



COUNCIL AGENDA

Monday, August 19, 2024 – 7:00 pm
Waynesville Municipal Building, 1400 Lytle Road

- I. Roll Call
- II. Pledge of Allegiance
- III. Mayor (for purposes of acknowledgments)
- IV. Disposition of Minutes of Previous Meetings
Council, August 5, 2024 at 7:00 p.m.
- V. Public Recognition/Visitor's Comments (A five minute per person time limit will be allowed for each speaker unless more time is requested and approved by a majority of the council)
- VI. Old Business
- VII. Reports
 - Standing Council Committees
 - a) Finance Committee
 - b) Public Works Committee
 - c) Special Committees
 - Village Manager's Report
 - Police Report
 - Finance Director's Report
 - Law Directors Report
- VIII. New Business:
 - Resignation of Lyle Anthony from BZA
 - Application for BZA from Christopher Wade Palser
 - Recommendations from the Planning Commission on Solar Panel Codes

Legislation:

Reading of Ordinances and Resolutions:

First Reading of Ordinances and Resolutions:

ORDINANCE NO. 2024-027

AUTHORIZING THE VILLAGE MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND / OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED AND DECLARING AN EMERGENCY

ORDINANCE NO. 2024-028

AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH FED EXCAVATING, INC. IN AN AMOUNT NOT TO EXCEED \$17,000 FOR THE REPAIR OF EXISTING CATCH BASINS WITHIN THE VILLAGE STORMWATER SYSTEM

Second Reading of Ordinances and Resolutions:

Tabled:

IX. Executive Session

X. Adjournment

Next Regular Council Meeting:

September 3, 2024 at 7:00 pm

Upcoming Meetings and Events:

Parks & Rec Meeting, August 19 @5:00 p.m.

Finance Meeting, August 19th, 2024 @ 6:00 p.m.

Public Works Committee, September 3, 2024 @ 6:00 p.m.

Public Hearing of Council, September 16, 2024 @ 6:00 p.m.

Village of Waynesville
Council Meeting Minutes
August 5, 2024 at 7:00 pm

DRAFT

Present: Mayor Earl Isaacs
Mr. Lyle Anthony
Mr. Brian Blankenship
Mr. Zack Gallagher
Mr. Troy Lauffer
Mrs. Connie Miller

Absent: Mr. Chris Colvin

Village Staff Present: Jeff Forbes, Law Director; Gary Copeland, Village Manager and Director of Public Safety; Jamie Morley, Finance Director and Clerk of Council

CLERK'S NOTE- This is a summary of the Village Council Meeting held on Monday, August 5, 2024.

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Mayor Isaacs called the meeting to order at 7:00 p.m.

Roll Call – 6 present

Mr. Gallagher motioned to excuse Mr. Colvin from tonight's meeting and Mr. Lauffer seconded the motion.

Motion – Gallagher
Second – Lauffer

Roll Call – 6 yeas

Mayor Acknowledgements

Mayor Isaacs stated that it was nice to see all the people attending a Council meeting. Many projects in the Village have been completed, are underway, or are planned for the future, including new water mains, new wells, and a new stoplight to be installed in the spring.

Disposition of Previous Minutes

Mrs. Miller made a motion to approve the minutes of the July 15, 2024 meeting and Mr. Blankenship seconded the motion.

Motion – Miller
Second – Blankenship

Roll Call – 6 yeas

Mrs. Miller made a motion to approve the minutes of the Special Meeting on July 31, 2024 as amended and Mr. Blankenship seconded the motion.

Motion – Miller
Second – Blankenship

Roll Call – 6 yeas

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Public Recognition/visitor’s comments

Lance Oakes of Oaks Tree Development presented Council with a proposed housing development for the 40.7 acres across from the Government Center on Lytle Road. He explained that the land is currently under contract and that he would like to see if Council is receptive to annexing the lot and rezoning it to AR-1 and R-3. Mr. Oakes said the population is aging and has nowhere to move to within the community. The proposed condominiums would allow the aging population to move without moving out of the community. He further stated he has spoken with Chief Copeland and came up with the proposed development comprising 22 4-unit condominiums and 32 single-family lots. These homes would be built by Design Homes and are designed to appeal to an older demographic, which would have a minimal impact on the schools. The proposed buildings are high-end luxury homes from local a developer and home builder with a price range of 800K to 1.5 mil for single-family homes. Mr. Oaks stated that this proposal is based on the nearby Soraya Farms and will have green space and water features. Mr. Oakes addressed concerns about connecting the existing street in Thatcher Hill and stated there would only be a gate for emergency access. He is asking if the Council would consider annexation and rezoning, and if so, what would the preliminary timeline be?

Mr. Gallagher thanked Mr. Oakes for his presentation. He stated that this was not the first time someone wanted to develop this land. He said the original developer proposed 40 homes, and this is proposing an even more condensed housing development with smaller lot sizes. Mr. Gallagher stated that, at this time, he is a no on the proposed lot size and condensed housing.

Mrs. Miller asked how this would impact the population and schools. Mr. Oakes answered that the development is marketed toward the older demographic to have a minimal impact on the school and a high impact tax-wise. He explained that the proposed condominiums are two-bedroom units, which families with children rarely want. Chief Copeland added that it would increase the population by about 300. Mr. Lauffer said there is no guarantee that it would not impact the schools as he feels people will be willing to pay these home prices to get their children into Wayne Local Schools. He added that the homes would bring in more taxes, but 72% of the property taxes go to the school. Mr. Lauffer asked what is to stop the 100 acres nearby, the old Michener property, from being developed. Mr. Oakes explained that this property does not offer sewer capabilities. Mr. Anthony asked why they wanted to annex and if they had spoken to the Township. Mr. Oakes stated that he had not spoken to the Wayne Township Trustees, but it was made clear that two of the three Trustees ran campaigns to make building lots a 5-acre minimum. Five-acre lots are not profitable for developers and are not the best use for this property. He stressed that the proposal is of very high quality with a local builder and would offer the aging population a place to move to without leaving the community.

Mayor Isaacs added that he visited Soraya Farms, a very nice house with beautiful landscaping. Mr. Gallagher asked if there would be an HOA and a 55 or older requirement. Mr. Oakes stated there will be a master HOA and a subsequent one for the AR-1. Mr. Gallagher said he was receptive to offering homes for the aging demographic. Mr. Lauffer added he would like to hear back from Mr. Oakes after he spoke with the school and their opinion of the development's impact on the school. Mrs. Miller suggested that Mr. Oakes contact Chief Copeland and arrange a working session with Council to review plans. Mr. Oakes stated that he was under contractual deadlines and would like to know the timeline for annexation and if the development even has a chance. Mr. Lauffer stated it would be a no from him until he hears what the school says about the development. Mr. Oakes asked Council that as the Village's population ages, where will they go to meet their needs? Mayor Isaacs stated this needed to be discussed at a working session and asked Mr. Oakes to see about setting this up with Chief Copeland.

