



COUNCIL AGENDA

Tuesday, February 21, 2023 - 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, February 6, 2023 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:

Legislation:

Reading of Ordinances and Resolutions:

First Reading of Ordinances and Resolutions:

Second Reading of Ordinances and Resolutions:

ORDINANCE NO. 2023-010

AN ORDINANCE AUTHORIZING A ONE-TIME PARTIAL ABATEMENT OF INCOME TAX PENALTIES FOR WAYNE LOCAL SCHOOL DISTRICT

Tabled:

IX. Executive Session

X. Adjournment

Next Regular Council Meeting:

March 6, 2023 at 7:00 pm

Upcoming Meetings and Events:

Public Works, March 6, 2023 @ 6:00 p.m.

Finance Meeting, February 23, 2023 @ 5:00 p.m.

Parks and Recreation Board, March 20 @ 6:00 p.m.

**Village of Waynesville
Council Meeting Minutes
February 6, 2023 at 7:00 pm**

DRAFT

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

Village Staff Present: Jeff Forbes, Law Director; Jamie Morley, Clerk of Council

***CLERK’S NOTE-** This is a summary of the Village Council Meeting held on Monday, February 6, 2023.*

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

Roll Call – 7 present

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Mayor Acknowledgements

Asked that Chief Copeland be excused from tonight’s meeting. Also, very thankful for Chief Copeland arranging for fuel tanks as a backup as BP tanks have been down.

Attended a cybersecurity session held at Warren County Telecom with Ms. Dedden, Chief Copeland, and Mr. Blankenship. This was very informative and eye-opening.

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Disposition of Previous Minutes

Mrs. Miller made a motion to approve the minutes as written for the Council meeting on January 17, 2023 and Ms. Dedden seconded the motion.

Motion – Miller
Second – Dedden

Roll Call – 7 years

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Public Recognition/Visitor's Comments

Rich Cogan, 4480 Classic Drive, approached Council to speak to them about the possible removal of the Waynesville-Corwin low-head dam. Mr. Cogan is the Executive Director of Ohio River Foundation, a regional non-profit conservation organization dedicated to protecting and improving the water quality and ecology of the 14-state 200,000 square mile Ohio River watershed. He proposed the removal of the low-head dam for the following reasons: safety, to become the longest free-flowing river, and ecology. He also stated that this could be done at no cost to the community. His next step would be to get with Chief Copeland and have meetings to get public feedback. See attached for the full speech.

Mr. Gallagher asked if Mr. Cogan could provide the reports and literature about the ecology and the advantages of a free-flowing river. Mr. Cogan stated he would be able to do that.

Mr. Lauffer asked for the main reason Mr. Cogan was proposing the removal of the low-head dam. Mr. Cogan response was for public safety. While there was no evidence that he found about anyone ever being hurt at the Waynesville-Corwin dam, low-head dams create strong turbulence and recirculating currents that can push victims underwater.

Ms. Dedden stated that the dam has a lot of historical importance to the Village of Waynesville.

Mr. Colvin asked how this program would be funded at no cost to the Village. Mr. Cogan said there were two possible grants to pursue. One through the US Fish & Wildlife Service's National Fish Passage Program which is in the second year out of a five-year program. The other option is the Water Restoration Sponsor Program by the State of Ohio.

Mr. Cogan said that if it is okay with Council, he would like to take this issue up with Chief Copeland and stage public meetings to get their feedback on the removal of the dam.

At this time Dave Stubbs, 5323 Wilkerson Lane, approached the dais and handed out a presentation on why he believes removing the dam is not necessary or a good idea. Mr. Stubbs went over the history of the dam and the Old Mill Race. He stated that the EPA did a study and found no negative effects from the dam on ecology or oxygenation. He also wondered what would happen to the Mill Race if the dam were to be removed as the Mill Race is a vibrant ecosystem on its own. He further stated that he does not see any reason to not to keep the dam. The presentation is attached.

Mr. Gallagher asked if Mr. Stubbs could provide the data he used in putting together the presentation. Mr. Stubbs agreed.

Council thanked both Mr. Cogan and Mr. Stubbs for providing informative and well-thought-out presentations.

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Old Business

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Reports

Finance

The Finance Committee is scheduled to meet Thursday, February 23, 2023 at 5:00 p.m., however, the meeting may be canceled as the Finance Director will be on vacation. Ms. Dedden will inform Council at the next meeting.

Public Works Report

Public Works will meet on March 6, 2023 at 6:00 p.m. The public is encouraged to attend.

Special Committee Reports

The Parks and Rec Board will meet on March 20, 2023 at 6:00 p.m.

Village Manager Report

Chief Copeland was not at the meeting, but Ms. Dedden highlighted several items from his report.

- Attended a meeting with ODOT personnel to go over the traffic light project at the intersection of Route 42 and North Street. The light has been approved. Unfortunately, the project will not be completed until 2025. The project will cost about 1.3 million, of which the Village is responsible for 10% of the project and 100% of engineering costs (about 240K).
- Currently, Warren County is holding CVT funds which currently amount to 190K. Plus, another 24K will be accumulated over the next two years. Asking Council for permission to apply to Warren County to use these funds for the stoplight project.

