

**COUNCIL MINUTES
REGULAR MEETING OF
WASHINGTON COURT HOUSE CITY COUNCIL
04/27/2022
7:30 pm**

Council met in regular session at 7:30 pm in the second floor Council Chambers located at 105 N. Main Street, Washington Court House, with Chairperson Dale Lynch presiding. Ms. Kendra Hernandez led the invocation and Mr. Dale Lynch led the pledge of allegiance.

Present at said meeting were, Mr. Joe Denen, City Manager, Mr. Mark Pitstick, City Attorney and Mrs. Kelley Ford, Clerk of Council. At roll call, the following Council Members were present: Mr. Ted Hawk, Ms. Kendra Hernandez, Mr. Caleb Johnson, Mr. Steve Shiltz, Mr. Jim Blair, Mr. Jim Chrisman and Mr. Dale Lynch.

Mr. Lynch introduced his students in attendance; Miss Kaley Merrit and Mr. Troy Thompson.

Ms. Hernandez moved and Mr. Hawk seconded the following motion:

Motion: That the minutes of the Regular Council meeting held April 13, 2022, be approved as presented.

In discussion, Mr. Blair noted that the minutes needed to be corrected to add Mr. Kerns address to Council.

At roll call the vote resulted as follows: Mr. Hawk, "Aye"; Ms. Hernandez, "Aye"; Mr. Johnson, "Aye"; Mr. Shiltz, "Aye"; Mr. Blair, "Aye"; Mr. Chrisman, "Aye"; and Mr. Lynch, "Aye".

Motion carried.

Mr. Shiltz moved and Mr. Blair seconded the following motion:

Motion: That the minutes of the Special meeting held April 19, 2022, be approved as presented.

At roll call the vote resulted as follows: Mr. Hawk, "Aye"; Ms. Hernandez, "Abstain"; Mr. Johnson, "Aye"; Mr. Shiltz, "Aye"; Mr. Blair, "Aye"; Mr. Chrisman, "Aye"; and Mr. Lynch, "Aye".

Motion carried.

COMMUNICATION

There was none.

COUNCIL COMMITTEES

Mr. Hawk presented the minutes of the Service, Safety and Recreation Committee meeting held April 13, 2022.

Ms. Hernandez moved Mr. Shiltz seconded the following motion:

MOTION: That the minutes of the Service, Safety and Recreation Committee meeting held April 13, 2022 approved as presented.

At roll call the vote resulted as follows: Mr. Hawk, "Aye"; Ms. Hernandez, "Aye"; Mr. Johnson, "Aye"; Mr. Shiltz, "Aye"; Mr. Blair, "Aye"; Mr. Chrisman, "Aye"; and Mr. Lynch, "Aye".

Motion carried.

CITY MANAGER REPORT (in writing)

Mr. Denen respectfully addressed Council and thanked Roxanne and Debbie for their excellent attitude and effort during the tax season.

Mr. Denen encouraged citizens to mow their grass and address trash issues.

Mr. Denen noted the recent efforts of the Cemetery.

Mr. Denen thanked everyone involved with the visit of the Ohio Supreme Court.

Mr. Denen thanked the Fayette County Bar Association and President, Caleb Johnson for the event with the Ohio Supreme Court.

Mr. Denen noted the contribution of Dale Lynch to the event with the Ohio Supreme Court.

Mr. Denen thanked Tyler Tackage for representing young people of our community at the Supreme Court Event.

Mr. Denen thanked Carmen Baird, of the Fayette County Common Pleas Court for organizing the event with the Ohio Supreme Courts as well as Miami Trace High School for hosting.

Mr. Denen advised that the Water Quality report will be available in lobby of the City Administration Building.

Mr. Denen noted that the Arbor Day Celebration will be held at Capuanas Delicatessen on Thursday, April 28th at 2:00 pm.

DIRECTOR OF FINANCE

Director of Finance, Christina Collins respectfully addressed Council and gave them a review of her first week of employment.