Linda Keiffer, 341 Victoria Place and owner of an antique store downtown Waynesville, addressed Council with a few questions and concerns on their selection for the open Council position. She asked Council if the deadline set by Council for applications for the open position was July 10, and the answer was yes. She asked if, by then, only one application had been received. This was an application from an individual who did much for the community and was more than qualified for the position. She stated that three more applications were turned in between the deadline and the time of the Council meeting. She said that she finds this to be suspect. She also asked what qualifications Mr. Nation did not meet that Council chose someone else. She said she feels this is a shady deal.

At this time, Mr. Forbes said that Ms. Keiffer was correct. There was a deadline set for July 10. However, nothing in the Charter, ordinances, or state law binds Council to the deadline. Council had the job of filling the vacancy, and they had the right to consider the other applicants. Mr. Forbes also stated Council cannot answer questions about weighing the qualifications of the candidates as these discussions happened during the executive session which is confidential. Council members cannot discuss what was said during the executive session.

Mrs. Miller moved to give Ms. Keiffer more time and Mr. Gallagher seconded the motion.

Motion – Miller
Second – Gallagher

Roll Call – 6 yeas

Ms. Keiffer asked the three other applicants, if they brought their applications in or if a council member turned their applications in. Mrs. Miller said she knew one person had COVID and brought in the application but was interviewed by phone. She expressed concerns about how Council conducted the interviews and asked why they did not call for a second interview if there were questions about a candidate's application. Mr. Forbes responded that it was Council's prerogative. Ms. Keiffer stated that she felt the Special Meeting on July 31st pushed through the other candidate as many residents thought they would have the opportunity to speak on behalf of Mr. Nation at the next regularly scheduled Council meeting. She would like to know why he

was rejected. Ms. Kiefer speculated that she felt Mr. Nation was passed over for one reason. She said that Mr. Colvin put in writing why he rejected Mr. Nation and made it part of the record. Ms. Keiffer said that she felt for Mr. Colvin to use that as his excuse in the 21st century is sad.

Robert Bowen, 430 Sommerset, read the statement below:

Mayor and council, I come before this public body tonight to speak to the recent process of selecting a council appointee. Mr. Nation was the only candidate who met the bar set of July 10, 2024 by the village, in submitting his resume. Discussions happened at a later point of a few on this council stating that they could not work with someone like Mr. Nation, due to his inclusion and DEI programs he works with at his company. Then more candidates were solicited to apply for the position after the set bar had passed. Then last week after an executive session this public body came out and voted for the selection. An executive session that was instructed was a special meeting without public recognition. Executive sessions should be used when your reason fits into the list of reasons provided in the Ohio Revised Code, and actions resulting from the executive session must be taken in public during an open meeting.

The Supreme Court in the Bostock Georgia case ruled an employer is not allowed to fire, refuse to hire, or take assignments away from someone (or discriminate in any other way) because customers or clients would prefer to work with people who have a different sexual orientation or gender identity. Employers also are not allowed to segregate employees based on actual or perceived customer preferences. (For example, it would be discriminatory to keep LGBTQ+ employees out of public-facing positions.) This is the section of the law that was at issue in Bostock and applies to the private sector, state and local governments, employment agencies, and labor organizations. Bostock made clear that section 703's prohibition of discrimination based on sex includes sexual orientation and transgender status. This is also a violation of the ORC Section 4112.02 | Unlawful discriminatory practices. This village has opened this selection to a civil rights violation, an EEOC complaint, and possible lawsuit. The reasoning is the comments made by Mr. Colvin at the July 31, 2024 council meeting by saying his "lack of support for David Nation in this appointment is due to his application including his resume with core achievements focused on 'diversity and inclusion' and his efforts being a founding member of the Rainbow Alliance ERG which advocates for Diversity Equity and Inclusion (DEI) in local government, businesses, and educational institutions." A DEI program even his company has at his employer.

So I ask that this public body consider either removing Mr. Colvin, and/or he resign on his own. This village or any other government body has no place for this mentality in today's society. This discrimination is both disappointing and disturbing and that this public body would tolerate it. Mr. Nation is a good decent human being, who cares about this village, but most of all cares about people period. Mr. Nation was and is the best candidate for this position, but this public body felt otherwise. They have that right in their selection, but not to eliminate him due to his programs he runs, and/or sexual orientation. He runs these programs at his company following suit as Mr. Colvin's does at his employer, because it is his job as a company leader. His sexual

orientation or support of these programs in no way should be a talking point in this process period. If this public body fails to have him resign or on his own, then consideration of ORC 705.92 procedure for removal of an elective officer by recall should be strongly considered.

I thank this public body for your time, consideration, and in making the right decisions moving forward for what's best for the village. Waynesville is better than this!

Pat Edgington, 143 Fourth St, addressed Council about the comments made at the July 31 Special Meeting. She stated that signatures collected on behalf of David Nation were only intended to show community support for him to fill the vacant Council position. Mr. Nation is a well-respected community member and has voter support. Furthermore, Ms. Edgington responded to the comment made by a Council member that the signatures were from a subset of voters. She said she has never before been made to feel like a subset of anything. She stated that she has always been proud of the Village and its community, but she was not very proud after the meeting on July 31. Ms. Edgington stated that fairness matters and did not feel fairness was considered when making this decision. She further stated that Council should put more time and energy into focusing on slum lords and less on keeping an ethical, intelligent person like David Nation, who supports and cares about the Village in every way. She feels he was prevented from becoming a member of the governing group.

Robin Stinson, 398 Old Stage, said she is newer to the community. She has always loved Waynesville and was thrilled to move here. She stated she was delighted when she heard that Design Homes was considering building a development here in town. She noted that they are a reputable builder and will attract homeowners who will have the cash and funds to support our local downtown. Ms. Stinson also said that change is inevitable, and Waynesville is lucky to have Design Homes; it could be Ryan Homes instead. Ms. Stinson also said she was shocked when she read the minutes of the Special Council Meeting about Mr. Nation. She asked if Council wants to put Waynesville on the news for the wrong reasons. She believes diversity and inclusion policies are essential to care for the community. Mr. Nation did a fantastic job on the Lockup and would greatly benefit Council. She believes Council needs to be better business leaders and help make Waynesville more competitive. Ms. Stinson stated that Waynesville is very special and great and Council should consider more support for downtown and businesses.

Mayor Isaacs stated that there is a bench at the museum for Dr. Stoudt, who brought him into the world.

