

**Village of Waynesville
Council Meeting Minutes
June 7, 2021 at 7:00 pm**

Present: Mayor Earl Isaacs
Mr. Brian Blankenship
Ms. Joette Dedden
Mr. Zack Gallagher
Mr. Troy Lauffer
Mrs. Connie Miller
Absent: Mr. Chris Colvin

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

***CLERK’S NOTE-** This is a summary of the Village Council Meeting held on Monday, June 7, 2021.*

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

Roll Call – 6 present

Ms. Dedden made a motion to excuse Mr. Colvin from tonight’s meeting and Mr. Gallagher seconded the motion.

Motion – Dedden
Second – Gallagher

Roll Call – 6 yeas

Ms. Dedden made a motion to amend tonight’s agenda to include Ordinance 2021-023 and Mr. Gallagher seconded the motion.

Motion – Dedden
Second – Gallagher

Roll Call – 6 yeas

Mayor Acknowledgements

Thank you to those attending tonight’s meeting. Happy to announce the Fourth of July parade will be happening and is planned for July 3 at noon.

Disposition of Previous Minutes

Mrs. Miller made a motion to approve the minutes for the Council meeting on May 17, 2021 as written and Mr. Blankenship seconded the motion.

Motion – Miller
Second – Blankenship

Roll Call – 6 yeas

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Public Recognition/Visitor’s Comments

Robert Cross of 129 N Main explained his and his wife’s plan to open their home up as an Airbnb. This plan has been plagued with several issues from the pandemic to unreliable handymen and now the moratorium against short term rentals (STR). He understands the residents on Robindale concerns. However, he believes Airbnb has very stringent regulations and feels the proposed ordinance is a form of overregulation. He asked that he be allowed to address specific issues with the ordinance when it is read.

Adam Bell of 260 High Street stated he is the owner of Buckeye Charm and is in support of whatever helps the community. He said Covid has hurt local businesses and sees Airbnb and VRBO as an opportunity to help bolster local business. He is in support of common-sense regulations.

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Old Business

None

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Reports

Finance

The Finance Committee will meet on Thursday June 24, 2021 at 5:00 p.m. at the Government Center. The public is encouraged to attend.

Public Works Report

Public Works met tonight and reviewed the ongoing projects throughout the Village. The next meeting is scheduled for July 6, 2021 at 6:00 p.m. and the public is welcome to attend.

Special Committee Report

Special Committee of Council met for a brief meeting on Wednesday, May 26 at 1:00 p.m. and voted to present to Council the ordinance on tonight’s agenda addressing STRs. The Committee

recommends having two readings of the ordinance and at the second reading if Council chooses to adopt, to do so as an emergency.

Village Manager Report

- Crews have begun working on the Lytle Ferry Tower and the project is moving along. The water department has been able to make adjustments to the water system so the Village has not had to turn on the emergency connection with Warren County. Weather permitting this project will be completed in two to three weeks.
- Reason for the added ordinance on tonight's agenda is to approve entering into a contract with Choice One to do a signal warrant analysis. Currently working with Scott Lipps, State Representative, and ODOT to get a traffic signal at the intersection of Route 42 and North Street and this is required to move forward with the project.
- The Street Department has put flags up along Main Street. Thank you to Warren County Veteran's Services for their donation of the flags.
- EPanel Plus has started working on the storage units behind the water distribution center. The building has been primed and painted. Work has begun on the roof.
- Utility box has been installed by DP&L at the water distribution center and a line has been run to the storage unit.
- The Street Department removed dead ash trees along Route 42. A big thank you to Luis Paez from MBI Tree Service, who stopped and helped remove the two large trees. This was a great learning experience for the Street Department. Mr. Paez did this at no cost to the Village.
- Completed the final walkthrough on the Edwards, High, and Miami Street project. There are a few issues SmithCorp needs to correct.
- Working with Sue Mason from Warren County to receive the funds for the Community Black Grant. Letters have been sent out to effected residents and posted on web site. Getting two more quotes for the concrete work.
- Planning on meeting with Ron James from Wayne Local Schools to discuss renewing the SRO contract and the request for the Village to waive water connection fees for the Performing Arts Building.
- Working on ensuring the Village receives the American Rescue Plan funds. A couple ordinances on tonight's agenda need to be passed to receive funds from the American Rescue Plan to be used on infrastructure projects.
- The State audit was conducted last week, and the Village received an excellent evaluation with no findings.

- The Independence Day Parade has a new organizer and will happen on July 3 at noon.

Police Report

- Calls for service and Mayor's Court end of month will be presented at the next meeting.
- Code Enforcement Officer has been contacting residents with letters of violations and provided documentation of those violations.
- Posted a citizen's alert on Facebook and website concerning a false organization asking for donations for the police department. The Waynesville Police does not have any affiliation with this organization. Also, warned residents of "porch pirates" stealing packages from doorways. Asking residents to share any possible video footage of incidents with the Police.
- Provided a copy of the first draft of the police agreement for the Sauerkraut Festival.
- Several no trespassing signs have been posted at the wellfield, wellheads, and maintenance garage.

