of June 2016. He stated they would be paving on the south side of West Milton.

3) Forest Avenue Curb and Sidewalk –

Manager Kline stated it appears the Municipality of West Milton may receive sixty thousand (\$60,000.00) dollars in Community Development Block Grant (CDBG) funds for 2017 to complete the curb and sidewalk on Forest Avenue. He stated he is waiting on final confirmation. Manager Kline stated the work would be done in 2017 and stated the curb and sidewalk work would start where the pavements ends on Forest Avenue. He stated Union Township is okay with

this project. Councilmember Tinnerman stated it was nice to see cooperation between the Township and West Milton.

4) Ludlow Sewer –

Manager Kline stated he authorized Choice One Engineering to conduct some survey work to shore up the plan to extend the sanitary sewer to Ludlow Falls. He stated it is important to fully understand the anticipatory budget since this project would be grant driven. Manager Kline stated he has some draft language for an agreement between the Municipality of West Milton and the Village of Ludlow Falls. He stated he hopes to go over this information at the May 24, 2016, Council Workshop Meeting. Manager Kline stated he has invited Mayor Pat and Clerk Robin from Ludlow Falls to attend the Council Workshop Meeting.

5) WMUT

Manager Kline stated the next joint meeting with Union Township, Milton-Union School District, and the Municipality of West Milton would be Thursday, May 26, 2016, at 6:00 p.m. He stated this would be Ginny Rammel's last meeting as Superintendent. Manager Kline stated the Mayors of Ludlow Falls, Laura, and Potsdam would be invited to the meeting. He stated the meeting would be hosted by the Milton-Union School District.

6) Garden Club –

Manager Kline thanked Councilmember Copp for helping to organize a Garden Club of West Milton. Ms. Copp stated she, Karen Grudich, and five other individuals make up the Garden Club. She stated they have planted and placed seven (7) new pots in the downtown area of West Milton. Ms. Copp expressed her appreciation to the individuals willing to be a part of the Garden Club and the businesses that are willing to help maintain the pots in the downtown area. She stated the Garden Club is thinking about planting perennials around the welcome signs coming into the Village of West Milton.

7) Farmer's Market –

Councilmember Copp stated she and Councilmember Grudich are working to have a Farmer's Market the second weekend in June 2016 from either 9:00 am to 12:00 p.m. or 1:00 p.m. She stated it is only for locally grown food, handcrafted items, and plants and flowers. The charge for a vender to participate for the entire summer will be twenty-five (\$25.00) dollars and five (\$5.00) dollars for a one-time vendor. Anyone interested should contact either Councilmember Copp or Councilmember Grudich. Mayor Francis thanked Councilmembers Copp and Grudich for taking the lead on this project. Councilmember Copp stated they are looking for a couple of food vendors to participate.

8) Workshop Meeting –

A Council Workshop Meeting will be held on Tuesday, May 24, 2016, at 7:30 p.m. in Council Chambers of the West Milton Municipal Building.

COMMENTS FROM COUNCIL

Councilmember Fogle stated there would be a Park Board Meeting on Wednesday, May 18, 2016, at 6:30 p.m. at the Municipal Building. He invited citizens to attend the Park Board Meeting and give their input on the redesigning of the Municipal Park. Mr. Fogle stated the Grand Opening for the Golf Disc Course would be held on Saturday, May 28, 2016, at 6:00 p.m. He gave information as to vendors that would be there and that a movie would be shown later in the evening.

Councilmember Copp stated the Senior Class would be doing their Senior Service Day on Thursday, May 12, 2016. Councilmember Fogle stated the seniors have thirteen (13) areas to service on their list.

Manager Kline stated in the next two (2) weeks between one hundred (100) and one hundred and ten (110) banners would be going up for Memorial Day.

Councilmember Fogle stated work has been started for the Fourth of July Celebration. He stated they want to have more vendors on the hill. Mr. Fogle asked Councilmembers to let him or Manager Kline know if they hear of any vendors that are interested in participating in the Fourth of July Celebration.

Mayor Francis stated the American Legion would be having their annual Memorial Parade. Manager Kline stated it would be the same time as last year.

COMMENTS FROM CITIZENS

Harold Badder of 100 Tracy Lane, Beverly Badder of 100 Tracy Lane, and Raymond Landis of 965 Princeton, West Milton, all stated they are concerned about the Dollar Store locating to where Patterson Florist is currently located at 965 S. Miami Street. They all stated they had received a flyer stating the Dollar Store would be locating to this area, but that the flyer did not give information as to how the area would be developed, how traffic would be handled, and if all the trees behind Patterson's Florist would be cut down. Each expressed they were not in favor of the Dollar Store moving to this area. They stated it would cause too much traffic and if the trees were all cut down would not allow for a buffer between the store and their residents. Mr. Landis asked if a building permit had been issued to the Dollar Store. Manager Kline stated a zoning permit would be required but no one has requested a zoning permit. He stated representatives for the Dollar Store has called and asked questions, but has not asked for a permit to be issued.

A lengthy discussion took place regarding how the property looks currently, how it would look should the Dollar Store relocate to this property, the possible change in safety for the neighborhood, how the neighbors do not want a chain link fence located on this property, how traffic would be handled, a bigger store, the number of parking spaces, the potential for more jobs and more taxes paid to the Municipality. Councilmember Miller stated he lives three (3) houses down from the current Dollar Store and would like to see it well maintained. He stated the traffic entering and exiting on Tracy Lane would be safer than if the traffic entered and exited off of St. Rt. 48.

Mayor Francis stated Council understands the concerns and frustrations. He stated with the current zoning as it is he is not sure there is anything Council can do. Mayor Francis stated Council would look into this. Manager Kline stated at this point the Dollar Store has only made an offer to purchase the property from Patterson's Florist. He stated as the zoning stands now, right wrong or indifferent they meet the minimum standards for the zoning in this area. Councilmember Dohrman stated he would hope whoever is putting money into this property they would put in a good building and maintain it.

ADJOURNMENT

Scott Fogle made a motion, seconded by Karen Grudich to adjourn the meeting. The meeting adjourned at 9:23 p.m.

Linda L. Cantrell CAP-OM
Clerk of Council

Fredric M. Francis
Mayor