Ms. Keiffer asked if anything would be addressed about how filling the open Council seat was handled and the hurtful comments made by Mr. Colvin. Mayor Isaacs stated that the Village has many projects going on throughout the Village to improve the infrastructure. Mr. Anthony does Public Works for a living. Mr. Forbes reminded Council that Council cannot specify what was discussed during Executive Session. He also said that what would happen with the open Council position was that – the Council made an appointment. As for why Mr. Anthony was chosen, it cannot be disclosed, as that was discussed during the executive session. Furthermore, Council has limited authority to remove a member, as outlined in the Charter.

(1) Lacks at any time during a term of office, any qualifications for the office prescribed by this Charter:

(2) Intentionally violates any express prohibition of this Charter;

(3) Is found to have been a party to a crime involving moral turpitude or any felony, or guilty of misfeasance, malfeasance or nonfeasance in the performance of the official duties of a Council member;

(4) Fails to attend three consecutive regular meetings of Council without being excused. Council shall, by rule, determine and list conditions and circumstances which constitute good cause for absence.

Mr. Forbes stated that there is a statutory process for recall the public can follow to remove a public official. The process involves getting signatures and then having it placed on the ballot for the electors to decide.

David Nuscher, lives at 9325 Ferry Road but owns the property at 229 High Street, approached Council as a member of WMA (Waynesville Merchants Association). He stated that WMA submitted an application to Council for a DORA (Designated Outdoor Refreshment Area). He said he has been in the antique business for over 30 years. Waynesville was a thriving community for antiques in the past, but the demand for antiques has become minimal. Waynesville cannot rely on being the "Antiques Capital of the Midwest." Things are changing and evolving, and he believes that Waynesville needs to do the same. There are currently 54 members of WMA, and only 11 are antique stores. There are a different group of people coming to shop in Waynesville. Mr. Nuscher stated that WMA has been working to preserve the spirit of Waynesville and keep downtown shops alive and vibrant. He believes that a DORA district will help attract people to the area. He has researched DORAs, and there have been no reported increased issues when a DORA is in a community. There are over 200 DORAs in Ohio; Warren County has 6 or 7, and they are growing. Mr. Nuscher believes that if it is done right, it will help bring new life back to downtown, which is necessary because stores will close if something does not change. He stated that he has worked in the drug and treatment sector for 40 years, and he would be the last to support something that would contribute to abuse, but he firmly believes DORA will do no such thing. He stated that he thinks a DORA district would be suitable for downtown and attract more people to walk around downtown.

Mrs. Miller asked Mr. Nuscher to elaborate on the plan that had been presented. Mr. Nuscher stated that a DORA district is a Designated Outdoor Refreshment Area. The area proposed is from Mami Finas to Stonehouse Tavern. He explained that patrons can get an alcoholic drink in a special cup from one of the restaurants that currently have liquor licenses and walk around within the designated area. Not all shops have to participate. Mayor Isaacs stated that he remembered when Dave Stubbs was mayor and said that the antique market was slipping away and Waynesville would have to reinvent itself. Mr. Nuscher stated he has over 100 antiques with some of the best prices, but if he relied solely on selling antiques, he would be out of business. The town needs to adapt to keep the downtown thriving.

Michelle Heart, 4651 Isaacs Court, stated she ran Hammel House. She said WMA submitted the DORA application and is negotiable on times and the district map. The establishments that serve

alcohol are trained, and liability remains with the establishments that serve alcohol. The application included a trash plan, and it is a small area of the downtown within the district. She also pointed out that when voters voted on the Hammel House's liquor license, 83% voted yes. Ms. Heart reiterated that this would help attract and keep people visiting downtown. She stressed that many shops and restaurants suffer after COVID-19, and they believe a DORA district is an excellent way to help.

Mr. Anthony asked about Mami Finas because they were not listed on the application Council members received. Ms. Heart responded that an amendment would have to be made because Mami Finas did not have their liquor license at the time of the application.

Mrs. Miller asked what would keep people from wandering out of the designated area with alcohol. Ms. Heart responded that there would be signs noting the area. Chief Copeland stated that if people leave the area with alcoholic drinks, they are subject to open container laws. He added that public intoxication laws apply to those individuals within the DORA district.

Mr. Gallagher wanted to ensure there would be no added liability to the Village. Mr. Forbes stated that there is no liability on the Village. DORAs were created by the State and fall under state law. It is just up to Council if they want to approve it. Mr. Gallagher asked if Mr. Forbes foresees any legal issues. Mr. Forbes responded that he represents a community with a DORA, and there has not been a single issue.

Ms. Heart stated that WMA researched and reached out to five communities with DORAs, and not one reported issues. She further reiterated the importance of doing something to attract people downtown because, with the status quo, businesses cannot survive.

Mr. Anthony asked who would purchase and maintain the boundary signs. Ms. Heart stated WMA would be.

Chief Copeland stated that according to ORC 4301.81, the Council has 45 days to respond to the application. The 45 days start today, the day the application was presented to the Council. This will give time to investigate and check with other municipalities that have DORAs, follow up on the trash plan, and finalize the map and hours. Mr. Lauffer stated that alcohol does bring money to establishments.

Mrs. Miller asked if the Sauerkraut would be included, to which Chief Copeland responded that it had been excluded. She asked if the smaller events would be included. It was answered that yes they are currently included in the plan.

Chief Copeland repeated that the laws for public intoxication laws still apply.

Mr. Forbes said today marks the first day of receiving the application for the 45 days. The September 16th meeting would be at 42 days. A public hearing would need to be published in the paper and advertised. Chief Copeland stated that the next step would be to publish the hearing in the paper and advertise for the meeting.

Joanna Powell, 260 High St, stated that this is her shop and residence address. She said she has been here for five years and is currently the Vice President of WMA. She said that as a resident of the proposed area, she has spoken to other residents to ensure they are okay with it. After consulting with individuals, she said the hours were adjusted to suit everyone involved better. The proposed hours are M-F, 5 PM-9 PM, Saturday, 12 PM – 10 PM, and Sunday, 12 PM – 4 PM. She stressed that not all shops have to participate. Decals will be available for everyone: green ones for those who allow drinks and red ones for shops that do not allow beverages. There is no mandate that makes everyone participate in the DORA district. Ms. Powell stated that she was here to plead the case of the merchants. Waynesville needs to become competitive with neighboring communities. The shops downtown are great, but there needs to be more of a draw to get people downtown.

Norman Levy, 1878 Shaker Road, approached Council and stated he was speaking on behalf of Hammel House. He said he has 32 years of experience as a peace officer and supports the DORA system. He is a member of the VFW, which has its own DORA district in front of the building. He has never heard of any issues with a DORA district.

