

Village of Maineville Council Mtg.

Held at Council Chambers
8133 S. St. Rt. 48, Maineville, OH
Council Meeting Minutes
January 23, 2024
7:00 PM

Mayor Beebe called the meeting to order at 7:00 PM by everyone reciting the Pledge to the Flag.

The Invocation was given by Pastor Sage.

Those Present were:

Mayor Beebe – Yes
Councilmember - Hughes – Yes
Councilmember – Billups – Yes
Councilmember – Drook – Yes
Councilmember – Humphries - No
Councilmember – Williams – Yes
Councilmember – Tomsic – Yes

Before motion to excuse was made, Solicitor Byrne reminded Council that this vote matters, although she was not telling anyone how to vote. She stated that when there are more than two unexcused absences, that is when Council needs to decide if there is a vacancy in office or not. Although this has only been the second absence by Councilmember Humphries, and we do sympathize for the reasons why, this also requires that no other members can be absent in order to pass legislation on an emergency basis. Again, she stated that she was not telling Council how to vote, but stressing that this vote is important and it matters whether someone's absence is excused or not.

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

Motion to approve the December 14, 2023 meeting minutes was made by Councilmember Drook, seconded by Councilmember Hughes. Roll call vote to approve the minutes was unanimous in favor.

A motion was made to amend the agenda, adding Resolution 2024-04 and Resolution 2024-05, adding ORC 121.22(1) language to executive session, adding the vote for Mayor Pro Tem, and also moving "Public" speaking by residents to the beginning of the meeting. Motion made by Councilmember Billups and seconded by Councilmember Williams. Roll call vote to amend the agenda, as noted, was unanimous in favor.

Motion to approve the January 23, 2024, agenda, as amended, was made by Councilmember Billups, seconded by Councilmember Hughes. Roll call vote to approve the agenda, as amended, was unanimous in favor.

Mayor recommended Councilmember Drook for Pro Tem. Councilmember Billups nominated Councilmember Drook for Pro Tem. Councilmember Drook accepted the

nomination. Roll call vote to approve Councilmember Drook as Pro Tem was unanimous in favor.

Guests – Ron Potter – Purple Heart Trail – Proposed that Maineville become a Purple Heart Community by allowing their organization to provide veteran wellness programs throughout the community to the local veterans. They help to build a support network for veterans. This can be done through proclamation. After that is done, the Village could have an event, inviting families of veterans, where the Mayor can read the proclamation publicly. The only cost to the Village, outside of the event, would be the Purple Heart signage. Mayor also added that this organization would also bring more to the, already patriotic, Freedom Day Parade.

Councilmember Billups made a motion to have Solicitor Byrne to draw up a proclamation supporting the Purple Heart Trail foundation. Councilmember Tomsic seconded the motion. Roll call vote to have the proclamation drawn up was unanimous in favor.

Public – Mike Billups, 8345 Sandhill Dr., Loveland, OH 45140 – He received a letter from Cathy Walton regarding the lack of having a paved driveway. He reviewed the Maineville code and it does not require that he have a concrete driveway. The letter listed specifications for the construction of a driveway or concrete apron. However, there was no law or zoning code provided. He contacted Cathy Walton and asked why this letter was sent. She stated that it had something to do with the fire chief. He was unsure of why the fire chief would be concerned about something that isn't a law or zoning code for the Village of Maineville. He stated that he will be putting in a driveway, but that will be after the construction of his garage is completed. He does not want to have concrete trucks driving up and down a newly poured concrete driveway. He mentioned the Freedom of Information Act and Sunshine Law, stating he has the right to know the background of where the letter came from and why it was sent. Was this due to neighbors complaining or someone that drove by? Mayor said that he will follow up with Cathy Walton to find out what the background was.

Julie Byrne reminded Council that the Public speaker portion is where the public can speak. However, Council is not to respond.

Street – There was no street report

Police – Captain Short was unable to attend, due to illness - No PD report.

Zoning – Cathy Walton told Mayor Beebe that there was no new business

Mayor – Mayor rearranged the committees and provided a copy to Council. These committees are updated on the website as well. He is excited about the possibility of new business developments. Also, with regards to the main breaks, we have moved forward to pay for the Choice One survey. Warren County will reimburse us later. This will help speed up the repairs and improvements along SR48. We will do everything we can, as a Village, to help bring about action.

Committees

Event Committee – Councilmember Tomsic has been in touch with Nicole Earley regarding the Freedom Day Parade. Councilmember Drook added that the township will not be having an Easter egg hunt this year. They will be doing something different, due

to the chaos of last year's event. He told Nicole that the Village might like to be involved with the new event.

Planning Commission – Planning and zoning meet on Thursday at 6:00 p.m. They will have a public hearing in that meeting.

Records Retention Committee – The committee met in December a second time.

Council

Allison Billups – The new restaurant building looks so nice. Krimmers is also making progress. She's excited to see what is coming.

Fiscal

Financials for December 2023, were provided by fiscal officer, Mary Beth Campbell.

