

Village of Maineville

SPECIAL MEETING

February 16, 2021

(Remote Meeting)

7:00 PM

Mayor Beebe called the meeting to order by everyone reciting the Pledge to the Flag.

The Invocation was given by Pastor Mark Sage.

Those Present were:

Mayor Beebe – Yes

Councilmember - Hengle – Absent

Councilmember – Billups – Yes

Councilmember – Drook - Yes

Councilmember – Humphries - Yes

Councilmember – Williams – Yes

Councilmember – Tomsic – Yes

Motion to excuse Councilmember Hengle was made by Councilmember Humphries and was seconded by Councilmember Williams. Roll call vote to approve the excusal of Councilmember Hengle was unanimous in favor.

Motion to accept the February 16, 2021 agenda was made by Councilmember Drook and seconded by Councilmember Humphries. Roll call vote approve the amendment was unanimous in favor.

Solicitor Byrne explained that, since this is a “Special Meeting”, discussion can only be regarding what is on the agenda tonight. No other topics can be discussed in a special meeting.

Mayor

Due to our current zoning needs, Mayor had obtained quotes from both Warren County and Hamilton Township. The quote from the county was approximately \$120,000 and Hamilton Township came in below \$20,000.

Mayor stated that he sees this as a positive thing for the village. He stated that we need professional zoning and Hamilton Township is offering that at a cost that is less than what was paid before for our own zoning clerk.

Mayor noted that some have inquired whether or not this is another service lost that the Village provides for its residents. Mayor explained that we would still be paying for zoning services, much like we pay for law enforcement. It would just not be handled in-house.

The Mayor stated that he felt very positive about this plan. He felt that this would allow the Village of Maineville to blossom into an even more prosperous and beautiful place to live.

SOLICITOR’S REPORT

Solicitor Byrne explained that zoning is a critical local government function. Zoning implicates constitutional rights. Everyone has constitutional rights to their property.

When you have a zoning ordinance, you are actually telling someone what they can and cannot do with their property. Because of that, you have to strictly adhere to “due process” procedures in a very specific manner in order to ensure that you are not violating their rights. Even though our

village is a small municipality, we are still local government and you can still violate people's rights if you do not handle the "due process" procedures correctly.

On another level, our zoning does allow criminal prosecution in some cases. If you do not handle the zoning processes correctly, you might not be handling the criminal prosecution part of the job correctly. This is why every portion of the job needs done precisely and professionally so that the residents' rights are upheld.

Solicitor Byrne noted that she did have some concerns about how zoning was handled in the past. She was aware that the previous solicitor was not as involved in the zoning procedures. If zoning is not handled correctly, it can create liability for the Village of Maineville in a way that could be very cost prohibitive for the Village. The Village of Maineville Council is ultimately responsible for the decision on how they wish to proceed. However, she emphasized that in her opinion as Village of Maineville solicitor, it is important to have policies, procedures, and personnel that can implement Council's will in a legal way.

COUNCIL

Councilmember Drook voiced concern about farming zoning out to another entity. He stated that he saw the economic development piece as beneficial and he found Alex to be a professional individual. However, he would like to keep the Planning Committee in place and discuss, with the township, marrying our zoning code with the Township's zoning code.

He also wanted to make sure that any negotiated contract has a cancel clause in it and that all council members are present to vote on the decision.

Councilmembers Drook and Humphries voiced concern regarding the agreement not being seen by council prior to execution.

Solicitor Byrne reminded Council that the proposal is not a contract.

GUESTS

Brent Centers of Hamilton Township was sworn in by Solicitor Byrne. Mr. Centers addressed the concerns regarding zoning codes. Hamilton Township would have a collaboration between the Village planning committee and the Township zoning commission over the next year to make sure the final zoning code is what the Village is looking for. Regarding the cancellation clause, Mr. Centers explained that he would like the Village to give the Township more than 12 months in the cancellation clause because it would not be fair to have them assist in working all existing zoning issues and then cancel the agreement.

Councilmember Humphries asked of the Village of Maineville Planning Committee can be kept in charge of all zoning decisions. Mr. Centers stated that they would be using the Planning Committee for the first year. Once the two zoning codes are combined, later down the road, it would become the Township zoning code. Councilmember asked if, once that happens, can a member of the Village Maineville Planning Committee be on the Township zoning commission. Councilmember Drook asked if a person can be appointed from the village, and he suggested himself. Mr. Centers explained that their commission members go through a process of application and they were welcome to apply.

Solicitor Byrne stated that ORC 513.13 states members of that commission have to be Township residents from the unincorporated area of the Township.

Brent Centers then reviewed that the costs were calculated as 10% of what they pay their current zoning personnel. He stated that zoning will enforce the code, but they are very empathetic to those who are in need or experiencing hardship.

With regards to economic development, grants could be obtained and more businesses could be brought in with the improvements in mind.

Regency Park brings a lot of residents onto the sidewalks to walk or run. The only place without a sidewalk is in front of the firehouse and administrative offices. If the township can assure that zoning is enforced properly, they would be likely to invest in sidewalk installation. This would ultimately bring more foot traffic to downtown Maineville.

Councilmember Drook asked if village residents or council members can attend the Planning Commission meetings. Brent stated that they are open to the public.

Alex Kraemer was sworn in by Solicitor Julie Byrne. Mr. Kraemer works on economic development in the township and sees this as a great partnership.

Mr. Kraemer mentioned the John Michael building being a historical building that could bring in funds from DRD (Downtown Revitalization District), which you can build infrastructure around. That could cover up to 10 acres of land.