- Submissions for the Wayne Township Magazine are due March 3. Is anyone on Council interested in submitting an article?

Mr. Blankenship volunteered to write an article for Wayne Township Magazine.

Ms. Dedden made a motion to approve the Village manager to move ahead with the application to use the CVT funding towards the stoplight at the intersection of Route 42 and North Street. This motion was seconded by Mr. Colvin.

Motion – Dedden
Second – Colvin

Roll Call – 7 yeas

Financial Director Report

- December bank rec has been balanced and provided for review.
- Yearend has been completed and all reports filled. 1099s and W2s have been mailed out.

Law Report

None

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New Business

None

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Legislation

First Reading of Ordinances and Resolutions

Resolution No. 2023- 005

A Resolution Amending the Appropriations for the Village of Waynesville for Calendar Year 2023 and Declaring an Emergency

Ms. Dedden made a motion to waive the two-reading rule for Resolution 2023-005 and Mrs. Miller seconded the motion.

Motion – Dedden
Second – Miller

Roll Call – 7 yeas

Mr. Blankenship made a motion to adopt Resolution 2023-005 as an emergency and Mr. Lauffer seconded the motion.

Motion – Blankenship

Second – Lauffer

Roll Call – 7 yeas

Resolution No. 2023-006

Requesting Information From County Auditor for Purposes of Evaluating and Levying a Tax Exceeding the 10-Mill Limitation and Declaring an Emergency (7 Mill Police Levy Replacement)

Mrs. Miller made a motion to waive the two-reading rule for Resolution 2023-006 and Ms. Dedden seconded the motion.

Motion – Miller

Second – Dedden

Roll Call – 7 yeas

Ms. Dedden explained this was only to obtain information from Warren County Auditor. It is not to place anything on the ballot.

Ms. Dedden made a motion to adopt Resolution 2023-006 as an emergency and Mr. Colvin seconded the motion.

Motion – Dedden

Second – Colvin

Roll Call – 7 yeas

Resolution No. 2023-007

Requesting Information from County Auditor for Purposes of Evaluating and Levying a Tax Exceeding the 10-Mill Limitation and Declaring an Emergency (New 1 Mill Police Levy)

Mr. Gallagher made a motion to waive the two-reading rule for Resolution 2023-007 and Mr. Colvin seconded the motion.

Motion – Gallagher

Second – Colvin

Roll Call – 7 yeas

Mr. Gallagher reiterated this was only to get information from Warren County Auditor.

Ms. Dedden made a motion to adopt Resolution 2023-007 as an emergency and Mr. Blankenship seconded the motion.

Motion – Dedden

Second – Blankenship

Roll Call – 7 yeas

Ordinance No. 2023-008

An Ordinance Authorizing the Disposal of Obsolete, Unneeded and Unfit for Public Use Personal Property Pursuant to R.C. 721.15 and Declaring an Emergency

Mrs. Miller made a motion to waive the two-reading rule for Ordinance 2023-008 and Mr. Lauffer seconded the motion.

Motion – Miller
Second – Lauffer

Roll Call – 7 yeas

Mr. Lauffer made a motion to adopt Ordinance 2023-008 as an emergency and Mr. Gallagher seconded the motion.

Motion – Lauffer
Second – Gallagher

Roll Call – 7 yeas

Ordinance 2023-009

An Ordinance Adopting Revisions to The Village of Waynesville Personnel Policy Manual and Declaring an Emergency

Ms. Dedden explained that there were several versions of the Personnel Policy floating about the office. This will ensure everyone is working off the same version. One change is the boot allowance went from \$100 to \$120.

Ms. Dedden made a motion to waive the two-reading rule for Ordinance 2023-009 and Mr. Lauffer seconded the motion.

Motion – Dedden
Second – Lauffer

Roll Call – 7 yeas

Mr. Colvin made a motion to adopt Ordinance 2023-009 as an emergency and Mr. Blankenship seconded the motion.

Motion – Colvin
Second – Blankenship

Roll Call – 7 yeas

Ordinance No. 2023-010

An Ordinance Authorizing A One-Time Partial Abatement Of Income Tax Penalties For Wayne Local School District

Mr. Colvin asked about the amount of income tax that RITA says Wayne Local Schools still owes by an amount of \$1,451.97. He said if you look at the bottom column of the RITA report attached to the Finance Committee minutes, RITA claims the school owed \$51,100.89 and has

only paid \$49,649.02. Ms. Crockett stated she needs some clarification from RITA on the numbers and would research this further. Mr. Colvin explained that the ordinance is only to consider reducing the current penalties of \$24,621.30, which is a 50% penalty to a 15% penalty. It does not forgive the interest or the inconsistency in December 2019.

Ms. Crockett said that she does not believe the school would be responsible for paying the penalties but rather whomever the auditor finds responsible. A withholding penalty is 50% of the taxes paid. Whereas if an individual were responsible for paying their taxes late, it would only be a 15% penalty. This is why she suggested the reduction of penalties from 50% to 15%. Ms. Crockett suggested the school could pay the penalties but believes that the auditor would then make this a finding for recovery because government agencies are not supposed to pay penalties and late fees. She also reiterated that the 50% withholding penalty has been mandated by the state and a municipality can abate or reduce the penalty at their discretion on a case-by-case basis. Mayor Isaacs asked if Council will be asked to do this again as there seem to be more penalties that are not addressed by this ordinance. Ms. Crockett agreed it was a good possibility the school will seek another abatement in the future.

