

RECORD OF PROCEEDINGS

2265

Minutes of The Village of Addyston Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

September 20

20 10

P1

In attendance: Mayor Daniel L. Pillow, Councilpersons: Mr. Jason Fry, Mr. Ronnie Pugh, Mrs. Lisa Mear, Mrs. Ann Pillow, Mr. William Wickman, and Mr. Sonny Youngblood, Village Clerk Margaret Ann Dozier, Village Treasurer Kathleen Adams, Village Solicitor Robert G. Kelly. Department Heads: Chief of Police Thomas VonLuehre and Street Commissioner Chip Brinkman. Mayor Pillow opened the regular session at 7:00PM with all joining in the Pledge of Allegiance. Mayor Pillow announced the meeting was being audio and video taped. Minutes from the August 16, 2010 meeting – Mr. Fry moved and Mr. Youngblood seconded the motion to adopt the minutes as printed, there was no discussion, Roll call vote: 6 Yeas motion carried.

CLERK'S REPORT: Pay Ordinance 9-A-2010 in the amount of \$10,115.58 for bi-weekly payroll. Mr. Fry moved and Mrs. Pillow seconded the motion to pay the bills, there was no discussion, Roll call vote: 6 Yeas motion carried.

Pay Ordinance 9-B-2010 in the amount of \$9,066.78 for payables. Mr. Youngblood moved and Mrs. Pillow seconded the motion to pay the bills, Mr. Wickman questioned if this money is taken out of the general fund or Mayor's court. Mayor Pillow explained it comes out of the general fund Mr. Youngblood asked if Village could set a limit on the number of days for a person to be incarcerated and Mayor Pillow stated yes, there were no other questions. Roll call vote: 6 Yeas motion carried.

Pay Ordinance 9-C-2010 in the amount of \$6,147.91 for monthly salaries. Mr. Wickman moved and Mr. Fry seconded the motion to pay the bills, there was no discussion, Roll call vote: 6 Yeas motion carried.

Pay Ordinance 9-D-2010 in the amount of \$11,309.57 for August payroll withholdings. Mr. Wickman moved and Mrs. Pillow seconded the motion to pay the bills, there was no discussion Roll call vote: 6 Yeas motion carried.

Mayor's Monthly Financial Statement to council for Mayor's Court and traffic payouts in the amount of \$10,489 deposited into the General Fund. Mr. Wickman moved and Mr. Youngblood seconded the motion to adopt the report as read, there was no discussion, Roll call vote: 6 Yeas motion carried.

The Village Clerk stated that she had provided Mayor Pillow and Council a Revenue Status report and Appropriation Status report as of 9/16/2010.

TREASURER'S REPORT:

Treasurer Kathleen Adams read the August 31, 2010 financial statement. Mr. Pugh moved and Mr. Wickman seconded the motion to adopt the report as read, there was no discussion, Roll call vote: 6 Yeas motion carried.

MAYOR PILLOW'S REPORT TO COUNCIL:

Mayor Pillow stated that he had put a copy of the C.D.S. Engineer August 2010 report in the council packets. Mrs. Pillow asked about the Second Street water line replacement project. Mayor Pillow asked the Village Clerk/Water Board Clerk for an update. The Clerk advised that everything had been returned to Peck, Schafer and Williams the Bonding Company and Fifth Third Bank she was waiting to hear back from Steve Brown the Banker. Mr. Youngblood questioned why nothing was being done with the Church Street water lines since they were looked at first. Mayor Pillow explained that the Second Street water line tied in with the Block Grant funding that council would receive to blacktop Second Street he mentioned checking with the Water Board at the next meeting. He stated that he had received the new block grant application from Hamilton County Community Development if he and would see that council received a copy so they could start discussing ideas for further noting that council may need to hold a couple of special meetings. He stated that he had been contacted by the SBA Cell Tower Company for an extension on the land lease to build the cell tower by mutual consent to allow the extension and have the Village Solicitor review the contract. He received the tree grant application but it only called for his signature the Village Solicitor to look at the contract also. He wasn't sure on the status of the ADT Security Contract for the Village since it was a lease contract the cost is less then \$25,000. Mr. Wickman moved and Mrs. Pillow seconded the motion to go ahead with the ADT Security Company for the municipal building, there was no discussion.