CITY ATTORNEY

City Attorney, Mr. Mark Pitstick noted that the mowing ordinance was being enforced and encouraged citizens to mow their lawns.

LOCAL RESIDENTS AND TAX PAYERS

Mr. Jerry McCoy, a resident of 1047 Andrick Drive, respectfully addressed Council and expressed his concern with the recommendation of the Planning Commission regarding the rezoning of lots on Andrick Drive-Trotters Pointe. Mr. McCoy noted his support of the development but requested lots 93, 94 and 95 remain zoned as R1. Mr. McCoy also expressed his concern with assignments of lot numbers.

Mr. McCoy noted the Planning Commissions minutes that had been attached to the previous legislation. Mr. McCoy stated that lot sizes were not noted correctly and noted that he rebuked the request on the grounds that the lot sizes were large enough to stay zoned as noted.

Mr. McCoy noted his concern with the size of the lots being rezoned, and that that lots were not adjacent to State Route 35 as previously stated. Mr. McCoy presented a map from the original zoning that had only twenty lots.

Mr. Blair inquired where the lots are that are not platted on the map that was presented to Council. Mr. McCoy pointed to the property that was not platted.

Mr. McCoy noted his concern of three properties that backed up to Andrick Drive and that the numbers had changed over the years with the change of the property owners.

Ms. Hernandez directed an inquiry to Mr. Rod Bryant regarding lots that are not plotted. Ms. Hernandez inquired anything right now that doesn't have a house is not plotted or just the ones that are being referenced?

Mr. Bryant reviewed the platting process. Mr. Bryant noted the work of the Planning Commission and the desire to create R1 and R2 in a clear and open fashion.

Mr. Johnson inquired if lots 77-92 were platted R2, as of this date? Mr. Bryant stated that lots that do not have any portion of R1B are currently R2. Mr. Rod noted that the paperwork could've been written where each plot had their individual zone, but it was the recommendation of the Planning Commission to do it as it states on the paperwork, as one continual zoning, so that all citizens would see that the goal being all R2 zoning.

(At this point the floor was held by more than one person at a time)

Mr. Johnson then noted in an attempt to make the issue clear, the communication was made less clear.

Ms. Hernandez inquired about additional lines on the map? Mr. Bryant noted that those lines were noted as the different zonings.

Mr. McCoy noted his concern was with the lots that were not along State Route 35 and inquired if they could be the lesser zoning?

Mr. Johnson inquired who submits the petition for lots to be rezoned?

Mr. Bryant advised that JLB Properties, (Bishops) was the petitioner. Mr. Bryant continued and noted the number of discussions that had taken place with the Building Department, the Petitioners, and Planning Commission.

Ms. Hernandez expressed concern and claimed misinterpretation of information at an earlier meeting.

Mr. Shiltz stated that he believed Mr. McCoy's only concern was 93,94, and 95.

Mr. McCoy stated that the petitioner only had the right to petition those said lots. Mr. McCoy stated that those are the lots that are adjacent to Andrick Drive.

Mr. McCoy addressed Mr. Denen and inquired if the street needed to be constructed before a building permit is issued for lots facing Andrick Drive? Mr. Denen noted that typically you must construct a street before you can sell the lot. Mr. Denen noted the operative issue is that you cannot have a certificate of occupancy until a street is constructed. Mr. Bryant advised that a building permit can be issued for a lot without the street being completed but a certificate of occupancy for a home would not be issued before the street was completed.

Mr. McCoy inquired about 1261 Andrick Drive? Mr. McCoy stated that a street does not exist and inquired how a house received an occupancy certificate without Andrick Drive being completed?

Mr. Bryant noted that Mr. McCoy was referring to a preliminary map. Mr. Bryant continued and stated that just because Andrick Drive does not continue to another portion of Andrick Drive, the road and area that would connect the two was still Andrick Drive.

Mr. McCoy noted a citizen's confusion on her address, stating that her mailbox shows that she resides at 1232 Andrick and not 1261 Andrick Drive that was shown on the preliminary map. Mr. McCoy requested someone to contact the citizen to explain the difference in address.

