

COUNCIL SPECIAL MEETING

September 23, 2014

Mayor Tinnerman led Council and the public in the Pledge of Allegiance.

Mayor Tinnerman called the meeting to order.

Present were: Mayor Tinnerman; *Councilmembers:* Sarah Copp (*came into the meeting at 7:35 p.m.*), Fred Francis, Susan Willis, Scott Fogle, Don Dohrman, and Anthony Miller. *Also present were:* Manager Kline, Law Director Brosh, and Clerk Cantrell. *Absent:* None.

Dated: September 23, 2014

Signed: Linda L. Cantrell CAP-OM
Clerk of Council

ORDINANCES AND RESOLUTIONS

Resolution CM-14-17

Resolution CM-14-17 was introduced by Council and read by Law Director Brosh, A RESOLUTION TO AUTHORIZE THE MUNICIPAL MANAGER TO PURCHASE REAL ESTATE ON BEHALF OF THE MUNICIPALITY OF WEST MILTON, OHIO.

Sarah Copp came into the meeting at this time.

Manager Kline stated discussions had taken place regarding the Municipality purchasing this property and then tearing down the building. He stated this area is where the Police Department gets most of their calls. The building is located at 1285 Sanlor Avenue. Manager Kline stated he has encouraged the owner of the buildings across the street, Rusty Miller, to purchase the building. He stated Mr. Miller feels that even with purchasing the property at auction and then having to put at least five thousand (\$5,000) into each apartment would make the building too costly for him. Manager Kline stated he also spoke with the General Manager of Fairfield Homes that owns some townhouses on the north end of town regarding purchasing the apartment building. He stated the General Manager stated they would probably not participate in bidding on the property.

Fred Francis stated he is concerned that there are three (3) more of these buildings owned by the same owner, Bruce Lynn. Scott Fogle asked if the County would condemn this building. Manager Kline stated he does not

think they have had calls about this building. Mayor Tinnerman stated at first he was for the Municipality purchasing the building; but due to the budgetary problems the Municipality is having, he does not like government interfering with things like this. He stated he would like to have requirements to make whoever owns properties like these fix them up. Fred Francis stated he likes the idea of owning it and tearing it down, but cannot justify the expense to the Municipality. Susan Willis stated she cannot justify the expense. Mayor Tinnerman explained to the citizens in attendance why Council had considered purchasing the property at 1285 Sanlor Avenue.

Scott Fogle made a motion, seconded by Don Dohrman to adopt *Resolution CM-14-17*. After a roll call vote, the motion ***failed*** unanimously. *Abstain: None. Absent: None. Resolution CM-14-17 failed.*

RV PARKING ORDINANCE

Greg Powell of 116 Phillips Drive stated it seems like West Milton is taking a downslide on people taking care of their property. He stated when people do not take care of their property it hurts everyone in town. Mr. Powell stated he would like to see people take more pride in their properties.

Mayor Tinnerman explained how working to make changes in the RV Ordinance came about. He stated Council is working to get things enforced to take care of problems with properties in general.

Susan Willis stated if citizens are having problems with property maintenance they can call the Council of Churches for assistance.

Manager Kline read a letter from Phil Stine of 240 Market Street. Mr. Stine stated he and his family have resided in or around West Milton the majority of their lives. He stated in the letter that he is in agreement with what he believes is the intent of Council and other citizens involved in the amendment of the RV Ordinance. Mr. Stine stated however as an RV owner he hopes it does not restrict the enjoyment for those exhibiting responsible ownership. In his letter he made the following suggestions:

- Can issues be addressed solely on a complaint-response basis.
- Can public nuisance be properly defined.
- Impose a tax on private storage (*when charging in excess of local standards*)
- Offer a tax break for off-site storage
- Recycling donation and haul-off option.

Fred Francis stated he has been thinking about what people has been saying. He stated he thinks Sarah Copp nailed it that Council needs to find a way for people outside the Ordinance that have spent money on a pad to make it nice. Scott Fogle stated he likes the idea of having permits. Sarah Copp stated having RV owners get a permit that expires gives the Municipality a chance to know who owns RVs; and if some of them start going downhill it gives the Municipality the ability to do something. She stated Council does not want to penalize individuals that have spent a lot of money to make and keep their RVs nice. Scott Fogle stated he thinks it should be a yearly permit. Manager Kline stated he likes the idea of getting the neighbors to participate in this. Mayor Tinnerman stated he could see the merit in getting neighbors involved; but what happens if someone new moves into the area five years later and does not like the neighbor that owns the RV. Would they have to come back every year to get a variance? Susan Willis stated if once the neighbors gave their okay for an RV owner to put in a pad, the RV owner would only get a permit each year; they would not have to keep getting variances. Don Dohrman stated he would think the Ordinance would take the burden off the public.

Mr. Shade of Beechnut Drive in West Milton suggested adding the following after Section II and item two (2) of the "Parking and Storage of Recreational Vehicles and Utility Trailers" section of the Ordinance: RVs must be located at least ten feet (10') from side property lines and ten feet (10') from the rear property lines. He does not want to see a gravel pad be allowed. Mr. Shade thinks RV owners should have to obtain a permit. He stated he is in agreement with the thirty feet (30') size limit. Mr. Shade stated the penalty section should remain as written.

Franklin Lockhart of Donna Jane Court stated the height of a fifth wheel or an RV of any size would be at least thirteen feet and two inches (13' 2"). He stated he does not mind paying a license fee; but he does not think he would want his neighbors' input. Mr. Lockhart stated it is an enjoyment thing.

