
**MUNICIPALITY OF CARLISLE COUNCIL MINUTES
REGULAR MEETING OF COUNCIL
NOVEMBER 12, 2019 – 7:00 P.M.
760 CENTRAL AVENUE, CARLISLE, OHIO**

Mayor Randy Winkler called the Carlisle, Ohio Municipal Council Regular Meeting of Tuesday, November 12, 2019 to order in Council Chambers at the Carlisle Town Hall building, 760 Central Avenue, Carlisle, Ohio. The meeting was opened at 7:00 p.m. with the Pledge of Allegiance.

Roll Call:

Mr. Nic Lamb	present
Mr. Randal Jewett	present
Mr. William Bicknell	present
Mr. Brad McIntosh	present
Ms. Barb Tankersley	present
Mr. Tim Humphries	present
Mayor Randy Winkler	present

Staff members present: Village Manager Julie Duffy
Clerk of Council Jennifer Harover

The minutes of October 22, 2019 were presented to Council for review. Mr. Bicknell made a motion to approve the minutes as presented, seconded by Mr. McIntosh.

Roll Call:

Mr. McIntosh	yes
Mr. Jewett	yes
Ms. Tankersley	yes
Mr. Lamb	yes
Mr. Humphries	yes
Mr. Bicknell	yes
Mayor Winkler	yes

The minutes of October 22, 2019 were approved.

Public Forum:

Mr. Dennis Patterson of 150 Ethelrob Circle approached Council. He has been a resident of Carlisle for 3½ years and has some concerns about the Village's water and sewer rates. He has noticed over the years that rates go up incrementally about \$1-\$2 each year. He began doing some of his own research with three other local communities, Franklin, Germantown and Miamisburg. Currently, he is paying \$59.50 for utilities of which approximately \$18.50 is for trash. He understands that some of the newer homes in Carlisle have meters which is different from the plat that he lives in because they have wells. He has never lived in an area where the water rates were this high, including his time in Arizona. In this area, one adult uses approximately 300 cubic feet of water per month. In Franklin, for one adult the rate of pay is about \$13.38. For two adults, it is \$26.76 each month. Three adults would be \$40.14 and four adults would be \$53.52. There tends to be a sliding scale depending on how many adults are in the home. He called Miamisburg and they do their rates a little differently. Their rate is \$85.48 per

quarter and for a family of two that would be \$28.49 per month. Germantown's rate are very unique as they go by units and their unit scale comes to about \$28.21 per month for a family of two. His concern is that there are many elderly people living in his plat and most are a family of two. They are paying over \$40 per month. He does not understand the water billing. He has spoken to the City Manager and tried to understand why there is not a flat rate for everyone. He is not understanding how a family of two is charged the same amount as a family of 6 or 8. He would like to know the fairness in that billing. He believes there should be a standard set based on how many people occupy the residence. He believes it should be easy to track as everyone submits income tax each year showing how many people live in the residence. He realizes he is speaking nickels and dimes but when people are on fixed incomes, every last dollar counts. This does not make sense to him that he pays the same rate as another home with eight adults. He believes that rates should be based on a sliding scale, discounts for elderly and/or based on adults in the home.

Mayor Winkler thanked Mr. Patterson for coming this evening. He stated that Council will take his concerns into consideration and take a look at the water/sewer rates.

With no other public addressing Council, Mayor Winkler closed the Public Forum.

Council Report:

Mr. Humphries stated that he attended the most recent BZA meeting. He thanked the Village Manager for keeping the Board informed of the perimeters for which they make their decisions. It was very well thought out meeting. He believes that people in the community need to know about 811 which is the "Call Before You Dig" number as well as calling Town Hall to see if there is a need for a permit with any home improvement or placements on their property. It appears that in the past, we have been more of a group of people asking for forgiveness than for permission. Permits should always be in place prior to adding anything to your property. He informed all citizens that the annual Tree Lighting Ceremony will be on Monday, December 2nd. The tree will be in memorial of Donny Bishop, a long-time resident of our community. The spaghetti dinner will be at Hillcrest Baptist Church beginning at 5:30pm, Tree Lighting Ceremony will be at Town Hall at 7:15pm, and Santa, Treats & Drinks will be at the Community Church beginning at 7:30pm. He would like to congratulate the new council member-elects. He knows that they were out walking the community during the past few weeks. He would like to have Council begin thinking of a retreat date for the beginning of the year to get all of the new members talking about their direction in 2020.