Adam Powell, 260 High St, stated that DORA districts are highly regulated and will allow the shops of Waynesville to compete on a level playing field with neighboring communities. He said that he is heavily invested in the community. He has plans to purchase another business to help continue the positive trajectory the town is on. He believes this will help the businesses and bring more foot traffic to the town, which is critical to keep downtown flourishing.

Dan Apolito, 1615 Olde Haley Dr, stated he owns Stone House Tavern at 258 S. Main Street. He said Stone House was the first restaurant to get a liquor license in Waynesville. He recalled receiving phone calls about how people would be urinating in bushes and that it would be the downfall of the Village. Mr. Apolito said that none of this came true. He said he was committed to the Village and withholding the standards of this great town. Mr. Apolito said that since COVID, Stone House has not recovered. There have been serious discussions of whether the restaurant will be able to survive. He said that something needs to change. Mr. Apolito said they would like to have events such as corn hole tournaments and bands, but his liquor license does not allow for alcohol in the parking lot. A DORA district would allow for this. These special events attract people downtown and help the shops.

Kim Gaffey, 331 Summit Lane, runs the shop at 62 S Main. He said that he lives in Lebanon but decided to open his business in Waynesville because it is a great community. He said COVID has impacted many businesses, and something needs to be done to get people to visit downtown. He believes that something needs to change to help businesses succeed. There are 200 communities with DORA districts, and it is working for them. The shop owners believe this is a great tool to attract people to visit Waynesville. He added that the merchants are working hard to make downtown successful, but they need the help of Council to move forward. He thinks a DORA district will be a good thing for the town.

Randy Brown, 345 Fifth St, stated he is a member of WMA with Wendy's Treasures and the Pasture at the Pentecostal Church in Corwin. He stated that alcohol is a problem and hates how it has become so acceptable. Mr. Brown stated that he heard many people talk about the uniqueness of Waynesville, so why do they all want to be like everyone else and have a DORA

District? He worries that if the Council approves a DORA district, people who come for family events will leave. He stated that he met with WMA, and they made concessions and changed the proposed hours. Mr. Brown stated that his brother's church in Sharonville is in a DORA district, and many people cut through the parking lot and throw their trash there. He also stated that someone was caught urinating on the building. Mr. Brown stated that he believes the Village of Waynesville lacks police officers to enforce the DORA district. Mr. Brown stated that the concept of a DORA district is new, and there is no data on its effects on a community. He also worried about the amount of trash a DORA district would create and that a better sanitation plan needs to be put in place. Mr. Brown wanted to point out that when the Hammel House liquor license was voted on, it only included precinct 239, and not all residents could vote on the issue. He feels that 85% of the passage is not a true reflection of the residents. Mr. Brown concluded that he has been a lifelong resident of Waynesville; the restaurants are able to serve alcohol now, so why do they have to bring it to the streets?

Jonathan Osborn, 711 Miami St. and pasture of the Dodds Pentecostal church, stated he has a couple of concerns with the proposed DORA district. He said he enjoys walking downtown and looking at the shops and does not want to do this with people drinking alcohol. He asked who would be responsible for funding the additional police resources that a DORA district would cause. Mr. Osborn said it should not be the residents and suggested taxing the businesses for the extra cost a DORA district will create. He added that he opposes DORA, and so does his church.

Dave Lamb, 41 Clarksville Rd., voiced concerns over a DORA district. He said Waynesville once had seven bars on Main Street and was unsafe. The town voted the bars out. Now alcohol is back, and everything is going okay, but he feels that a DORA district will affect Waynesville's uniqueness. He reminded Council that there are consequences to their decisions.

Paula Ditco, promotional event coordinator for WMA, stated that she believes when you make alcohol taboo, it makes it worse. She said she brings an extra layer of fun and entertainment to the Village of Waynesville and offers tours. She said several people have taken her tour shotgun beers because they cannot enjoy a drink during her tours. People would not do this if they had the option to have a drink while attending. She recommended taking the taboo away from alcohol. If it is legal, then it can be regulated, and people will not be preloading.

Charlotte Brian, 3118 Lytle Road and shop owner, stated she was for the DORA district. She can understand everyone's concerns. She added that there is a need to find a balance. Ms. Brian emphasized that not all stores have to participate. No store owner wants a drunk inside their shop falling down. This is not the purpose of a DORA district, and she does not think it will bring horrible things to the Village. This is for adults to have a drink while waiting for a restaurant table to walk around town. She believes it will be calm, conservative adults enjoying a beverage. Ms. Brian added that if this does not have to be permanent if it is found that the DORA district is detrimental to the community, it can be removed. However, she believes this is a great tool for attracting people to Waynesville.

Jeff Stintson, 398 Old Stage, said he does not understand why people are so scared to see someone with a beer in their hand. There are beers at the Reds and Bengals games. Just because people can drink does not mean people will become violent. We are all adults.

Gary Kauffman, 3452 Old St Rt 123, said he has enjoyed watching his children and grandchildren grow up in the community. He said he has seen the effect alcohol has had on families and does not understand why people need alcohol to have fun. He expressed concern about people drinking in the same place where the kids jogging route is. He asked who would be liable if someone who was tipsy fell and hurt themselves. Mr. Kauffman believes a DORA district would cause more harm than good. He would hate to see stores have to close and leave. He loves this community.

Julian Maple, 685 Preston's business owner, said she is raising three sons under six. She stated she would not be a proponent of a DORA district if she believed it would harm the community, but she thinks it would benefit the community.

Mr. Lauffer thanked all who spoke and attended the meeting. He said this is what government is about—the public coming in and voicing their opinions.

Mr. Gallagher asked if there was an inherent risk to businesses' ability to maintain a liquor license with a DORA district. Mr. Forbes stated that it is no different than it is now. Council can only ask for a hearing for very specific reasons, and that does not change with a DORA district.

Old Business

None

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Reports

Finance

The Finance Committee will meet on August 19th, 2024 at 6:00 p.m.

Public Works Report

Public Works will meet on Tuesday, September 3, 2024, at 6:00 p.m. Those with questions about the infrastructure are encouraged to attend.

Special Committee Report

None

Village Manager Report

- A map of the water system GIS has been provided for review. This is 98% complete, with all the valves and water lines added to the map.

