

Village of Maineville Council Mtg.

Held at Maineville Baptist Church

Council Meeting Minutes

October 24, 2023

6:00 PM

Mayor Beebe called the meeting to order at 6:00 PM by everyone reciting the Pledge to the Flag.

The Invocation was given by Mayor Beebe.

Those Present were:

Mayor Beebe – Yes

Councilmember - Hughes – Yes

Councilmember – Billups – Yes

Councilmember – Dook – Yes

Councilmember – Humphries - Yes

Councilmember – Williams – Yes

Councilmember – Tomsic – Yes

Motion to amend the September 14, 2023 meeting minutes was made by Councilmember Tomsic and seconded by Councilmember Billups. Roll call vote to approve amendments was unanimous in favor.

Motion to approve the amended September 14, 2023 meeting minutes was made by Councilmember Dook, seconded by Councilmember Billups. Roll call vote to approve the minutes was unanimous in favor.

Motion to approve the October 24, 2023, agenda was made by Councilmember Tomsic, seconded by Councilmember Hughes. Roll call vote to approve the agenda was unanimous in favor.

Guests – Holly Roush, WCCS – Handouts were provided for the presentation. Holly also asked for Maineville's endorsement to allow them to file their application with Ohio Department of Development. They need 2/3 of Warren County's municipalities to apply to be the primary community action agency for Warren County.

Street

A copy of the street report was provided by Steve Allen.

Police

Total calls for September were 363. There were 260 extra patrol. There were 5 reports taken. One was an auto accident. There were two thefts. Those were involving vehicles that were broken into overnight, located on State Route 48. There was one disorderly conduct citation that began in the township, but the subject was located after arriving at a location within the Village of Maineville. There were also two traffic citations. Officers will be handing out candy on Halloween from 6:00 p.m. to 8:00 p.m.

Zoning

Cathy Walton gave the zoning report. The Planning Commission met last month. They began working on updating zoning fees. They also discussed updating some of the zoning codes. Cathy has already begun working on some of those things. Cathy shared information regarding the Stotler development. They have made an application to add 35 homes, which puts them at 306. A portion of this will be within the Village of Maineville. They want to continue Westmuth from Mounts into the subdivision. This will affect traffic in that area. Once they have the preliminary plans for the four split lots approved by Warren County, they will bring it to the Planning Commission for approval. Currently, this would go through RPC then the township, but since it's in litigation, it is all being done through a settlement agreement. So, it will go from RPC to Hamilton Township's attorney and Warren County's attorney, and they will reach a settlement agreement.

Julie Byrne asked Cathy Walton if she was our representative at the Regional Planning Commission meetings. She said she could not be. She told her to contact Sharon Kaufmann to see how to set someone else up as our representative.

Julie thanked Cathy Walton for testifying at the hearing regarding the Sycamore property.

Mayor

Mayor Beebe gave his report. There are many changes going on within the Village. You will notice the new parking lot going in on E. Foster Maineville. We hope this shows the residents that our administration cares. Public parking will be a plus. He envisions Krimmer's going in by next fall. The new corner restaurant should be open by April.

Committees

Planning Commission – Doug Drook stated that they are meeting on Monday at 7:00 p.m. However, next month, it falls on Thanksgiving, so the date will be changed.

Event Committee – There will be a photo booth at the Christmas event. It will be an open backdrop. Mary Beth has paid the entire cost. This includes the pictures and a free digital photo via email. They will also have props. Patricia found many items that would be good crafts for children at the event. She will provide the list to Mary Beth and she will order those from Oriental Trading.

Nicole Early also attended the meeting to provide details on the event. The drone show is coming again. The Santa's Goody Bag band, Northern Cincinnati Youth Orchestra, and the LM High School choir will be there. If the LM High School band chooses not to come, she will contact Kings HS Band. Church Venture is providing their sound system. They will also provide cookies and hot chocolate. They will be running the shuttles again, from the old elementary parking lot. Krimmer's will be there. The event is on December 9th from 4:00 to 6:00 p.m. The Little League baseball will be providing soft drinks and hot dogs. There will be a s'mores station at the fire pits outside. HTPD donated the chocolate for that. The Phipps family is donating Santa again.

Records Retention Committee – Julie Byrne indicated that the committee needs to meet to review records at the administrative offices. Mary Beth said she will contact members.

Council

Allison Billups asked if the November meeting could be moved to November 16th, as she has a conflict on the 2nd Thursday. Everyone said that was fine. Therefore, the meeting will be moved to November 16th at 6:00 p.m. Mayor stated that it will most likely be at the new building on State Route 48.

Doug Drook mentioned that the Village of Maineville should get involved in the Trunk-or-Treat with Hamilton Township next year.

Fiscal

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

September's beginning balance of the General fund was \$829,784.53. September's receipts were \$209,516.79. September's payments were \$49,637.61. The September ending balance for the General fund was \$821,618.33. The ending overall balance for September was \$1,995,825.76.

Motion to approve the fiscal officer's report was made by Councilmember Billups and seconded by Councilmember Hughes. Roll call to approve was unanimous in favor.

Mary Beth also mentioned that she attended the annual Fiscal Officer Training through State of Ohio.

SOLICITOR'S REPORT

Mayor Beebe thanked Julie Byrne for all of her hard work.