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P 2

Councilman Youngblood thanked everyone for helping with the program Mayor Pillow, Councilwoman Pillow for working with Mayor Pillow, Police Chief VonLuehtré for doing the research on the facts on Marshall Knapp, Clerk Margaret Ann Dozier for organizing the refreshments he thought everything was great.

SOLICITOR'S REPORT:

Solicitor Kelly advised that he had prepared an Ordinance authorizing the Village Clerk to advertise for bids for installation of generators for the Village Municipal Building. Mr. Fry moved and Mr. Wickman seconded the motion to suspend the rules and read the Ordinance by title only all three times and declare an emergency, discussion was to advertise for two weeks, Roll call vote: 6 Yeas motion carried.

1st, 2nd and 3rd Reading – AN ORDINANCE AUTHORIZING THE VILLAGE CLERK TO ADVERTISE FOR BIDS FOR INSTALLATION OF GENERATORS FOR THE VILLAGE MUNICIPAL BUILDING. Mr. Fry moved and Mr. Youngblood seconded the motion to adopt the Ordinance there was no discussion, Roll call vote: 6 Yeas motion carried.

ORDINANCE NO. 2010-10 AN ORDINANCE AUTHORIZING THE VILLAGE CLERK TO ADVERTISE FOR BIDS FOR INSTALLATION OF GENERATORS FOR THE VILLAGE MUNICIPAL BUILDING. Mr. Kelly also prepared an Ordinance for the adoption of the International Property Maintenance Code, as amended, as the Addyston Property Maintenance Code. Mr. Pugh moved and Mr. Fry seconded the motion to suspend the rules and read the Ordinance by title only all three times and declare an emergency, Mr. Youngblood questioned if the was for new houses being built or for old houses that are in Addyston. Mayor Pillow explained that the Village has been using the International Property Maintenance Code since 2003 and if Mr. Youngblood had any concerns or questions he could meet with the Code Enforcer on them, Roll call vote: Mr. Fry Yea, Mr. Pugh Yea, Mrs. Mear Yea, Mr. Wickman Yea, and Mr. Youngblood Nay five Yeas motion carried.

1st, 2nd and 3rd Reading – AN ORDINANCE FOR ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, AS AMENDED, AS THE ADDYSTON PROPERTY MAINTENANCE CODE. Mr. Pugh moved and Mrs. Pillow seconded the motion to adopt the Ordinance as read, there was no discussion, Roll call vote: Mr. Fry Yea, Mr. Pugh Yea, and Mrs. Mear Yea, Mrs. Pillow Yea, Mr. Wickman Yea and Mr. Youngblood Nay, five Yeas motion carried.

ORDINANCE NO. 2010-11 – AN ORDINANCE FOR ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, AS AMENDED, AS THE ADDYSTON PROPERTY MAINTENANCE CODE. Mr. Kelly stated he had prepared an Ordinance adjusting compensation of certain non-elected Village employees. Mayor Pillow asked Mr. Kelly to explain the Ordinance. Mr. Kelly explained that during the 2008 and 2009 calendar year there was either a UAN computer error or some salary deductions didn't post correctly in the UAN system and the during the State Audit the Auditors were requesting that matter be resolved by council. Mr. Pugh moved and Mr. Fry seconded the motion to the rules be suspended and the Ordinance be read by title only all three times and declared an emergency, there was no discussion, Roll call vote: 6 Yeas motion carried.

1st, 2nd and 3rd Reading – AN ORDINANCE ADJUSTING COMPENSATION OF CERTAIN NON-ELECTED VILLAGE EMPLOYEES AND DECLARING AN EMERGENCY. Mr. Youngblood moved and Mr. Fry seconded the motion to adopt the Ordinance as read, Solicitor Kelly pointed out the Mrs. Mear and Mr. Wickman listed on the Ordinance were village during this period of time they are not on the Ordinance as elected officials. Roll call vote: Mr. Fry Yea, Mr. Pugh, Mrs. Mear sustain, Mrs. Pillow Yea, Mr. Wickman sustain, and Mr. Youngblood Yea. Two sustain and four Yeas motion carried

ORDINANCE NO. 2010-12 AN ORDINANCE ADJUSTING COMPENSATION OF CERTAIN NON-ELECTED VILLAGE EMPLOYEES AND DECLARING AN EMERGENCY.