- Met with ODOT about the bridge on Route 73 being closed to one lane during the Sauerkraut Festival. ODOT's proposed plan only allows one way on Route 73 and the other way to be detoured through Corwin. They will also be posting a State Trooper at the light at the intersection of Route 73 and 42 and intersection of North Street and Route 42. There will be another meeting to firm up the details.
- Shelley Reese has been hired as the new Utility Billing Clerk.
- The stoplight at the intersection of North and Route 42 is in Stage 3, where the project is being put out to bid. The Village's portion of the project is 272K, and the majority will be covered by the CVT tax money held by Warren County. The other portion of the fees is covered through a grant with ODOT.
- There is an ordinance tonight to accept SmithCorp's bid for Franklin Phase II. Third Street should be repaved by the 18th of August. A few repairs had to be completed, which held up the pavement of Third Street.
- There are ordinances for entering into a contract with Choice One for them to do the engineering for Fourth Street OPWC and to enter into a Cooperative Agreement with Wayne Township. Both of these will give the Village extra points on the OPWC application. This will provide the Village with approximately 68 points.
- Chief Copeland met with WMA to discuss the proposal for the DORA district.
- Design Homes wanted to give more of a presentation to Council, but the Public Works agenda was packed.
- The Maintenance Department continues to paint yellow curbs.
- The Water Department is repairing and sealing pavement from past water breaks.
- The Public Works Committee tabled the requests for a waiver of fees at this point.
- Kevin McNeeley contacted Chief Copeland about the sound of the lid of Franklin's vault made when a car hits it. A change order to replace the lid is part of Franklin Phase II. Until the lid can be replaced, the Water Department has bolted it down.
- Provided a flyer for an appreciation picnic for veterans at the Warren County Fairgrounds.
- The Village has received two recent payments from the opioid settlement lawsuits. Chief Copeland stated he had just enrolled the Village into a Kroger settlement.

Police Report

- July dispatched calls for service, Mayor's month-end, and code enforcement reports have been provided for review.
- Chief Copeland stated that on Thursday, marijuana is now legal.

Financial Director Report

None

Law Report

Mr. Forbes said that the clock has started for Council to consider the DORA application. The next step is for a notice of application to be published in a newspaper stating when the public hearing is scheduled. The public hearing must be held between 30 and 60 days after receipt of the DORA application, and September 8th marks the 30th day. Mr. Forbes stated that Council could have the public hearing and first reading on September 16, 2024 and then vote to adopt on October 8, 2024.

Mr. Gallagher asked if this would have to be passed as an emergency because of the deadline the state sets. Mr. Forbes stated that it says Council must take action within 45 days of receiving the application. He would not recommend passing this as an emergency because it removes the right for a referendum.

Council decided to hold the public hearing on September 16th at 6:00 p.m.

New Business

Mr. Robert Bowen resigned from the Planning Commission. Mr. Forbes stated that Council is not required to advertise an opening but can. Council asked Ms. Morley to advertise the open position until it is filled.

Mr. Gallagher motioned to appoint Mr. Anthony to fill the open Council position on the Planning Commission, and Mrs. Miller seconded the motion.

Motion – Gallagher
Second – Miller

Roll Call – 6 yeas

Mrs. Miller motioned to appoint Amy O’Connell to the Parks and Recreation Board, and Mr. Lauffer seconded the motion.

Motion – Miller
Second – Lauffer

Roll Call – 6 yeas

Mr. Gallagher motioned to appoint Mr. Anthony to fill the open Council position on the Historic Preservation Board, and Mrs. Miller seconded the motion.

Motion – Gallagher
Second – Miller

Roll Call – 6 yeas

Legislation

First Reading of Ordinances and Resolutions

Ordinance No. 2024-023

Authorizing the Village Manager to Enter into a Cooperative Agreement with Wayne Township Related to the Fourth Street Water Main Replacement and Resurfacing Project and Declaring an Emergency

Mr. Gallagher moved to waive the two-reading rule for Ordinance No. 2024-023 and Mr. Lauffer seconded the motion.

Motion – Gallagher
Second – Lauffer

Roll Call – 6 yeas

Mr. Gallagher moved to adopt Ordinance No. 2024-023 as an emergency, and Mr. Anthony seconded the motion.

Motion – Gallagher
Second – Anthony

Roll Call – 6 yeas

Ordinance No. 2024-024

Authorizing The Village Manager to Enter into a Contract with Choice One Engineering for Professional Services Related to the Fourth Street Water Main Replacement and Resurfacing Project and Declaring an Emergency

Mr. Gallagher moved to waive the two-reading rule for Ordinance No. 2024-024, and Mrs. Miller seconded the motion.

Motion – Gallagher
Second – Miller

Roll Call – 6 yeas

Chief Copeland added that having the engineering drawings done before the project gives the Village 2 more points. This is a points-based grant; having these extra points is essential to scoring well. He also stated that this is a 1-million-dollar project, and if awarded, the Village will only have to pay \$400K.

Mr. Blankenship moved to adopt Ordinance No. 2024-024 as an emergency, and Mr. Lauffer seconded the motion.

Motion – Blankenship
Second – Lauffer

Roll Call – 6 yeas

Ordinance No. 2024-025

Authorizing the Village Manager to Enter into a Contract with SmithCorp, Inc. in an Amount Not to Exceed \$1,178,740 for the Franklin Road Water Main and Street Improvements Project, Phase II and Declaring an Emergency

Mr. Gallagher moved to waive the two-reading rule for Ordinance No. 2024-025 and Mr. Anthony seconded the motion.

Motion – Gallagher
Second – Anthony

Roll Call – 6 yeas

Ms. Morley stated the Village was awarded this grant with a 21% match. The project should cost the Village less than \$250K.

Mr. Lauffer moved to adopt Ordinance No. 2024-025 as an emergency, and Mr. Gallagher seconded the motion.

Motion – Lauffer
Second – Gallagher

Roll Call – 6 yeas

Second Reading of Ordinances and Resolution

None

Executive Session

None

All were in favor of adjourning at 10:08 p.m.

Date: _____

Jamie Morley, Clerk of Council

Council Report

August 19, 2024

Chief Copeland

Manager

- The Ohio Department of Transportation closed the SR73 bridge on August 8th, which caused traffic to back up on Corwin Avenue. We received a high volume of calls at the government center, and people were advised that it was a state-funded project and that we were not involved in the planning process. I contacted state officials to get some assistance with the traffic issues. The Village does not have the manpower or the funding to direct traffic. I posted a public notice about the situation on our Facebook and web page. I continued to contact state officials to meet me regarding a plan for the 21-day closure of SR73. I worked with Ryan Oder of ODOT on an emergency request for a temporary traffic signal. On August 15th, I met with Justin Berger, supervisor for ODOT, and a temporary traffic signal was installed. The traffic signal is scheduled to stay until after the Waynesville Sauerkrout Festival. All four directions will work individually, which will allow turning. I will continue to work with the state throughout the remainder of this project. Photos of the intersection and a copy of my public notice have been included for your review.



- The Mary L. Cook Library is moving forward with its park project. On behalf of the Village Municipal Government, I provided Kelly Maloney, Director of the Mary Cook Library, a letter of support to the Ohio Department of Natural Resources for the grant application for a park next to their facility. The park is centrally located in the Village and will significantly benefit the community. A copy of my letter has been attached for your review.
- A public hearing to discuss a Designated Outdoor Refreshment Area (DORA) in the Village is scheduled for September 16th at 6:00 PM at the Village Government Center.