Mr. McCoy inquired of three possible options?

- 1) Can Council not approve the legislation in any way as it is presented? Can it be tabled permanently?
- 2) Can it be terminated completely, with no motion, or no motion and a second?
- 3) Can it be amended, and the petitioner contacted to eliminate lots 93,94 and 95 from the rezoning option?

Mr. Lynch noted that the legislation could stay tabled. Mr. Lynch then inquired with Mr. Pitstick and Mr. Bryant on Mr. McCoy's other options. Mr. Lynch noted that it would take six out of seven to vote down a Planning Commission recommendation.

Mr. McCoy inquired if a second was not made on the legislation if the legislation would be terminated. Mr. Pitstick noted in the affirmative. (The recommendation of the Planning Commission would remain, 6 of 7 votes are required to vote down).

Mr. Lynch noted that Mr. Zastrow was in attendance and had signed to speak at Council.

Mr. Zeke Zastrow, a resident of 1070 Andrick Drive, respectively addressed Council and noted his support of Mr. McCoy.

Mr. Lynch inquired with Mr. Bryant if he had anything further to add? Mr. Bryant noted that the City Planning Commission had worked well with all parties involved and did their due diligence to present Council with an ordinance that they could present for passage.

Ms. Hernandez noted that the lots that Mr. McCoy was contesting was lots 93,94, and 95 and inquired if JBL Properties/Bishops could do anything aesthetically, such as plant trees, fencing, or shrubbery to appease Mr. McCoy's concerns.

Mr. McCoy responded in the negative and that he will remain with his position.

Mr. McCoy noted his concerns with traffic? Ms. Hernandez noted that you cannot assume traffic.

Mr. McCoy noted that he did not know JBL Holdings. Mr. McCoy speculated about the desire of JBL Holdings to resubmit the zoning request.

Mr. Johnson inquired with Mr. McCoy if he understood that JBL Holdings owns the property no matter what the zoning and that Mr. McCoy would still have to interact with the company? Mr. McCoy noted that he understood, and that he was addressing Council to protect the neighbor who resides beside the property. Mr. Johnson noted there are sacrifices to living within a city. Mr. Johnson noted the desire of the city to have development in the area.

Mr. Lynch inquired with Mr. Bryant if JBL Holdings would be willing to resubmit their application in a different manner? Mr. Bryant noted that he did not want to speak on their behalf.

Mr. Chrisman noted that Mr. McCoy indicated that Mr. Reid of JBL Properties stated that it would be difficult to fit duplexes on the lots. Mr. Chrisman read minutes of the Planning Commission, noting that Mr. Reid indicated that since single family dwellings are still a permitted use in the R2 district, that JLB Properties may intermingle single family dwellings amongst the development. Mr. Reid indicated that ranch style dwellings were difficult to fit on the lots to adhere to the city's setback requirements. Mr. Chrisman noted that he had spoken with the petitioners and that they are willing to compromise to a point. Mr. Chrisman continued and noted that Planning Commission had done their due diligence and JBL Holdings had done well in the community. Mr. Chrisman noted the amount of the cost of the rent. Mr. Chrisman noted his support of the legislation.

Mr. McCoy noted that Mr. Reid had noted a ranch style home would not fit in the lots although Mr. McCoy stated that the lots were bigger.

Mr. Chrisman noted that petitioner has to adhere to the setback requirements.

1. **LEGISLATION PREVIOUSLY INTRODUCED (in writing)**

A. **ORDINANCE NO. 2-2022 (removed from table)**

AN ORDINANCE REZONING LOTS (#73 THROUGH #95 INCLUSIVE), ANDRICK DRIVE-TROTTERS POINTE SUBDIVISION; OWNED BY JB HOLDINGS-JARET BISHOP, FROM R1B (MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT) TO R2 (TWO FAMILY RESIDENTIAL DISTRICT)

Mr. Chrisman moved and Mr. Hawk seconded the following motion:

Motion: That Ordinance No. 2-2022 be removed from table.