Financial Director Report

- The state audit was May 27 and 28 for the years of 2019 and 2020. The report came back with no findings and no recommendations.
- There are a couple ordinances on tonight's agenda to receive funds from the American Rescue Plan. One is to set up a fund account in UAN and the other is to give the Village Manager permission to sign to receive the funds.

Mr. Lauffer wanted to point out by having an audit without findings or recommendations saves the taxpayers money. Ms. Morley confirmed this and explained the Village did so well on past audits, that the Village qualified for a short audit which costs half of a full audit. Furthermore, by being prepared, uploading reports, and having minutes online, this was less time the Village had to pay to have the auditors in a hotel. The Village saved about \$6,500. This was the second short audit in a row, so the next audit will have to be a full audit as the state only allows 2 short audits in a row.

Mr. Gallagher wanted to make residents aware that Warren County has set up funding to help residents with rent/mortgage and utility assistance for those that are struggling due to Covid.

Law Report

- The state law to allow for public meetings to be held through video/teleconferencing is scheduled to end on July 1, 2021. However, there is House Bill 43 which would allow this change to become permanent has been referred to committee. This does not affect Council as they have returned to in person meetings.

New Business

None

Legislation

First Reading of Ordinances and Resolutions

Ordinance No. 2021 - 020

Adopting Chapter 114 of the Waynesville Codified Ordinances Regulating “Short-Term Rental Operations” in the Village of Waynesville

Ms. Dedden made a motion to have the first reading of Ordinance 2021-020. The motion was seconded by Mr. Lauffer.

Motion – Dedden

Second – Lauffer

Roll Call – 6 yeas

Robert Cross of 129 North Main Street explained he wanted to go over several issues he had with Ordinance 2021-020. First, page 2, section 2 (emergency clause), Mr. Cross felt that the language was a bit much. Ms. Dedden explained that the process is to have a first reading and then adopt the ordinance at the next meeting. If an ordinance is not accepted as an emergency, then the ordinance does not go into effect for 30 days after adoption. If it is passed as an emergency, then the ordinance goes into effect the next day and help businesses wanting to start an STR. Mr. Forbes also stated that Council previously adopted a moratorium not allowing STRs. If this ordinance is not adopted as an emergency, then the moratorium would be in place for another 30 days. If passed as an emergency the ordinance would go into effect the next day and the moratorium would go away. The emergency would allow people to start businesses sooner. Mr. Cross responded that he has no issue with passing the ordinance as an emergency, it is just how the section is worded. He thanked the Special Committee for all their hard work and time, and understands that they are trying to please everyone, but feels some of the language in the ordinance is over the top. He feels from his perspective, that he is being discriminated against as he is just trying to open a BnB and does not see how it “threatens the health, safety, welfare, comfort, and peace of the Village.” Mr. Forbes explained that this is the law of the state of Ohio and the law of the Charter. If an ordinance is passed as an emergency, the standard to adopt as an emergency it must state it is necessary “to preserve the health, safety, welfare, comfort, and peace of the Village.” Mr. Gallagher stated that the issue of short-term rentals was initially brought to Council from worried residents with concerns of their health and safety because of a proposed short-term rental in their neighborhood. They brought up concerns of parties and shootings which occurred at Airbnbs in neighboring communities.

Mr. Cross stated that Airbnb alone had over 7 million rentals and although there may have been a few bad instances, he felt that was miniscule compared to other unregulated businesses. He chose to go with Airbnb because of their high standards.

Mr. Cross also expressed his displeasure on page 4 letter (b). He stated he thought it was unfair that individuals will have to pay the full amount for a permit that will expire in December. It was discussed and agreed that this section can be rewritten to prorate the permit fee.

Mr. Cross also conveyed unhappiness on the grounds for denial, page 6 number 3. He was insulted that the ordinance would suggest that he would turn his home into a brothel. Mr. Gallagher responded that Mr. Cross is putting himself in the ordinance and feeling the ordinance is directed at him, however, it is the responsibility of Council to protect the whole community. Mr. Gallagher further said that he believes that Mr. Cross would never do this. Unfortunately, it does not mean that other individuals will not, and the code is there to protect the entire community.

Mr. Cross asked if the committee has investigated the company, Airbnb, and their regulations because the regulations are very similar to those of the ordinance. Mrs. Miller stated that Airbnb could change their regulations and Council wants these regulations as outlined in the ordinance.

