

RECORD OF PROCEEDINGS

00763

ASHVILLE COUNCIL REGULAR SESSION

Held: August 19, 2019

Page 1 of 2

The Council of Ashville convened in Regular Session from 6:31 PM to 7:35 PM in the Council Meeting Room at 200 East Station Street, Ashville, Ohio 43103. Mayor Wise called the meeting to order with the Pledge of Allegiance and a moment of silence.

The following members and visitors were present:

Mr. RANDY LOVELESS	Present	Mr. NELSON EMBREY	Excused
Ms. TRACIE SORVILLO	Present	Mr. BRAD LUTZ	Present
Mr. DAVID RAINEY	Present	Mr. ROGER CLARK	Present

EMPLOYEES: Franklin Christman and Chief George

GUESTS: Kelli Wilburn, Pam Ward, Matthew Cull, Brian Bell, Andy Ward, Katherine Blades and Mark Stewart

MINUTES OF PREVIOUS MEETING: Roger Clark noted the meeting date was missing from the top of the minutes and that April Grube should have been listed as the camera operator. After discussion, Randy Loveless moved, seconded by Brad Lutz, to approve the August 5, 2019 minutes as corrected. All votes were yea.

VILLAGE ADMINISTRATOR'S REPORT: Franklin Christman delivered his written report which included project updates, that he has met with Bill Toole as a possible replacement for Dale Hoover and that he has drafted a letter to Ashville Elementary regarding school staff parking in the 2-hour parking lot at the park.

POLICE DEPARTMENT: Chief George delivered the Police Department's July 2019 Monthly Report and offered his condolences to the families of the two Teays Valley students who were killed in a car crash over the weekend.

COMMITTEE OF THE WHOLE: Mayor Wise reported that a resident attended the last Committee of the Whole meeting and complained about the volume of the music during Gazebo Gatherings. The same resident also asked that the 2-hour parking policy at the park be enforced as the staff at Ashville Elementary is parking there during the school-day leaving no parking for anyone who wants to park there for park activities.

PLANNING & ZONING: Roger Clark reported that a Planning & Zoning meeting was held Thursday, August 15, and that the P&Z Committee unanimously agreed with the suggested changes in Ordinance 2019-11. Clark also reported that a committee member asked why the water and sewer tap fees are not the same. The Village Administrator stated that the operational costs are different, therefore the construction costs are different.

ORDINANCE(S) FOR FIRST READING

2019-11 AN ORDINANCE FOR A CHANGE TO PART ELEVEN PLANNING & ZONING CHAPTER 1145 RESIDENTIAL OFFICE DISTRICT (RO). David Rainey moved, seconded by Randy Loveless, to have the First Reading. All votes were yea. After the reading, Brad Lutz read a statement that he drafted listing the reasons why he will not vote for rezoning. In short, Lutz stated that he isn't comfortable zoning one property differently than its adjacent properties, believes spot-zoning has the potential to create problems down the road, has concerns with the village's ability to enforce the stipulations set in place by the village (i.e. hours of operation, noise level, etc.), and has concerns for how the building will be used if the current owner decides to sell. Lutz closed by saying he's not against the idea of a new restaurant in the village, but isn't comfortable with the location and the potential issues it presents. After a brief discussion, Brad Lutz moved, seconded by David Rainey, to withdraw the motion for the First Reading of Ordinance 2019-11. All votes were yea.

Brad Lutz moved, seconded by Roger Clark, to have the First Reading. All votes were yea. After the reading, Roger Clark moved, seconded by Randy Loveless, to accept the First Reading. All votes were yea with the exception of Tracie Sorvillo and Brad Lutz who voted no.