At roll call the vote resulted as follows: Mr. Hawk, "Aye"; Ms. Hernandez, "Nay"; Mr. Johnson, "Aye"; Mr. Shiltz, "Aye"; Mr. Blair, "Nay"; Mr. Chrisman, "Aye"; and Mr. Lynch, "Aye".

Motion carried.

Mr. Johnson moved and Mr. Chrisman seconded the following motion:

Motion: That Ordinance No. 2-2022 be placed on second reading.

In discussion, Ms. Hernandez inquired with Mr. Bryant if traffic would increase whether Lots 93-95 were single or duplex?

Mr. Bryant noted that it could possibly be a few vehicles, but he could not say exactly, due to not knowing how many persons would be at any given home, and for any style of home.

Mr. Johnson stated the importance that accuracy is more helpful than what one perceives of grouping items together.

Ms. Hernandez inquired if there were any other properties zoned for duplexes? Mr. Rod Bryant noted that the preliminary plat doesn't exist and was only used to identify the last plat that Planning Commission approved.

Mr. Chrisman noted that basically, Council was comparing the old plat to the new plat and what was being requested as of this date, not what was planned 15 years prior, and that Planning Commission had done their job.

Mr. Hawk noted that a better opportunity for any changes or concerns to be addressed would have been at a Planning Commission meeting before the final documents are presented to Council for approval. Mr. Hawk noted the confidence that Council places on the final items received from the different boards and committees. Mr. Hawk noted the past work that JBL Holdings had done in the city and that they had been very accommodating to work with.

At roll call the vote resulted as follows: Mr. Hawk, "Aye"; Ms. Hernandez, "Aye"; Mr. Johnson, "Aye"; Mr. Shiltz, "Aye"; Mr. Blair, "Aye"; Mr. Chrisman, "Aye"; and Mr. Lynch, "Aye".

Motion carried

A. ORDINANCE NO. 3 -2022 (second reading)

AN ORDINANCE AMENDING ORDINANCE NO. 18-2014 AND PROVIDING PAY GRADE IN THE CLASSIFICATION PLAN AND PAY SCHEDULE FOR EMPLOYEES OF THE CITY OF WASHINGTON COURT HOUSE, OHIO, CREATING AND ABOLISHING CERTAIN POSITIONS AND REPEALING ALL PRIOR ORDINANCES, OR PARTS THEREOF, INCONSISTENT THEREWITH.

Mr. Shiltz moved and Mr. Blair seconded the following motion:

Motion: That Ordinance No. 3-2022 be placed on second reading.

At roll call the vote resulted as follows: Mr. Hawk, "Aye"; Ms. Hernandez, "Aye"; Mr. Johnson, "Aye"; Mr. Shiltz, "Aye"; Mr. Blair, "Aye"; Mr. Chrisman, "Aye"; and Mr. Lynch, "Aye".

Motion carried

2. NEW LEGISLATION (in writing)

A. RESOLUTION NO. R14-2022 (first reading)

A RESOLUTION CREATING AN AMERICAN RECOVERY ACT GRANT PROGRAM, DESIGNATING MR. JOSEPH J. DENEN, CITY MANAGER OF THE CITY OF WASHINGTON COURT HOUSE AND MRS. CHELSIE BAKER, ECONOMIC DEVELOPMENT DIRECTOR OF THE CITY OF WASHINGTON COURT HOUSE, AND THE CHAIRPERSON OF THE FINANCE AND PERSONNEL COMMITTEE AS THE ADMINISTRATORS OF THE WASHINGTON COURT HOUSE AMERICAN RECOVERY ACT GRANT PROGRAM, AND ESTABLISHING THE ELIGIBILITY REQUIRMENTS.

Ms. Hernandez moved and Mr. Johnson seconded the following motion:

Motion: That Resolution No. R14-2022 be amended to include Chairperson of Finance and Personnel Committee to the Administrators of the Board.