Ms. Tankersley congratulated Debbie Kemper and Chris Stivers for their elected seat to Council for 2020. She feels that the community will be in capable hands.

Mr. McIntosh thanked Dan Casson and the Service Department for making it through our first snow fall of the season when our salt barn is under construction and our salt relocated. He is sure that logistically that was a challenge. He appreciates their hard work last night and this morning on the roads. Council has been discussing getting together with the School Board and that will be after the first of the year. There is still no official date but that continues to be worked out. He also gave a quick thank you to Chief Bruck and the Police Department. The ceremony today in Dayton casts a light on police that we need to be thankful for them and the job they do. We have three officers and two vehicles representing the Village in the procession and ceremony.

Mr. Bicknell also thanked the Service Department for taking care of the roads. He knows it had to be logistics nightmare with our salt being away from us. With the onset cold weather, he would like

everyone to be cognizant of icy roadways and sidewalks as well as the children as they wait on buses each day.

Mr. Jewett congratulated the new elected Council Members as well as thanked Ms. Tankersley and Mr. Lamb for their time served. He looks forward to new ideas.

Mr. Lamb also thanked the Service Department for getting the roads cleared in a timely manner. He actually saw Mr. Casson this morning and he was shown some pictures of the new salt barn. They are waiting for the canopy to come it and then it will be put together and be back in service hopefully before the next snow comes.

Mayor's Report:

Mayor Winkler thanked Mr. Lamb and Ms. Tankersley for their years of service as they leave Council at the end of the year. He also congratulated Mr. Stivers and Mrs. Kemper who will be joining Council at the first of the year. Mayor Winkler thanked the voters for re-electing him. It is an honor and a privilege to serve the community. He doesn't take this job lightly. He also thanked the veterans who came out last evening to the Lions Club Veteran's Recognition. There was attendee who was 100 years old and a WWII veteran. He said he joined the Marines in 1940 and was discharged in 1945. There was also another attendee who was 92 years old and a Korean War veteran. One attendee was 90 years old, a Korean War veteran and Purple Heart recipient. There are numerous people to thank but being sure not to miss anyone, he simply thanked everyone who was involved in the success of this year's Veteran's Recognition. It takes a Village and he appreciates everyone who assisted in this event.

Manager's Report:

Mrs. Duffy expressed her condolences to the family and friends of Office Del Rio. The Village did have presence there along with other department from across the nation. It was a very impactful especially to our younger crew to remind them to be as safe as possible. Her thoughts go out to Office Del Rio's family. She invited the community to come out Thursday, Friday, Saturday and/or Sunday to the High School performance of "Clue". It is not a musical. It is a murder mystery with some audience participation. It will be at the High School choir room and tickets are going fast for this smaller facility. Do not wait to purchase your tickets. CHStheaterarts.org for more information. Mrs. Duffy updated the progress of the new salt barn. The dome portion is expected to be delivered the week of November 25th so it most likely will not be installed by the company until early December with the Thanksgiving holiday being that week. Mrs. Duffy gave a huge thank you to the City of Franklin for their help in storing our salt. We did have to go to their facility last evening to gather some salt but it went as smoothly as possible. We have a great partnership with the City of Franklin. She congratulated our new elected officials and stated that there will be a new opening on our Planning Commission. Council Member-Elect, Mr. Stivers is a current citizen member of our Planning Commission. With his election to Council, he will have to vacate his citizen spot on that board once he takes office. This will create a second opening on our Planning Commission. Mayor Winkler asked if there were still candidates to interview. Mrs. Harover stated that there is one candidate yet to be interviewed by Council. Mrs. Duffy also commented that we are still accepting interests from community members in filling these and several other openings within various Boards and Commissions.