Sandy Yaley of West Milton asked how this Ordinance works for people who have work trailers parked in their driveways. Mayor Tinnerman stated it has been discussed whether to restrict someone that needs to have these trailers to do their business; but these can be a nuisance also.

Rick Marx of Stone Meadow stated he bought his permits and abided by the rules and unless you plan to enforce this you are wasting people's time. He stated some of his neighbors are not abiding by the rules. Mr. Marx stated the Ordinance needs to be enforced. He stated he wants to put in a concrete pad and asked Council to just tell him what they want and that he would not purchase a permit from year to year.

Mayor Tinnerman stated the Ordinance may need to be written for new RVs coming in. He stated the current Ordinance and the proposed changes does not allow anything in front of the house. Mayor Tinnerman stated Council is trying not to do it in such a way that it creates a negative effect.

Don Dohrman asked if Council could do this in baby steps. Mayor Tinnerman stated if you narrow your restrictions and if you make changes later someone who has already poured a pad may not be in compliance.

Phil Yahley of West Milton asked if the Municipality has received many complaints regarding RVs. Manager Kline stated he has received at least three (3) letters and all these individuals have moved their RVs. He stated some RVs are parked in side yards that are eyesores; but they are in compliance as the Ordinance reads now.

Mr. Brumbaugh of 585 S. Main stated his RV is parked in the side yard and the nose is slightly in the front yard. He stated once his garden is down he plans to move it back. Mr. Brumbaugh stated it has a hole in the roof and needs to be repair; but he had to fix his bathroom and is working to fix up his home. He stated he does not see why a gravel pad would not be okay. Mr. Brumbaugh stated he does not have a permanent connection to electricity; but he has run power to plug it in to keep it charged. He stated he sees both sides of this issue and stated he is happy with the positive attitude he saw tonight.

Stan Magel of S. Miami Street stated he has a thirty-five foot (35') RV and has put up a nice barn to store it in.

Mayor Tinnerman stated he likes the idea of writing a restrictive Ordinance based on size for new RVs and have a way to grandfather in those that are already here.

Susan Willis asked if a size could be put in the Ordinance and if someone has a bigger sized RV they could ask for a variance.

Don Dohrman asked how many complaints the Municipality has received regarding the size of RVs. Manager Kline stated the complaints are usually compared to the size of the lot.

Fred Francis stated if Council leaves it at thirty feet (30') people with larger RVs are waiting to see what they can do; unless we grandfather people in.

Mayor Tinnerman stated the quick thing to do is address those that are not registered. He asked if the current Ordinance could be used to deal with these. Scott Fogle asked if it is in the current Ordinance that RV owners have to maintain their RVs.

Don Dohrman asked what if Council just changed some verbiage regarding the hard surface; not change size; and include the RVs have to be licensed.

Scott Fogle stated the Ordinance needs to have some type of language regarding grandfathering and look at some kind of permit.

Susan Willis asked, "Are you talking a fee with it or not?" Scott Fogle stated it costs the Municipality to do this.

Manager Kline stated maintaining a setback depends on your zoning. He stated the setbacks are ten feet (10') at minimum depending on what zone you are located in.

Anthony Miller asked about allowing the current existing hard surfaces; and then after a date Council chooses, it would have to go to concrete or just have new ones have to be hard surface.

Don Dohrman asked if driveways have to be hard surface. Fred Francis stated they do now.

Fred Francis suggested taking out gravel and dustless material; and then on a case-by-case individuals could ask for a variance if they need to do a gravel surface or need a different setback. He stated he wants to be able to get rid of the eyesores and RVs that are not stored properly.

Manager Kline stated you cannot get a variance quickly. He explained the timeline it takes to get a variance assuming it is granted.

Fred Francis stated the average income of residents in West Milton is forty-two thousand (\$42,000) dollars and most individuals cannot afford it. He stated Council has to be practical about the cost.

Sarah Copp stated Council's ultimate goal is to make the area look better.

Fred Francis suggested doing a ten foot (10') setback and add at the end if anything different is needed RV owners can apply for a variance.

Susan Willis suggested adding the RVs have to be registered each year even if a fee is not charged.

Anthony Miller left the meeting at this time (9:57 p.m.)

A lengthy, lengthy, lengthy discussion took place as how to proceed. It was the consensus of Council to do the following:

- Have a ten foot (10') set back for front and side yards.
- RVs can be no longer than thirty feet (30'), twelve feet (12') high, or more than six (6) wheels.
- Corner lots have to be considered as front yards.
- Include the definition of front yards.
- Any variance to this Ordinance would have to follow the normal channels in getting a variance.

Law Director Brosh will rework the Ordinance. Manager Kline will get it out for Council's review before the next Council meeting.

COMMUNITY IMPROVEMENT CORPORATION CIC

Manager Kline stated the CIC needs to be recreated. He stated in 1980 an Ordinance was passed that developed the CIC and then in 1994 an Ordinance was done to reinforce the CIC. Manager Kline stated the CIC was never technically disbanded and that there is a dormant checking account. Manager Kline stated he would work on this when he returns from vacation.

ADJOURNMENT

Susan Willis made a motion, seconded by Fred Francis to adjourn the meeting. The meeting adjourned at 11:03 p.m.

Linda L. Cantrell CAP-OM
Clerk of Council

Jason Tinnerman
Mayor