At roll call the vote resulted as follows: Mr. Hawk, "Aye"; Ms. Hernandez, "Aye"; Mr. Johnson, "Aye"; Mr. Shiltz, "Aye"; Mr. Blair, "Aye"; Mr. Chrisman, "Aye"; and Mr. Lynch, "Aye".

Motion carried.

Mr. Shiltz moved and Ms. Hernandez seconded the following motion:

Motion: That Resolution No. R14-2022 be placed on first reading.

At roll call the vote resulted as follows: Mr. Hawk, "Aye"; Ms. Hernandez, "Aye"; Mr. Johnson, "Aye"; Mr. Shiltz, "Aye"; Mr. Blair, "Aye"; Mr. Chrisman, "Aye"; and Mr. Lynch, "Aye".

Motion carried

B. RESOLUTION NO. R15-2022 (first reading)

A RESOLUTION AUTHORIZING THE CITY MANAGER JOSEPH J. DENEN, OF THE CITY OF WASHINGTON COURT HOUSE TO AWARD A CONTRACT TO COX PAVING FOR THE 2022 STREET AND ALLEY PAVING PROGRAM.

Mr. Blair moved and Ms. Hernandez seconded the following motion:

Motion: That Resolution No. R15-2022 be placed on first reading.

At roll call the vote resulted as follows: Mr. Hawk, "Aye"; Ms. Hernandez, "Aye"; Mr. Johnson, "Aye"; Mr. Shiltz, "Aye"; Mr. Blair, "Aye"; Mr. Chrisman, "Aye"; and Mr. Lynch, "Aye".

Motion carried

MISCELLANEOUS

Mr. Johnson expressed his appreciation of the Supreme Court Justices visiting Fayette County and presenting arguments for the student's benefit. Mr. Johnson thanked Mrs. Carmen Baird with the Common Pleas Court for her work put forth for the event. Mr. Johnson noted that the opportunity to witness the event in that fashion was not likely to be witnessed again in Fayette County and thanked everyone who came to experience it.

Mr. Chrisman expressed his appreciation of those in attendance.

Mr. Chrisman expressed his appreciation of those in attendance.

Mr. Hawk welcomed Christina Collins to her new position as Finance Director.

Mr. Blair expressed his appreciation of those in attendance. Mr. Blair stated that he was looking forward to Christina Collins with her roll as Finance Director.

Mr. Blair referenced a quote from Ella Fitzgerald, "It isn't where you come from. It's where you are going that counts."

Ms. Hernandez thanked everyone for coming. Ms. Hernandez noted that Council's decision was a hard decision to make concerning the rezone, but noted that she believed that the city, citizens, and the developer could find a happy medium. Ms. Hernandez noted that she appreciated all of Mr. McCoy's work.

Ms. Hernandez encouraged citizens to attend the upcoming Shop Hop on May 13th and 14th.

Mr. Shiltz expressed his appreciation of those in attendance.

Mr. Lynch expressed his excitement for the student's opportunity to hear the cases before the Ohio Supreme Court. Mr. Lynch noted the great job that was done by all the attorneys. Mr. Lynch continued, and thanked Miami Trace High School for hosting the event.

Mr. Lynch expressed his appreciation for the other six Council members for their efforts regarding the rezone conversations. Mr. Lynch stated that he appreciated all the questions and concerns that had been brought to Council by Mr. McCoy.

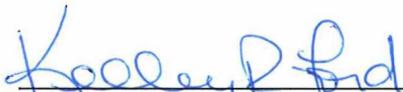
E. Adjournment

Ms. Hernandez moved and Mr. Johnson seconded the following motion:

Motion: That the Regular Meeting be adjourned.

At roll call the vote resulted as follows: Mr. Hawk, "Aye"; Ms. Hernandez, "Aye"; Mr. Johnson, "Aye"; Mr. Shiltz, "Aye"; Mr. Blair, "Aye"; Mr. Chrisman, "Aye"; and Mr. Lynch, "Aye".

Motion carried. Regular Meeting adjourned at 8:55 pm.



CLERK OF COUNCIL



CHAIRPERSON OF COUNCIL