Committee Report:

Finance Committee meeting met prior to tonight's meeting. Third Quarter 2019 performance was discussed. Revenues are up and expenses are down. Having three-quarters of the year complete, one would expect to bring in 75% of year expected revenue and expend 75% of year expenses. In the General Fund alone, the Village has brought in 95% of the expected revenues. Income tax revenues are up as well as property tax revenues being up due to reassessments by the County auditors. We have collected 18% more income tax versus the same time period of 2018. All of our funds are healthy. The expenditures being below benchmark are due to some vacancies in personnel. Investments should see some activity in fourth quarter giving us a very healthy return. Overall, finances seem to be in very good shape and he appreciates Mr. Rushing's hard work in providing this report.

Old Business:

None

New Business:

None

First Reading of Ordinances and Resolutions:

RES. 23-19 A RESOLUTION INITIATING THE AMENDMENT OF SECTION 1250.17 VARIANCES OF THE ZONING CODE AND REQUESTING AN EMERGENCY.

Mrs. Duffy explained this is a resolution to begin the process of a zoning textual amendment. It is on for an emergency to begin the review process by both Planning Commission and Council as quickly as possible. Planning Commission will come back with proposed legislation that Council will consider for adopting as formal law. The change in question relates to the variance section of our zoning code, particularly the ability for a use variance by the community. There are a listing of prescribed permitted and conditional uses within each zoning code that is put in thoughtfully through a process that involves both Planning Commission and Council. It is the vision of the community as to what types of businesses or uses they would like to see in each zoning district. By having a use variance remaining in the code, it does give the ability to legally circumvent the permitted uses that have been put in based on Comprehensive Plan. At an extreme, it would be feasible for a gas station to be placed in the middle of a single-family residential district. By going through the Board of Zoning Appeals, which currently has the authority, Planning Commission and Council would be removed from that approval process. The Board did have a use variance appeal this past week that they went through very thoughtfully. It is a high threshold to get through but it is possible to do. It is staff's opinion that both Planning Commission and Council formally review this in our code and potentially remove it. Any permitted uses that would need to come back into the code would also go through the same process with both bodies. This would adhere to the visions and consistencies of our uses in the various zoning districts. Again, this resolution only begins the process and does not make changes to the code. The process would begin with a public hearing at Planning Commission. They would review it and supply their recommendations to Council. It would then come back to Council with a second public hearing and for Council to formally consider amending the zoning code at that time.

Ms. Tankersley made a motion to suspend the rules requiring three readings, and have one reading by title only, and declaring an emergency, seconded by Mr. Lamb.

Roll Call:

Mr. Humphries	yes
Ms. Tankersley	yes
Mr. Bicknell	yes
Mr. Jewett	yes
Mr. Lamb	yes
Mr. McIntosh	yes
Mayor Winkler	yes

With no further discussion, Mr. Bicknell made a motion to adopt, seconded by Mr. Lamb.

Roll Call:

Mr. Jewett	yes
Mr. Humphries	yes
Mr. Bicknell	yes
Mr. Lamb	yes
Ms. Tankersley	yes
Mr. McIntosh	yes
Mayor Winkler	yes

Resolution passed on this day will be entered into Resolution Record Book as Res. 23-19.

RES. 24-19 A RESOLUTION INITIATING THE AMENDMENT OF SECTION 1270.03 USE REGULATIONS OF THE ZONING CODE AND REQUESTING AN EMERGENCY.

Mrs. Duffy explained this is the same beginning process to change the textual aspect of our zoning code. This particular one is in 1270.03 which is our manufacturing district. This one does relate to permitted conditional or accessory use within the code. In previous discussions with Council, Council had indicated that they would like for Planning Commission as well as Council to consider adding the ability for outdoor sales as an accessory use in the manufacturing zoned districts. Currently, as a classified M-2, outdoor sales is currently permitted as an accessory use but it is not permitted in an M-1 classification. This would begin the process to go to Planning Commission with a public hearing, a recommendation by the Planning Commission of language and/or conditions to place upon accessory uses to further define. It would then come back to Council for formal consideration to then change the law after a second public hearing.