- The Water Department repaired several hydrants in the Village and Township. They used the new leak detector we received through an EPA grant to determine what hydrants were leaking. They replaced seals and parts in the hydrants. In addition, they exercised the valves and flushed the hydrants.



- Stacey Lowing, Wayne Township Zoning Inspector, emailed us on August 13th to see if we are interested in participating in the Township Newsletter. I am submitting this to see if a Council member is interested in drafting an article due by September 3rd.
- On August 14th, the Street Maintenance Department repaired some potholes and the locations of former water breaks. They asphalted, tamped, and sealed the repairs.



- Third Street is scheduled for a full-depth repair at two locations next week. Smith Corp has hired Jurgensen (Cox Paving's company) to mill and fill Third Street after completing the full-depth project. We ask that residents help us and not park on the street when the milling and repaving begins.
- The council will vote to approve an Emergency Village Ordinance #2024-027 for a Fourth Street OPWC Grant application. This project will be to install a new Water Main, lateral waterlines, and to repave Fourth Street. The project will cost \$1,372,300.00, with 59% (\$809,655.00) of the project funded by the OPWC State Grant. The Village match of 41% (\$562,645.00) will pay the remaining project balance. The application and preliminary designs are due by September 6th. The grants will be awarded in November, and I will update the Council when the information becomes available.

- The Water Department located approximately 20 water valves buried in streets and yards over time. They dug them out and added risers to bring them to ground level. We ask any resident with valves in their yard to help manage them and keep them debris-free. The property owner is responsible if they get damaged and must remain accessible to the Public Works Department.



- On Monday, August 5th, Dave Uy of David Johnathon Creative painted a butterfly mural that the Historic Preservation Board approved for Jaime Gabbard at 62 S. Main Street. I have observed several people taking photos similar to the ones provided below.



- The Council will vote on Village Ordinance #2024-028, which authorizes the Manager to enter into a contract with Fed Excavating to repair five catch basins. The five deteriorating catch basins are listed below:
 - 678 Franklin Road
 - 885 Windfield Way
 - 1140 Lytle Road
 - 1115 Lytle Road
 - 1095 Lytle Road
- There was a great turnout of Village and Township residents at the August 5th Council meeting. The Village Council and Administration appreciate the community participation.



Police

- The Mayor's Court bank account has uncleared checks from 2013. These checks are from bond refunds and overpayments of cases. Mayor's Court Clerk Ashley Richardson has taken it upon herself to figure out how to get the unclaimed funds reported to the Ohio Department of Commerce to disburse them to the proper recipients. According to the Department of Commerce, unclaimed funds can be reported to them after five years of inactivity on each case. Ashley has 14 checks that have not been cashed and fall past the five years of inactivity and will, therefore, be reported to the state. According to the Department of Commerce's guidelines, Ashley will report all unclaimed funds annually.
- The Department's replacement firearms and flashlights have arrived. We will schedule our annual firearms qualifications as soon as the holsters arrive.

Public Notice

This notice is to inform the public what we know about the SR 73 bridge closure construction project. This is an Ohio Department of Transportation project, and the Village officials have not been included in the planning or decision-making process. On August 8th the bridge was closed, and all the traffic was rerouted to Lebanon or Corwin Avenue. This traffic pattern has created long delays on Corwin Avenue. The Village Government Center has received a high volume of calls, and this issue is out of our authority. The Village Police Department does not have the manpower or budget to put an officer at that intersection. We primarily operate with one officer on duty, and he must remain available for calls for service. This is a state project, and any traffic details would have to be funded by the State and not Village taxpayers. We have made several calls and will continue to try to contact ODOT representatives to see if we can get some assistance with the traffic issues. If you need to travel that route you will need to plan for additional time or consider a time when the volume of traffic is not as heavy, such as during rush hours. Even though this is not a Village project, on behalf of Village Officials we apologize for any inconvenience, and we will try to get some additional assistance from the State.

Sincerely,

Chief Copeland

VILLAGE OF
Waynesville...

1400 Lytle Road • Waynesville, Oh 45068, • Phone 513-897-8015 • Fax 513-897-2015

www.villageofwaynesville.org

August 7, 2024

NatureWorks
Office of Real Estate
Ohio Department of Natural Resources
2045 Morse Rd., E-2
Columbus, OH 43229

To Whom It May Concern:

As a representative of the Village of Waynesville, I support the playground park project at the Mary L. Cook Library in Waynesville, OH. Our involvement in the project's planning stages has convinced us of its potential as a significant community asset. Unlike the single park currently within our jurisdiction, which is attached to the local school property, the Mary L. Cook Library's central location and accessibility to everyone make it the ideal spot for a playground park.

Statistics have shown that people who frequent parks are reported to be in better mental and physical health. Parks encourage children to be active and interact with one another, allowing them to develop social skills outside of a school setting. Parks also increase appreciation for nature. The Mary L. Cook Library has continuously worked hard to provide a serene natural environment, allowing one to enjoy the outdoors.

In addition to being the Village Manager, I am also the Chief of Police here in the community, and safety is always at the forefront of my mind. Parks have been shown to provide safer neighborhoods, fostering a secure environment for gatherings and community bonding. They are great sources of entertainment for children and families, ultimately deterring crime by curbing boredom.

I submit to you that this project has the full backing of our village. Our council, staff, and community are united in their support for this initiative, believing it will significantly benefit our village. Should you have any questions or concerns, please feel free to reach out to me at your earliest convenience.

Respectfully submitted,



Gary L. Copeland

Village Manager/Chief of Police

Finance Director Report

August 19, 2024

Jamie Morley

- This is a gentle reminder for those who have yet to complete the State Auditor 7-minute fraud training video. Village elected officials and staff have until September 28th, 2024 to complete the training.
- The bank rec and reports for July have been completed and provided.
- In July the Village earned \$22,501.62 in interest for the Sweep Account and \$2,708.40 for the Star Ohio account.
- The public hearing of Council has been advertised in the paper, website, and Facebook. Signs have been posted at five locations.
- The Planning Commission has submitted their final recommendation for solar panel codes. I have provided their recommendation and the original version.
- Lyle Anthony has resigned his position from the BZA due to his new position on Council. Christopher Palser has asked to be considered for this newly opened position. I have not received any applications for the open Planning Commission position.

Thank You,

Jamie Morley

Finance Director/Clerk of Council

ORDINANCE NO. 2024-027

AUTHORIZING THE VILLAGE MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND / OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED AND DECLARING AN EMERGENCY

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure; and

WHEREAS, the Village of Waynesville is planning to make capital improvements for the 4th Street Water Main Replacement and Resurfacing project; and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs,

NOW THEREFORE, BE IT ORDAINED by the Village Council of the Village of Waynesville, _____ members elected thereto concurring:

Section 1. That the Village Manager is hereby authorized to apply to the OPWC for funds as described above.