2019-12 AN ORDINANCE FOR THE REZONING OF THE ZERO-POINT-TWO-ZERO-SIX-SIX (0.2066 +/-) ACRE TRACT OWNED BY KELLI WILBURN FROM RESIDENTIAL OFFICE DISTRICT (RO) TO VILLAGE CENTER DISTRICT (VC). Brad Lutz moved, seconded by Tracie Sorvillo, to have the First Reading. All votes were yea. Mr. Cull approached Council to confirm that they received the copy of Ordinance 2019-11 that included his proposed amendment to the hours. After reviewing the ordinance, Mr. Cull asked why his proposed changes weren't included in the ordinance. The Village Administrator stated that the Mayor suggested they be included as an addendum to the ordinance. Mr. Cull then addressed the concerns council has with spot-zoning saying that the property in question has always been used as a business, and the



RECORD OF PROCEEDINGS**ASHVILLE COUNCIL
REGULAR SESSION**

Held: August 19, 2019

Page 2 of 2

neighbors are used to that. Cull also stated that the village's Land Use Plan is dated and doesn't support the current needs of the village so spot-zoning is a way of handling that. Mr. Cull expressed frustration with how long the process has taken to get a decision, noting that he and Ms. Wilburn have done everything the village has asked them to do and he assumed they would have the final decision at this meeting, but instead, he was forwarded an ordinance that would allow for conditional use, which his client is agreeable to, with the exception of the hours which they feel are too restrictive. After discussion, Tracie Sorvillo moved, seconded by Brad Lutz, to accept the First Reading. All votes were no.

DISCUSSION: After the reading of 2019-12, Ms. Wilburn addressed Council and said it would be rare for her to be open after 11:00 P.M., but she would like to have the option on nights such as high school football games, but would adhere to the hours stipulated by Council just to be able to open the restaurant. Mayor Wise advised Ms. Wilburn that the hours were determined based on the location of the restaurant. Mr. Cull said he felt the process was unfair and that his client has been at a stand-still which is costing her money. Brad Lutz assured Mr. Cull that the process was followed according to the law.

ORDINANCE(S) FOR SECOND READING

2019-10 AN ORDINANCE AMENDING ORDINANCE 2018-08, 2017-09, 2016-07, 2014-04, 2015-04 AND 929.02 (96-13, 2006-06, 2009-03, 2010-07) FOR A DEBT SERVICE CHARGE FOR THE WATER RESOURCE RECOVERY FACILITY EXPANSION PROJECT IN COMPLIANCE WITH OHIOEPA FINDINGS AND ORDERS FOR THE VILLAGE OF ASHVILLE, AND TO ALTER THE CHARGE FOR WASTEWATER IN THE VILLAGE OF ASHVILLE. THIS AMENDED ORDINANCE WILL NOT CONFLICT WITH THE OHIO REVISED CODE (ORC) LIMITATIONS AND DECLARING AN EMERGENCY. Brad Lutz moved, seconded by David Rainey, to have the Second Reading. All votes were yea. After the reading, Brad Lutz moved, seconded by David Rainey, to accept the Second Reading, suspend the Rules of Council, waive the Third Reading and adopt. All votes were yea.

AUDIENCE COMMENTS: Katherine Blades from Blades Pizza informed council that she had reached an agreement with the owners of Contours and that she will be able to use the portion of the alley that was purchased by Contours' owners to access the future parking lot behind Contours.

COUNCIL COMMENTS:

1. Randy Loveless asked for prayers for the families of the Teays Valley students killed over the weekend and asked if Council or Planning & Zoning handle rezoning.
2. Brad Lutz noted that he has seen many government bodies that don't work well together, but he likes how well the village council works together. He said everyone has their own opinions and issues, but he appreciates that they respect that and continue to work well together.
3. David Rainey echoed Lutz's sentiments.
4. Tracie Sorvillo moved, seconded by Brad Lutz, to research the possibility of rezoning Residential Office (RO) to Village Center (VC) and discuss at next Committee of the Whole meeting. All votes were yea.

At 7:35 PM, David Rainey moved, seconded by Tracie Sorvillo, to adjourn the meeting. All votes were yea and the meeting adjourned.

APPROVED: September 9, 2019

ATTEST: April Grube, Clerk

Charles K. Wise, Mayor

All formal actions of the COUNCIL of the VILLAGE OF ASHVILLE concerning and relating to the adoption of resolutions, ordinances, and/or motions passed at this meeting were adopted in a meeting open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code.