Mr. Lamb made a motion to suspend the rules requiring three readings, and have one reading by title only, and declaring an emergency, seconded by Mr. Jewett.

Roll Call:

Mr. McIntosh	yes
Ms. Tankersley	yes
Mr. Lamb	yes
Mr. Jewett	yes
Mr. Bicknell	yes
Mr. Humphries	yes
Mayor Winkler	yes

With no further discussion, Ms. Tankersley made a motion to adopt, seconded by Mr. Lamb.

Roll Call:

Mr. Lamb	yes
Mr. Humphries	yes
Mr. Bicknell	yes
Mr. Jewett	yes
Ms. Tankersley	yes
Mr. McIntosh	yes
Mayor Winkler	yes

Resolution passed on this day will be entered into Resolution Record Book as Res. 24-19.

ORD. 23-19 AN ORDINANCE AMENDING SECTION 9.2 OF THE PERSONNEL RULES AND REGULATIONS (1ST Reading)

Mrs. Duffy spoke about this legislation as well as the next piece as they do go hand-in-hand. Both of these pieces of legislation relate to having the City formally recognize Veteran’s Day as an official city holiday. Currently, in our personnel rules and regulations, Veteran’s Day is not recognized as a holiday within the Village of Carlisle. There has been previous discussions by Council Member Lamb in the past asking the Village to consider formally recognizing Veteran’s Day as an official holiday. This piece of legislation would amend the section of our Personnel Rules and Regulations which was previously adopted by ordinance to add Veteran’s Day as a holiday. As this holiday has already passed for this year, there is no emergency language for consideration. The second piece of legislation that goes with it is for the same addition of the holiday to the unionized members of our police force. To add that as a recognized holiday with their union, it is an ordinance to execute a memorandum of understanding that would modify our current police agreement to add Veteran’s Day as a holiday within the contract.

Ordinance 23-19 will be on for second reading on November 26, 2019.

ORD. 24-19 AN ORDINANCE AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE ATTACHED MEMORANDUM OF UNDERSTANDING WITH THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC. (1ST Reading)

Ordinance 24-19 will be on for a second reading on November 26, 2019.

ORD. 25-19 AN ORDINANCE AUTHORIZING THE TRANSFER OF \$1,421.15 FROM THE UNION ROAD FUND (701) TO THE GENERAL FUND (101), AUTHORIZING THE TRANSFER OF \$14,435.92 FROM THE EAGLE COURT FUND (702) TO THE GENERAL FUND (101), AND IS ON AS A SINGLE READING.

Mr. Rushing explained two ordinances related to two retired bond funds. In government accounting, expenditures can only be made from a fund based off of that fund's specific purpose. The Union Road Fund as well as the Eagle Court Fund were established to fund public improvements to parcels of lands with the revenue being assessed to those property owners. As of 2016, the Union Road Fund had retired its bond and has paid off all interest and obligations related to that fund. In 2018, the Eagle Court Fund has done the same. Pursuant to the fund balances, the Union Road Fund currently has a fund balance of just over \$1,421 and the Eagle Court Fund has a fund balance of just over \$14,435. As it sits right now, those monies cannot be used for any other purpose unless it is related to the specific use of those funds. Because those bonds have been retired and all obligations have been met, those current fund balances can do nothing but sit there. He has done some research and found that there is a provision within the Ohio Revised Code that allows a political jurisdiction the ability to transfer those monies out of a bond retirement fund if that political jurisdiction appeals to the county court of common pleas. He submitted to our law director a request to submit to Warren County Court of Common Pleas to transfer these funds and the Court approved and accepted the transfer. This Ordinance would transfer those monies from those two funds back to the General Fund so they can be used by the Village. The reason for the single reading is to ensure that we can close the books and do the transfer before the end of the year.

Mr. McIntosh made a motion to suspend the rules requiring three readings, and have one reading by title only, seconded by Mr. Bicknell.