Section 2. That the Village Manager is authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and welfare and shall be effective immediately upon its adoption. The reason for said declaration of emergency is the need to authorize the grant application at the earliest possible date in order to perform said safety project in a timely manner.

Adopted this _____ day of _____, 2024.

Attest: _____
Clerk of Council

Mayor

ORDINANCE NO. 2024-028

AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH FED EXCAVATING, INC. IN AN AMOUNT NOT TO EXCEED \$17,000 FOR THE REPAIR OF EXISTING CATCH BASINS WITHIN THE VILLAGE STORMWATER SYSTEM

WHEREAS, the Village of Waynesville has requested proposals for work related to the repair of certain catch basins; and

WHEREAS, FED Excavating submitted the lowest and best proposal for said work with a bid of not to exceed \$17,000.

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Waynesville, _____ members elected thereto concurring:

Section 1. The Village of Waynesville accepts the specifications and agrees that FED Excavating is the lowest and bid bidder.

Section 2. That the Village Manager is hereby authorized to enter into a contract with FED Excavating for work pursuant to the terms of the proposal attached hereto as Exhibit A, incorporated herein by reference.

Section 3. That the Finance Director is hereby authorized to pay a sum not to exceed \$17,000 for said work in accordance with the proposal and specifications attached hereto and incorporated herein by reference.

Section 4. That this Ordinance shall be effective from and after the earliest period allowed by law.

Adopted this _____ day of _____, 2024.

Attest: _____
Clerk of Council

Mayor

Catch Basin Repair

1. 678 Franklin
2. 885 Windfield
3. 1140 Lytle
4. 1115 Lytle
5. 1095 Lytle

Note: This version was reviewed, approved and recommended to be presented to Village Council by Waynesville Planning Commission on August 13, 2024. For background: this Clean Version reflects changes discussed and agreed upon by Planning Commission at the June 11, 2024, and July 23, 2024, meetings (changes accepted). Only Sections 153.295 sections A and D were modified between the June 11, 2024, and the July 23, 202, meetings.

153.290 PURPOSE.

This section is intended to establish regulations to balance the need for clean and renewable energy sources and the need to protect the public health, safety and welfare of the community and to ensure that solar energy systems are appropriately designed, installed and maintained within the Village of Waynesville. This section establishes the design and development standards that allow solar energy systems to be located in the community on structures and property.

153.291 GENERAL DESIGN AND DEVELOPMENT STANDARDS FOR ALL SOLAR ENERGY SYSTEMS.

The following standards shall apply for all solar energy systems:

- (A) Solar energy systems shall be located in the least visibly obtrusive location where they would be functional.
- (B) Non-reflective coating shall be used to minimize glare.
- (C) Panels and associated mounting hardware shall be uniform in appearance and color.
- (D) All installations will have a durable permanent sign warning of electric shock and identifying the manufacturer and installer with contact information for both but shall not include any off-premise advertising or any advertising for businesses or other activities located on the premises. The total area of such signs shall not exceed 2 square feet nor exceed a height of 5 feet.

153.292 DESIGN AND DEVELOPMENT STANDARDS FOR GROUND- MOUNTED SOLAR ENERGY SYSTEMS.

The following design and development standards shall apply for all ground-mounted solar energy systems:

- (A) Ground-mounted solar energy systems shall conform to the accessory structure standards of the zoning district in which they are installed including (1) maximum height and (2) installation in side or rear yards only. Ground-mounted solar energy systems are prohibited in front yards.
- (B) In addition, all ground-mounted solar energy system may not cover more than 25 percent of the side or rear yard in which they are installed.
- (C) Ground-mounted solar systems shall be screened by means of fences, walls or landscaping.
- (D) Ground-mounted solar energy systems shall be installed in a manner to prevent the negative impact of glare or reflection onto neighboring properties or rights-of-way.

(E) The solar installations shall not exceed zoning district height restrictions, and shall not produce glare for adjacent properties or the right-of-way.

153.293 DESIGN AND DEVELOPMENT STANDARDS FOR BUILDING- MOUNTED SOLAR ENERGY SYSTEMS.

The following design and development standards shall apply for building-mounted solar energy systems:

(A) Roof-mounted solar energy systems shall be installed on the same plane of the roof material or shall be made a part of the roof design (flush mounted).

(B) Roof-mounted solar energy systems shall not extend above the ridgeline of the roof to which they are attached and they may not extend below the roof line.

(C) Panels and mounting brackets for roof-mounted solar energy systems shall not extend more than 8 inches above the roof surface and shall be covered in a manner architecturally compatible with the building to which is attached to minimize visibility from the right-of-way or adjoining properties.

(D) All building-mounted solar energy systems shall be installed as follows:

(1) No building-mounted solar energy systems may face the front property line. This restriction shall apply to corner lots as well.

(2) Installations on the non-front property line side are permitted so long as they meet the following standards in order of preference:

a. First, are installed in a rectangular arrangement. If not possible, proceed to the next installment preference.

b. Second, are installed to fill the roof plan. If not possible, proceed to the next installment preference.

c. Third, are installed in a symmetrical arrangement. If not possible, proceed to the next installment preference.

d. Fourth, are installed in a single geometric arrangement. If not possible, proceed to the next installment preference.

(E) Wiring and other appurtenances associated with roof-mounted solar energy systems shall be installed in a manner not visible from the right-of-way.

(F) Prior to submission of an application for a permit to install solar panels under Section 153.294, the applicant shall provide the intended layout of the solar panels to the Director of Planning to determine the appropriate installation configuration under division (D) of this section.

153.294 APPROVALS AND SUBMISSION REQUIREMENTS.

The submission of an application for a permit shall be required for the placement of any solar energy system shall be submitted to the Director of Planning or their designee. The owner of the property on which the system is to be installed shall complete an application that includes a scaled site plan of the proposed solar energy system location(s); scale drawings indicating the size of the system components,

a written description of the proposed system; materials and color; specification sheets; building elevations; and proposed screening information.

153.295 OTHER PROVISIONS.

(A) Solar energy systems, that are obsolete, damaged, and/or abandoned shall be deemed a nuisance and shall be removed or repaired within 3 months.

(B) The repair of solar energy systems installed and operating at the time of the adoption of this ordinance are exempt from these provisions provided there is no expansion of the area covered by the solar energy system.

(C) Solar energy systems mounted on a flat roof are exempt from the proposed review process solar energy systems installed on flat roofs (1) where the installation does not extend more than 5 feet above the roof and is not visible from the right-of-way or adjacent properties, (2) the installation does not exceed zoning district height restrictions, and (3) the installation does not produce glare for adjacent properties or the right-of-way.