Mr. Cross voiced his concern on Page 7, section (b) (1-3) on actions taken against STR owners for lack of property maintenance. He felt this was not progressive discipline with the second offense revoking his permit for six months and thus take away his livelihood. Mr. Cross read from the police report of the May 27, 2021 minutes about code enforcements and the process of the code enforcer is taking to enforce codes. He stated that he feels there are two different code of standards and feels STR business owners are being singled out. Mr. Forbes stated there are not two separate codes of standard and the same latitude would be given to STR owners implementing the same procedure listed in the minutes. He is confident that warnings would be issued, and the administration would be more than willing to work with the business owner. Mr. Cross stated that that is good, and he would be fine with that. However, that is not the language in the ordinance and worried what could happen 5-years from now and different people are in charge, would a permit be revoked after the second infraction because that is how the code is written. Mr. Cross asked Council if the language could be revised to reflect a more progressive discipline approach. Mr. Gallagher stated that currently Council and the Administration agree the best course is to give the code enforcement officer latitude to work with property and business owners to have code infractions corrected without penalizing the owner if the owner is actively trying to correct the issue. Codes are in place as a protective interest for the Village to be able to act if the owner refuses to correct the infractions. Mr. Lauffer stated that part of getting business for a STR is appearance and most likely the property will be one of the nicest in town. He really does not think this would even be an issue.

Page 8, 114.14 penalties states that there is a \$500.00 fine for the first infraction. Mr. Cross stated he found this to be exorbitant. Chief Copeland said that this is for individuals that commit violation after violation and is basically there to protect the Village as well as businesses. This will help protect business to ensure that there are only reputable and quality STR within the Village and protect the residents of the Village. He further stated that he does not even think this would be an issue for Mr. Cross and his business.

Mr. Cross summarized that all he is asking is that the Council and the administration treat hosts of short-term rentals with the same respect and equality that would be shown to any other business owner or private resident. He further stated that he was disappointed in the language but does feel better knowing that latitude will be given to STR owners.

At this time, Mr. Lauffer stated that he felt on Page 5 (7) (A) replacement value should read personal liability coverage and that he believes it should be set at \$500,000. He does not believe this would affect insurance rates more than \$10-\$15 a year. Mr. Forbes stated he will make the appropriate updates.

Mr. Gallagher asked Council if 114.03 (f) should have a duration time period of how long an owner operated STR can have a designated person carry out duties. It was discussed and decided that the current wording was sufficient.

Mrs. Miller asked if Council needed to update Ordinance 95-105, charging a 3% hotel tax, to reflect the changes within the code. Mr. Forbes stated that Section 114.07 states that STR owners must pay taxes imposed pursuant to Section 36.21 and Section 38.23 of the Waynesville Codified Ordinances. Therefore, he does not feel anything needs to be updated in past ordinances. The sections refer to the 3% hotel tax and the .75% income tax. These are two separate taxes, and it is possible that Airbnb may collect this on behalf of the STR operators. Mrs. Miller clarified the hotel tax is a way for outside visitors who use the Village's resources to help contribute to the community.

Sharon Jewell of 661 Robindale expressed her gratitude to Council for listening to the residents and coming up with a solution she believes will benefit and protect the community. She also wanted to ensure that everywhere else beside Main Street, STRs will have to be owner occupied. This was confirmed to be true.

Ordinance No. 2021-021

Authorizing the Village Manager to Accept U.S. Department of the Treasury Coronavirus State and Local Fiscal Recovery Funds

Ms. Dedden made a motion to have the first reading of Ordinance 2021-021 and Mrs. Miller seconded the motion.

Motion – Dedden

Second – Miller

Roll Call – 6 yeas

Ordinance No. 2021-022

Establishing the 2152 American Rescue Plan (ARP) and Declaring an Emergency

Ms. Dedden made a motion to waive the two-reading rule of Ordinance 2021-022 and Mrs. Miller seconded the motion.

Motion – Dedden

Second – Miller

Roll Call – 6 yeas

Ms. Dedden made a motion to adopt Ordinance 2021-022 as an emergency and Mr. Lauffer seconded the motion.

Motion – Dedden
Second – Lauffer

Roll Call – 6 yeas

Ordinance No. 2021-023

Authorizing the Village Manager to Enter into a Contract with Choice One Engineering in an Amount not to Exceed \$3,200 for Signal Warrant Analysis for the Intersection of US 42 & Corwin Ave/North Street and Declaring an Emergency

Mrs. Miller made a motion to waive the two-reading rule of Ordinance 2021-023 and Mr. Lauffer seconded the motion.

Motion – Miller
Second – Lauffer

Roll Call – 6 yeas

Mr. Blankenship made a motion to adopt Ordinance 2021-023 as an emergency and Mr. Lauffer seconded the motion.

Motion – Blankenship
Second – Lauffer

Roll Call – 6 yeas

Second Reading of Ordinances and Resolutions

None

Tabled Ordinances and Resolutions

Ordinance No. 2021-015

Authorizing the Village Manager to Enter into a Contract with PCI Services and Declaring an Emergency

There was no action taken on tabled Ordinance No. 2021-015.

Executive Session

None

All were in favor to adjourn at 8:33 pm.

Date: _____

Jamie Morley, Clerk of Council