Roll Call:

Ms. Tankersley	yes
Mr. Jewett	yes
Mr. Lamb	yes
Mr. Humphries	yes
Mr. Bicknell	yes
Mr. McIntosh	yes
Mayor Winkler	yes

With no further discussion, Mr. Bicknell made a motion to adopt, seconded by Mr. Jewett.

Roll Call:

Mr. Bicknell	yes
Mr. McIntosh	yes
Mr. Jewett	yes
Mr. Lamb	yes
Mr. Humphries	yes
Ms. Tankersley	yes
Mayor Winkler	yes

Ordinance passed on this day will be entered into Ordinance Record Book as Ord. 25-19.

ORD. 26-19 AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO CLOSE THE UNION ROAD FUND (701) AND THE EAGLE COURT FUND (702) AND REMOVE SAID FUNDS FROM THE CHART OF ACCOUNTS, AND IS ON AS A SINGLE READING.

Mr. Rushing explained that this continuing legislation to what was just adopted. Now that these funds have zero balances, they were established by an ordinance so an ordinance needs to pass in order to remove the funds from the chart of accounts. It is on as a single reading so that it can be completed prior to the end of the year.

Mr. Lamb made a motion to suspend the rules requiring three readings, and have one reading by title only, seconded by Mr. Jewett.

Roll Call:

Ms. Tankersley	yes
Mr. Lamb	yes
Mr. Humphries	yes
Mr. Bicknell	yes
Mr. Jewett	yes
Mr. McIntosh	yes
Mayor Winkler	yes

With no further discussion, Ms. Tankersley made a motion to adopt, seconded by Mr. Lamb.

Roll Call:

Mr. McIntosh	yes
Mr. Bicknell	yes
Mr. Humphries	yes
Mr. Lamb	yes
Mr. Jewett	yes
Ms. Tankersley	yes
Mayor Winkler	yes

Ordinance passed on this day will be entered into Ordinance Record Book as Ord. 26-19.

Second and Third Readings of Ordinances and Resolutions:

ORD. 21-19 AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE MUNICIPALITY OF CARLISLE, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2019. – 2ND READING

This Ordinance will be on for a third and final reading on November 26, 2019.

Mayor Winkler announced that there were no other agenda items on for this evening except for an Executive Session.

Ms. Tankersley commented that she is interested in what Mr. Patterson had to say and she would like to get some information as to why our water costs are higher than surrounding communities. Mrs. Duffy explained that she is not sure that the Village is higher in their costs as we do participate with other Dayton communities that do assessments of utilities throughout the Miami Valley. Historically, we have been in the mid to lower third of other Dayton communities. She is more than willing to gather information for Council on this matter. Mrs. Duffy asked Ms. Tankersley if she would prefer a discussion with Council or a discussion with the Utilities Committee. Ms. Tankersley would like the information brought to Council.

Mayor Winkler announced that the Executive Session will be to discuss the purchase or sale of property and to consider the compensation of a public employee or official. There will be no action to follow.

With no further business, Mr. Bicknell made a motion to enter into Executive Session, seconded by Mr. Jewett.

Roll Call:

Mr. McIntosh	yes
Mr. Jewett	yes
Mr. Humphries	yes
Mr. Bicknell	yes
Ms. Tankersley	yes
Mr. Lamb	yes
Mayor Winkler	yes

Council entered into Executive Session at 7:37 p.m.

Mr. Bicknell made a motion to enter back into regular session, seconded by Mr. McIntosh.

Roll Call:

Mr. Lamb	yes
Ms. Tankersley	yes
Mr. McIntosh	yes
Mr. Bicknell	yes
Mr. Humphries	yes
Mr. Jewett	yes
Mayor Winkler	yes

Council re-entered regular session at 8:38 p.m.

With no further business, Ms. Tankersley made a motion to adjourn, seconded by Mr. Jewett.

Roll Call:

Mr. Jewett	yes
Mr. McIntosh	yes
Ms. Tankersley	yes
Mr. Bicknell	yes
Mr. Humphries	yes
Mr. Lamb	yes
Mayor Winkler	yes

Meeting adjourned at 8:39 p.m.

Date: 11-26-19

Randy Winkler
Mayor

Attest: [Signature]
Clerk of Council