December's beginning balance of the General fund was \$621,538.78. December's receipts were \$71,376.85. December's payments were \$85,066.92. The December ending balance for the General fund was \$575,111.42. The ending overall balance for December was \$1,692,792.95.

The largest portion of payments for December were the fourth quarter payments to Hamilton Township for our police and zoning contracts.

There was a meeting with RITA and of the \$239,000 check made payable to RITA, the charges only totaled \$209,000. The remainder will be credited back. They also said that around \$175,000 has been cashed. The payees have 60 days to cash and that will be in the 2nd week of February. RITA also sent out notices to residents with a Morrow and Loveland zip code that are located in the Village.

Motion to approve the December fiscal officer report was made by Councilmember Williams and seconded by Councilmember Billups. Roll call to accept was unanimous in favor.

SOLICITOR'S REPORT

Solicitor Byrne stated that Judge Oda ruled that we can move forward with the Sheriff's sale on the Sycamore property. Hopefully, that will be done by February. There is a tax appeal on March 11, 2024. She filed a Motion for Summary Judgement. She also helped prepare all of the resolutions tonight.

Vacation Buyout – Stephen M. Allen

Stephen Allen has requested a vacation buyout of 45 hours. Motion to approve the buyout was made by Councilmember Billups and seconded by Councilmember Drook. Roll call to approve the buyout was unanimous in favor.

ORDINANCE 2024-01 Approving, Adopting and Enacting American Legal Publishing's Ohio Basic Code, 2024 Edition, as the Code of Ordinances for the Municipality of Maineville, Ohio, and Declaring an Emergency

This is voted on every year so that Maineville adopts the Ohio Basic Code as the Code of Ordinances for the Village.

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

RESOLUTION 2024-01 Expressing the Sense of the Village Council That Warren County Commissioners Should Act with All Due Haste to Address the Water Main Issues Along St. Rt. 48 and Throughout Maineville and Declaring an Emergency

Mayor Beebe stated that this resolution will go to the commissioners. It is our way of expressing sense of urgency for them to take action and address the water main issues needing repairs.

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

RESOLUTION 2024-02 Noting Scrivener's Error in Ordinance 2023-08, Approving the 2024 Appropriations, Accepting the FY24 Permanent Appropriations Certificate and the FY 24 Amended Certificate from the Auditor, and Declaring an Emergency

The exhibit that was attached to Ordinance 2023-08 listed all appropriation amounts correctly and matches what the Warren County Auditor has. However, the total on the Exhibit A was incorrect. This notes the correction and verifies that all Maineville amounts match the certificate from the auditor's office.

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

RESOLUTION 2024-03 Increasing Residential Trash and Recycling Rates Effective March 1, 2024, and Declaring an Emergency

Our 3-year contract with Rumpke is about to expire. The new 3-year agreement provides the rate increases.

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

RESOLUTION 2024-04 Authorizing Fillmore Construction LLC To Pave Existing Parking Lot Located at 27 E. Foster-Maineville Road, Maineville, Ohio And Install Aprons for the Same, and Declaring an Emergency

This is pricing to pave the public parking lot and add two concrete aprons. Three quotes were obtained by three vendors. Fillmore Construction LLC provided the lowest and best quote for the work at \$25,840.

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

RESOLUTION 2024-05 Authorizing the Mayor to Enter into An Agreement for Professional Services with Solicitor, Julie Byrne (Ashbrook Byrne Kresge LLC), and Declaring an Emergency

This just renews the solicitor agreement with Julie Byrne (Ashbrook Byrne Kresge LLC). Julie Byrne informed Council that they have the right to solicit another attorney's review of this document, as she has a personal interest in the agreement. It is a two-year contract the maximum time period allowed by Ohio Revised Code. She also noted that the only material thing that has changed since the last agreement was the rate of pay. Her rate of pay increased from \$250 per hour to \$265 per hour. Fiscal Officer Campbell reviewed the annual budget numbers with Julie Byrne and she confirmed that they will still be able to stay within budget for the year.

There was an error in the listed Councilmembers on the bottom of the resolution. The name needed corrected to Katie Hughes and was noted on the document.

Motion to approve the resolution as amended, was made by Councilmember Billups and seconded by Councilmember Tomsic. Roll call to approve was unanimous in favor.

Executive Session

Under Ohio Revised Code 121.22

(G)(1) To consider the...discipline...of a public employee or official..., unless the public employee, official, licensee, or regulated individual requests a public hearing. Except as otherwise provided by law, no public body shall hold an executive session for the discipline of an elected official for conduct related to the performance of the elected official's official duties or for the elected official's removal from office.

(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

Motion to enter into executive session was made by Councilmember Tomsic and seconded by Councilmember Hughes. Council went back into executive session at 7:46 p.m.

Motion to return from executive session with no action taken was made by Councilmember Billups and seconded by Councilmember Williams. Roll call to return was unanimous in favor. Council returned from executive session at 9:00 p.m.

With nothing further to be presented to Council a motion from Councilmember Billups to adjourn was seconded by Councilmember Williams and all Councilmembers voted to adjourn at 9:00 pm.

Adopted:



Mayor Bob Beebe



Fiscal Officer/ Mary Beth Campbell