(D) Solar energy installations with a surface area of two (2) square feet or smaller, that are connected to a light fixture or similar accessory to supply electrical power to the fixture or accessory, are excluded from these provisions (for example, landscaping; decorative lighting; security camera; etc.).

(E) All solar installations shall not exceed zoning district height restrictions, and shall not produce glare for adjacent properties or the right-of-way.

(F) Solar Installations cannot cause material physical damage and. or unsafe, condition to abutting, adjacent property and/or property in close to the location.

Reviewed and approved by Waynesville Planning Commission at the meeting on August 13, 2024.

RESOLUTION NO. 2024- 003

**A RESOLUTION REFERRING CERTAIN ZONING CODE
AMENDMENTS TO THE PLANNING COMMISSION
(SOLAR ENERGY SYSTEMS)**

WHEREAS, section 153.041 of the Waynesville codified ordinances provides that the provisions of the Zoning Code may be amended to better meet good zoning practices; and

WHEREAS, this section further provides that amendments may be initiated by adoption of a resolution by Village Council; and

WHEREAS, Council has determined that certain amendments to the Zoning Code should be initiated and referred to Planning Commission in order to better meet good zoning practices.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Waynesville, Ohio, _____ members elected thereto concurring:

Section 1. That the proposed amendments to the Zoning Code attached hereto as Exhibit A, incorporated herein by reference, are hereby referred to the Planning Commission for consideration and recommendation to Village Council.

Section 2. That upon receipt of such recommendation, the Village Council shall follow the amendment procedures as set forth in the Zoning Code.

Section 3. That this Resolution shall be effective from and after the earliest period allowed by law.

Passed this _____ day of _____, 2024.

Attest: _____
Clerk of Council

Mayor

EXHIBIT A

Proposed Addition to Zoning Code

153.290 PURPOSE.

This section is intended to establish regulations to balance the need for clean and renewable energy sources and the need to protect the public health, safety and welfare of the community and to ensure that solar energy systems are appropriately designed, installed and maintained within the Village of Waynesville. This section establishes the design and development standards that allow solar energy systems to be located in the community on structures and property.

153.291 GENERAL DESIGN AND DEVELOPMENT STANDARDS FOR ALL SOLAR ENERGY SYSTEMS.

The following standards shall apply for all solar energy systems:

- (A) Solar energy systems shall be located in the least visibly obtrusive location where they would be functional.
- (B) Non-reflective coating shall be used to minimize glare.
- (C) Panels and associated mounting hardware shall be uniform in appearance and color.
- (D) All installations will have a durable permanent sign warning of electric shock and identifying the manufacturer and installer with contact information for both but shall not include any off-premise advertising or any advertising for businesses or other activities located on the premises. The total area of such signs shall not exceed 2 square feet nor exceed a height of 5 feet.

153.292 DESIGN AND DEVELOPMENT STANDARDS FOR GROUND- MOUNTED SOLAR ENERGY SYSTEMS.

The following design and development standards shall apply for all ground-mounted solar energy systems:

- (A) Ground-mounted solar energy systems shall conform to the accessory structure standards of the zoning district in which they are installed including (1) maximum height and (2) installation in side or rear yards only. Ground-mounted solar energy systems are prohibited in front yards.

(B) In addition, all ground-mounted solar energy system may not cover more than 25 percent of the side or rear yard in which they are installed.

(C) Ground-mounted solar systems shall be screened by means of fences, walls or landscaping.

(D) Ground-mounted solar energy systems shall be installed in a manner to prevent the negative impact of glare or reflection onto neighboring properties or rights-of-way.

153.293 DESIGN AND DEVELOPMENT STANDARDS FOR BUILDING- MOUNTED SOLAR ENERGY SYSTEMS.

The following design and development standards shall apply for building-mounted solar energy systems:

(A) Roof-mounted solar energy systems shall be installed on the same plane of the roof material or shall be made a part of the roof design (flush mounted).

(B) Roof-mounted solar energy systems shall not extend above the ridgeline of the roof to which they are attached and they may not extend below the roof line.

(C) Panels and mounting brackets for roof-mounted solar energy systems shall not extend more than 8 inches above the roof surface and shall be covered in a manner architecturally compatible with the building to which is attached to minimize visibility from the right-of-way or adjoining properties.

(D) All building-mounted solar energy systems shall be installed as follows:

(1) All building-mounted solar energy systems facing the front property line shall be installed in a rectangle arrangement.

(2) Only one installation of solar panels may face the front property line. The installation shall be permitted only on the highest roof facing the street.

(3) Installations on the non-front property line side are permitted so long as they meet the following standards in order of preference:

a. First, are installed in a rectangular arrangement. If not possible, proceed to the next installment preference.

b. Second, are installed to fill the roof plan. If not possible, proceed to the next installment preference.

c. Third, are installed in a symmetrical arrangement. If not possible, proceed to the next installment preference.

d. Fourth, are installed in a single geometric arrangement. If not possible, proceed to the next installment preference.

(E) Wiring and other appurtenances associated with roof-mounted solar energy systems shall be installed in a manner not visible from the right-of-way.

(F) Prior to submission of an application for a permit to install solar panels under Section 153.294, the applicant shall provide the intended layout of the solar panels to the Director of Planning to determine the appropriate installation configuration under division (D) of this section.

153.294 APPROVALS AND SUBMISSION REQUIREMENTS.

The submission of an application for a permit shall be required for the placement of any solar energy system shall be submitted to the Director of Planning or their designee. The owner of the property on which the system is to be installed shall complete an application that includes a scaled site plan of the proposed solar energy system location(s); scale drawings indicating the size of the system components, a written description of the proposed system; materials and color; specification sheets; building elevations; and proposed screening information.

153.295 OTHER PROVISIONS.

(A) Obsolete solar energy systems shall be removed within 3 months of becoming nonfunctional.

(B) The repair of solar energy systems installed and operating at the time of the adoption of this ordinance are exempt from these provisions provided there is no expansion of the area covered by the solar energy system.

(C) Solar energy systems mounted on a flat roof are exempt from the proposed review process solar energy systems installed on flat roofs (1) where the installation does not extend more than 5 feet above the roof and is not visible from the right-of-way or adjacent properties, (2) the installation does not exceed zoning district height restrictions, and (3) the installation does not produce glare for adjacent properties or the right-of-way.

(D) Solar energy systems having a surface area of 2 square feet or less that are attached to a light fixture or similar appurtenance to provide electrical power to said fixture or appurtenance are exempt from these provisions. No more than 1 such system may be located on a lot. Landscaping and ornamental lighting powered by such systems is exempt from this limitation.