Committee Reports: Mr. Fry he didn't have any luck with contacting another Vending Machine Company for the municipal building lobby and he recommended going with the Vending Machine Company that the

RECORD OF PROCEEDINGS

2267

Minutes of The Village of Addyston Council

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DAYTON LEGAL BLANK, INC. FORM NO. 1014R

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September 20

20 10

P 3

Mrs. Pillow stated she thinks they need any estimate on Mr. Fry's property damage. Mr. Fry stated he needed to contact his insurance company again to get a copy of the quote. Mr. Youngblood asked the Solicitor if anyone had checked with the Insurance Company to see if they would cover the damage since the persons involved are elected officials Mr. Kelly stated he didn't know if anyone contacted the Insurance Company. Mr. Wickman asked Mr. Kelly how he feels if the Village should pay for the damages. Solicitor Kelly said yes that he feels the damages were done after the council meeting. Roll call vote: Mr. Fry Yea, Mr. Pugh sustain, Mrs. Mear Yea, Mrs. Pillow Nay, Mr. Wickman sustain, and Mr. Youngblood Yea three Yeas two sustained one Nay motion carried.

Mrs. Pillow reported that the Village Planning Commission had met on the Deer Run Golf Course Annexation request and recommended that council move forward on the Annexation. Mrs. Pillow asked Solicitor Kelly what the next step would be on the Annexation issue. Mr. Kelly said that council would need legislation to move forward. Mr. Youngblood asked about a set of plans from the Deer Run Golf Course on what they had planned for the area Mayor Pillow stated he thought they had presented a plan to the Village Planning Commission. Mrs. Pillow moved and Mr. Youngblood seconded the motion for the Village Solicitor to prepare the necessary documents for the Village of Addyston to move forward on the Annexation of the Deer Run Golf Course property, there was no discussion, Roll call vote: 6 Yeas motion carried. Mr. Wickman requested three Purchase Orders for the October fest \$1,425 for Pepsi for the soft drinks, \$1,792.21 for the beer booth with the VFW paying \$1,000 towards the beer, and \$300.00 start up change. Mr. Pugh moved and Mr. Fry seconded the motion Mr. Youngblood asked if the VFW portion was for the beer only and not the soft drinks Mr. Wickman answered yes the VFW was only involved in the beer booth, Roll call vote: 6 Yeas motion carried. Mr. Wickman stated he felt the Village should be signs in the municipal parking lot that notifies persons parking in lot at persons own the village not responsible for damages excluding village officials because anyone can park in the lot and later say their vehicle was damaged discussion on the if the motion excluded village officials, the motion excluded village officials. Roll call vote: Mr. Fry Yea, Mr. Pugh Nay, and Mrs. Mear Yea, Mrs. Pillow Yea, Mr. Wickman Yea, Mr. Youngblood Nay four Yeas motion carried. Mr. Wickman asked about the repairs to the fire hydrant by the VFW how it happened. Mayor Pillow asked the Village Clerk/Water Board Clerk to update council on the fire hydrant she explained that Water Board Trustee Bernard Thomas had talked with Eric Winhusen of the Cleves Water Works and Addyston Water Board employee what needed to be done to repair the hydrant and they decided that the hydrant could be fixed with a break away kit so Cleves did the repairs Mr. Wickman expressed his concern about the leak under the hydrant and that the Water Board should dig the area up to find the leak, that there are leaks all over the village. Mr. Wickman brought up about getting three quotes to repair the fire hydrant at the corner of First Street and Grigsby Lane the fire hydrant has been shut down for over a year now. Mr. Wickman moved and Mr. Pugh seconded the motion to get three quotes to repair the fire hydrant then council discussed moving the fire hydrant from one side of the street to the other side and then discussed moving the fire hydrant across Grigsby Lane (alley) to in front of 144/146 First Street, Roll call vote: 6 Yeas motion carried. The Village Clerk to advertise for quotes to repair the fire hydrant bids to be opened at the 6:45PM prior to the next council meeting. Mr. Youngblood asked about the quotes for the municipal building window replacement project the Village Clerk explained that the Solicitor needed to prepare an Ordinance for the Mayor and Village Clerk to enter into a contract to have the windows repaired. Mr. Youngblood moved and Mrs. Mear seconded the motion to have the Solicitor draw up an Ordinance for the municipal building window replacement project, there was no discussion, Roll call vote: 6 Yeas motion carried. Mr. Youngblood requested to have a finance committee meeting on October 5th at 2:00PM to discuss the funding for the generators and the window replacement project and that the Police Committee should meet prior to that to discuss the ADT Security System that meeting was set for 2:00PM on the same day.