The first steps are the add streetscapes or landscaping. Signage identifying Maineville as historical is also helpful. Alex also stated that we could look into starting a Maineville Historical Society.

Councilmember Humphries asked if they had plans for the acreage off Foster-Maineville Road. He stated that he didn't have plans/ideas yet, but another business could be helpful. Councilmember Humphries also asked about greenspace. Alex stated that it would be important to have a place to meet and sit to have coffee, etc.

Councilmember Billups inquired whether or not the township would be having someone come to meetings so those ideas could be discussed. Brent Centers stated that someone from zoning would be attending every council meeting, just as Chief Hughes currently does.

Mary Beth Campbell asked if this makes the township the legal advisor on the Village of Maineville TIF. Julie Byrne stated that she would have to look into that. Brent Centers stated that any agreement would allow the Village of Maineville to make decisions on the TIF.

Councilmember Humphries asked if this would cause us to lose our charter as a village. Solicitor Byrne stated that we are still providing services, even if they are contracted out. The only way the Village of Maineville could be eliminated was if the residents voted to abolish the village through a ballot initiative. Mayor Beebe added that we are still providing the services because we are paying for them.

Resolution 2021-09 Authorizing the Mayor to Negotiate and Execute an Agreement with Hamilton Township, Warren County Regarding the Provision of Zoning and Economic Development Services and Declaring an Emergency

Councilmembers Drook and Humphries asked to change the resolution by removing "and Execute" from the title and in Section 1 of the document. Motion to make said amendment was made by Councilmember Drook and seconded by Councilmember Humphries. Vote was as follows:

Councilmember Billups – No
Councilmember Drook – Yes
Councilmember Humphries – Yes
Councilmember Williams – No
Councilmember Tomsic – No

Vote to amend as noted was not passed at that time.

Next, in order to pass Resolution 2021-09, "as is", Councilmember Williams made a motion and Councilmember Billups seconded the motion. Vote was taken to accept the resolution in its original form. Vote was as follows:

Councilmember Williams – Yes
Councilmember Tomsic – Yes
Councilmember Billups – Yes
Councilmember Humphries – No
Councilmember Drook – No

Solicitor Byrne explained that the resolution title says "Declaring and Emergency" which means that a 2/3 vote of 4 councilmembers is required. Therefore, the motion to pass the resolution "as is" was not passed.

After discussion amongst councilmembers, Councilmember Drook made another motion to change the resolution by removing "and Execute" from the title and in Section 1 of the document. Motion to make said amendment was made by Councilmember Drook and seconded by Councilmember Humphries. Vote was as follows:

Councilmember Humphries – Yes
Councilmember Tomsic – Yes
Councilmember Drook – Yes
Councilmember Billups – Yes
Councilmember Williams – Yes

Resolution was amended to the following after the vote:

Resolution 2021-09 Authorizing the Mayor to Negotiate an Agreement with Hamilton Township, Warren County Regarding the Provision of Zoning and Economic Development Services and Declaring an Emergency

The words "and execute" were also removed from Section 1 of the document as well.

Solicitor Byrne explained that Council, by law, must appropriate money in order to spend money for the year, and that even though Council passed a 2021 tax budget in 2020 and even though no numbers had changed from the tax budget, it was her opinion that Council must pass a separate appropriations measure for 2021 because the obligation to pass a tax budget and an appropriations ordinance are from two separate statutes in the Ohio Revised Code. She also stated that Council must pass its permanent appropriations by April 1.

Ordinance 2021-01 – Approving the 2021 Appropriations and Declaring and Emergency

Motion to approve was made by Councilmember Billups and seconded by Councilmember Humphries. Roll call to approve was unanimous in favor.

Solicitor Byrne briefly explained about certificates.

Resolution 2021-05 Authorizing the Semi-Annual Authorization of Blanket Certificates and Establishing Financial Policies for the Approval of Purchase Orders in 2021 and Declaring an Emergency

Motion to approve was made by Councilmember Drook and seconded by Councilmember Billups. Roll call to approve was unanimous in favor.

Resolution 2021-06 Authorizing the Disbursement of Checks for Payroll, Payroll Related Withholdings and Expenses and Other Expenses in 2021 and Declaring an Emergency

Motion to approve was made by Councilmember Drook and seconded by Councilmember Williams. Roll call to approve was unanimous in favor.

Solicitor Byrne explained that the resolution allowed Council to acknowledge the need to make payments for expenditures to date in 2021.

Resolution 2021-07 Authorizing the Disbursement of Checks for Expenditures and Declaring an Emergency

Motion to approve was made by Councilmember Williams and seconded by Councilmember Drook. Roll call to approve was unanimous in favor.

Resolution 2021-08 Authorizing Issuance of Then and Now Certificates and Declaring an Emergency

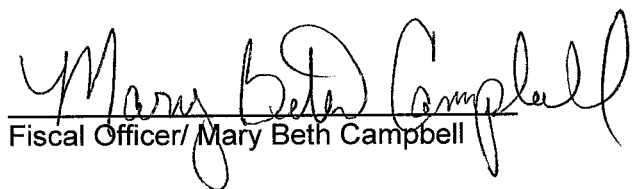
Motion to approve was made by Councilmember Drook and seconded by Councilmember Williams. Roll call to approve was unanimous in favor.

With nothing further to be presented to Council a motion from Councilmember Williams to adjourn was introduced with a second from Councilmember Billups and all Councilmembers voted to adjourn at 8:47. PM.

Adopted:



Mayor Bob Beebe



Fiscal Officer/ Mary Beth Campbell