Julie Byrne mentioned that Benjamin Flowers has joined their firm. He just finished being the Ohio State solicitor. He was one of the top litigators for the Ohio Attorney General's office. Since he works for their firm now, this means he also works for the Village of Maineville.

Sunshine Law Training is available through the State of Ohio. Julie said it is a good training to do once per term for elected officials. You can do it online or in person. Mary Beth will send the information to everyone. Once you do, and you receive your certificate of completion, please provide this to Mary Beth so that she has it for the audit through State of Ohio.

There has been much back and forth regarding the TIF. They are asking for reimbursements for the alleged public roadway. However, it was not built to public road standards.

With regards to the RITA refunds, Julie and Mary Beth have been informed by Warren County Auditor, Matt Nolan, that going beyond the 3-year statutory refund, would not be lawful and would likely result in a finding of recovery during an audit. To be clear, this means that, should the fiscal officer and solicitor state that they do not advise Council to do something, but then the decide to do so anyway, a finding of recovery means, anyone who votes to exceed the authority given to them by ORC, could be personally and jointly liable for the net amount. It would also be Julie's job to prosecute you for that amount.

This would be considered inappropriate spending of public funds. The reason for this is, ORC gives a set amount of 3 years. That means, if Council goes beyond three years, it is going beyond the statutory limit. For all of these reasons, along with the opinion of the county auditor, Julie Byrne and Mary Beth Campbell, as solicitor and fiscal officer, do not advise to go beyond the 3-year statute. Mayor Beebe also added that he, as Mayor, agrees and does not think it's wise to go beyond statute.

Julie stated that there have been several calls with RITA regarding the refunds. The latest estimate of the numbers stated that if we stayed within the statute, the total was around \$250,000. If we went beyond statute, it would be closer to \$410,000. The final decision on how to refund has not been finalized. They are checking on that process with their legal department. This will all help decide on the communication that goes out with the refunds. RITA wants the process to be as simple as possible, as does the Village. It could also be communicated in the letters that ORC states we cannot go beyond the 3-year statute amount.

Julie Byrne then asked for a final decision on the refund period. All of Council agreed to stay within the 3-year statute. The law is there to protect the Village and the public funds. They are choosing to do what is legally right.

Julie Byrne will be out next week for a short medical leave and her partners will be covering for any legal matters.

RESOLUTION 2023-26 Authorizing the Mayor to Accept the Quote by Fillmore Construction for the Removal and Replacement of Curbs and Gutters on Deersshadow and Morning Sun, 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 2023-27 Adopting a Policy Allowing the Fiscal Officer to Waive Income Tax Penalties and Interest in Certain Circumstances and Declaring an Emergency

This is due to residents coming forth and saying they are wanting to catch up on their taxes, but have penalties and interest that they want waived. This will make the process easier with approval being worked between the fiscal officer and the Mayor.

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

ORDINANCE 2023-05 Parking on Public Property in Violation of Posted Prohibition and Declaring an Emergency

This was recommended by Captain Short. We do not want commercial vehicles parking in our lot or overnight parking. Mayor will also take care of getting proper signage.

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

Resolution 2023-28 Authorizing an Appropriation Amendment and Declaring an Emergency

This resolution allows the full appropriation of the ARPA funds to pay for public space being leased to have our Mayor's office and meeting room. Since our admin offices were flooded, we have not been able to use them for meetings and have been using the church. Motion to approve was made by Councilmember Hughes and seconded by Councilmember Billups. Roll call to approve was unanimous in favor.

RESOLUTION 2023-29 Authorizing the Mayor to Enter into a Lease Agreement with Team Maineville LLC and Declaring an Emergency

Mayor Beebe provided the details on the building. This would use the ARPA money, which needs to be budgeted by 2024. Also, the lease would be filed and be attached to the property so that if they sold it, the new owners would have to honor the lease.

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

RESOLUTION 2023-30 Authorizing Towne Construction Services to Compact Existing Parking Lot Millings Located at 27 E. Foster Maineville Road, Maineville, Ohio, and Spray Trackless Tack Coat onto Said Millings to Glue/Hold Them in Place, and Declaring an Emergency

Mayor stated that we would be having the millings rolled and then be coated with the clear glue to hold them all in place. We would also stripe spots as well.

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

RESOLUTION 2023-31 Authorizing the Purchase of New Lamp Post for Downtown Parking Lot and Declaring an Emergency

Mary Beth has contacted Duke Energy and obtained a quote and contract to add another lamp post beside the new parking lot. This post would match our other 4 posts. It adds to the Village décor and historical feel. Julie said we need to strike the "indemnity" clause prior to signing the contract. Duke said that was fine to do.

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

Public – No public comments

Executive Session

Under Ohio Revised Code 121.22

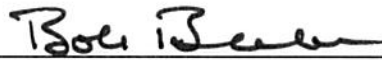
(G)(3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action

Motion to enter into executive session was made by Councilmember Billups and seconded by Councilmember Hughes. Executive session began at 7:33 p.m.


Motion to leave from executive session was made by Councilmember Hughes and seconded by Councilmember Billups. Council returned from executive session at 7:44 p.m. with no action taken.

With nothing further to be presented to Council a motion from Councilmember Hughes to adjourn was seconded by Councilmember Tomsic and all Councilmembers voted to adjourn at 7:45 pm.

Adopted:



Mayor Bob Beebe



Fiscal Officer Mary Beth Campbell