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20 10

Street Commissioner Chip Brinkman reported that he needed to replace about 47 feet of storm sewer line at 100 Church Street that the property owner had provided him with a copy of the Village lease for the property. Mr. Pugh moved and Mrs. Mear seconded the motion to authorize the expenditure not to exceed \$700 to make the necessary replacement to the storm sewer. Mr. Youngblood asked how deep the line would be. Mr. Brinkman stated about 4 foot it's very shallow no other questions. Roll call vote: 6 Yeas motion carried. Mayor Pillow called anyone from the audience who wished to address council. Mrs. Annie Grigsby of 252 Main Street asked about would be done concerning the tree that fall from the Smith property into her back yard and hit her shed she was thankful her grandchildren weren't playing in the yard. She stated that she had spoken with three different persons who advised her to let council know about the tree hitting her shed and falling into her yard that someone should contact the property owner about the tree she repeated that she was making council aware of the situation and if the tree falls again it's council's responsibility to do something about it. Solicitor Kelly asked if the tree was on village property if not it's the property owners responsibly not the villages' Mayor Pillow stated the Code Enforcer was aware of the tree problem and was contacting the property owner. Mr. Youngblood stated that there were other concerns with the tree in the yard across the street the municipal building and he knows that Code Enforcer contacted them to get the tree cut down. Mayor Pillow stated that he would have the Code Enforcer follow up on the letter to the property owner. Mayor Pillow stated he wanted to remind everyone about the annual Octoberfest festivities scheduled for September 30th, October 1st and 2nd there will be music each night, Murray Brothers Carnival rides, with the world famous Rozzi fireworks on Saturday night anyone interested in renting a booth for fund raiser should contact the Municipal Building and there would be one final Octoberfest meeting on October 24th at 6:30PM at the Municipal Building. Councilman Youngblood asked to have a copy of the video from the September 16th Lt. Pahner and Marshall Knapp Award Ceremony. Mayor Pillow stated that thought someone mentioned it was on the Fox news channel that night at 10:00PM and he had asked the cable company to put on the cable channel. Councilman Pugh brought up the Referendum Issue concerning Corporal McWhorter. Mr. Pugh stated he feels the wording is wrong on the referendum because it has nothing to do with the Corporal's pay. Mr. Pugh read the question stating it isn't right and feels council should take the appropriate action to make the question right. Solicitor Kelly stated that when the Referendum came up he directed the Village Clerk on her duties that she followed and the language on the petition was done by the circular of the petition. Mr. Pugh stated he feels it's just not the right wording and he will continue to enforce that the question isn't right and if anyone wants a copy he will give them a copy or they can get one from the Village Clerk. Police Corporal Donald McWhorter stated that about 4 or 5 years ago when council went with Fifth Third there was talk about direct payroll deposit but it hasn't happened. The Village Clerk stated that it was mentioned that was a possibility and since the former Treasurer kept her records by long hand so the direct deposit didn't happen but she will check in to it. Police Corporal McWhorter said that he banks with a credit union and it's hard for him to get to the credit union on Fridays and it would maker better for him, the Chief, and Ronnie Pugh to have direct deposit. Mr. Pugh asked the Clerk to look into it. Corporal McWhorter asked for council to start over again to rescind the 2008 Ordinance it's never been about the Corporal's pay it's about him not receiving a cost of living raise that all the other employees received. Mr. Youngblood stated that he had checked the Ordinances and the previous council had the Corporal position and salary on one Ordinance but didn't have on the Ordinance for the across the board increase. Mrs. Pillow stated she felt that council should do the right thing concerning Corporal McWhorter. Mayor Pillow referred the matter to the next Police Committee meeting on October 5th. Mayor Pillow asked that council accept the Code Enforcer's September report. Mr. Youngblood moved and Mr. Pugh seconded the motion there was no discussion. Roll call vote: 6 Yeas motion carried. Mayor Pillow asked how many people in the audience wanted to address council. Addyston resident Mr. Steven Young of 31 Main Street came before council to ask if anyone in the TV viewing area had information about a...

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20 10

P 5

Mr. Kevin T. Celarek, Green Township Administrator presented council with a copy of an Ordinance passed by the Board of Green Township Trustees on September 13, 2010 opposing the Annexation of real property located in the vicinity of Deer Run County Club in Miami Township into the Village of Addyston. Mr. Celarek, referred to hearing about 480 units going in on the Deer Run Golf course property and then gave three reasons for the opposition 1) Zoning in Hamilton County 2) cost and 3) legal expense. Mr. Youngblood stated that Mr. Celarek referred to 480 Units how could anyone say how many units when the Village doesn't have any plans. Mr. Celarek made a public records request for copies of any plans and cost anyalis that council might have now or in the future. Mr. Fry asked if the golf course was annexed into the Village and then annexed back to Green Twp would there be as much opposition. Mayor Pillow asked what section of Green Township of the Deer Run area does it affect Mr. Celarek stated that you can't get to it from Addyston you enter off Pickway Avenue at South Road. Court Mr. Tim Sisson, President of the Western Reverse Corridor spoke on growing up in Addyston and climbing the hills to see the unstable grounds on the hillside that cause property slippage to the homes his parents house for one. He questioned what kind of development would be put on the land and if the hillside could with stand it. He cautioned council to take their time on the annexation and not to hurry into anything. C. Francis Barrett of Barrett & Weber Attorneys at Law, 105 East Fourth Street representing the Deer Run County Club Home Association he has been in contact with the Hamilton County Prosecutors office, the Hamilton County Zoning and Hamilton County Planning Commission concerning the request for the Annexation. The purpose of the PUD (Planned Unit Development) is for the cluster of homes around the open space the golf course if you take out the golf course it affects the whole purpose of the PUD unit he has shared legal concerns with the Solicitor and he recommended that council meet in Executive Session to discuss those concerns. Mr. Barrett stated he would like to have copies of the cost anyalis that Mrs. Pillow mentioned he also asked council to do their due diligence on the matter. Mr. Barrett then stated he had a couple of Deer Run residents who wished to speak to council. Mr. Don Metsch of 4726 Pickway Drive stated he lives right next to the golf course if it's annexed it will affect his property and living in the PUD protect his property value. Mr. Frank Rosenacker of 7490 Deer Run Road stated is the newest resident on the property he and his wife purchased the home there because it was in the a PUD development he stated that Mr. Fry you stated your confusion he stands here tonight confused because they were told that the developer wants to put a 480 unit on the land wants to by-pass Hamilton County so they came directly to Addyston and made a presentation to the Planning Commission and Mr. Youngblood stated council has never seen any plans. Mr. Rosenacker stated that if the Village is going to annex the golf course they should take in the Timber Chase Community as well you should take pull the public and take you time on this. Mr. Youngblood stated when ever Addyston tries to grow and improve we're shut down Addyston had the opportunity for a new housing development a couple of years ago and it got shut down. Mr. Steven Young, 31 Main Street stated that he's not opposed to building on the hill just wishes they won't cut into the tree lines at the top of the hill it leaves deep cliff. Mr. Joe Sykes, Miami Township Trustee stated that no one is looking down on Addyston he served on several State Commissions where votes kept up on Addyston and he always supported Addyston and he continues to support Addyston and all of the citizens in the Township he never looks down on Addyston. Mayor Pillow asked if everyone had his or her say Mayor Pillow stated that on Thursday he met with Mr. Rick Doepke, Mr. Larry Schilling. Mayor Pillow thanked everyone who went to the microphone to speak stating it was professional way to do it but last Thursday he was threaten and his character was threaten and the residents of the Village were threaten you don't get things done that way. There is a right way and wrong way to do things and threatening the Mayor and the community isn't the right way. I was told that this is what the people on the hill are saying they will chip away at your character, they will put law suites against the village and the village won't be able to get it done, they threaten to riddle EPA on INOES so they won't stay in the village you don't get things done that way there is right way and a wrong way to do things. Do you think we'll work for Annexation with those things happening Mr

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20 10

P 6

Mayor Pillow stated that the Village can do business and talk business with them but if this is how it's going to be from the people up on the hill at Deer Run Estate how they think and they react and then the this is going to be ugly really ugly because there is not a person around this table who will be intimidated and I will certainly not be intimidated. There was nothing further to come before council Mr. Youngblood moved and Mr. Fry seconded the motion to adjourn. The next regular schedule meeting will be on October 4th, 2010 minutes prepared by Margaret Ann Dozier, Village Clerk.


Margaret Ann Dozier, Village Clerk


Daniel L. Pillow, Mayor