At this time, Mr. Gallagher stated he had a conflict of interest as his wife was on the Wayne Local School Board and he will be abstaining and not commenting on this topic. Mr. Lauffer asked why. Mr. Forbes clarified that according to the Ethics Law, it is a conflict of interest if you, your immediate family, or business associates would be directly affected by the way he would vote. So, it is best for Mr. Gallagher to recuse himself and not participate in this issue. He further added that Council does not know how the auditor will rule on who is responsible for the penalties. It is not Council's role to consider who is responsible only to consider if they want to reduce the penalty.

Mr. Forbes stated there has been a request for an abatement for penalties through June 2022. Council is only deciding on this request. If there are more penalties, then the school will need to ask for another abatement. Mr. Forbes added that Council should not be considering possible future abatements but only what is addressed in Ordinance 2023-010. Council is considering a one-time abatement. No municipality has the authority to make a permanent change to the penalty provision in the tax code. Abatement requests must be considered on a case-by-case basis. Mr. Forbes suggested only looking at the specifics of Ordinance 2023-010.

Ms. Dedden stressed that this is only a first reading and the votes tonight will not make or break the ordinance.

Al Porter introduced himself as the Interim Treasurer at Wayne Local Schools. He began on November 1st. He stated that the taxes Wayne Local School pays to RITA is a collection of all taxes paid to different municipalities and the penalties would not all go to the Village of Waynesville. He suggested that the Village would only receive a sliver. The school will have to ask the other entities for an abatement for their portion of the penalties. Mrs. Miller asked if the school has done this yet. Mr. Porter stated that there is a plan to draft a letter similar to Mr. James's letter to ask for an abatement of penalties from the other municipalities. Ms. Crockett stated she believes the majority of the RITA tax payments were paid to the Village of Waynesville income tax. Mr. Porter will pull out what each payment was and have the breakout to each municipality down to the dollar.

Mr. Forbes wanted to clarify. Council cannot abate taxes that have not been paid or waive interest. Council is only considering the question of reducing the penalty. He further suggested that Council does not think about specific dollar amounts, RITA will figure out the numbers. The school is asking to waive the penalty completely. The Ordinance is not to waive the penalty but to reduce the penalty from 50% to 15%. This would reduce the penalty to what a regular taxpayer would pay if they were late on their tax payment.

Mr. Forbes stated this is only a first reading and in two weeks Council will have a discussion and must decide to adopt or fail the ordinance. Mr. Lauffer asked if the dollar amount should then be struck. Mr. Forbes stated that when Council considers the adoption of the ordinance this will be the opportunity to strike the number if desired.

Mayor Isaacs asked if the school is asking for no penalties. Mr. Porter agreed that that is the most desired outcome because the obligation to pay the penalties falls on the school district and then it is up to the auditor to decide who is ultimately responsible for paying the penalties.

Mayor Isaacs asked if everything is up to date with payments to RITA. Mr. Porter confirmed that the bills have been paid and the school is up to date.

Mr. Lauffer asked who is responsible if the treasure goes on vacation and a check is not sent out. Mr. Porter stated that ultimately the Treasure is responsible. He elaborated that there are checks and balances in place and ways to check everything at the end of the month to ensure things have been paid. Mr. Lauffer stated he is having a hard time understanding how the RITA situation happened.

Mr. Forbes stated he felt Council is starting to get into the auditor's role. It is not Council's place to question the financial workings of the school. If there is an issue with the audit. It is between the school and the auditors. The auditor has a process with findings. Mr. Forbes stated that findings are not surprises. The auditor gives the entity an opportunity to respond about a possible finding and then the auditor will make its decision. It is not Council's job to investigate. Council should not be taking into consideration who would be responsible for paying if there is a finding. They should only be considering the reduction of penalties.

Mr. Colvin asked if Mr. Porter could give the correct numbers of how much of the RITA income taxes were paid to the Village. Mr. Porter agreed that he would be able to do that. Mr. Colvin asked Ms. Crockett if Mr. Porter's input changed her recommendation. Ms. Crockett stated that it did not.

At this time, Council asked if anyone else wanted to address Council on this subject.

Mr. Forbes explained why for a normal taxpayer the late penalty is 15% and an employer withholding penalty is 50%. If a taxpayer does not pay his income taxes, that is his money. An employer has already taken the money from the employee and is withholding that money. The employer is not withholding their own money, but withholding other people's money. The penalty is high because, in the past, employers have withheld taxes and disappeared. This is clearly not the case in this situation but is the reason for the 50% penalty.

Danny McCloud, 595 Old Stage Road, approached the podium. He has been a school board member for 18 years and stated that this has never happened before. He said that over the past 1 ½ years there have been bumps and he apologizes. He asked that Council consider changing the penalty to 0%. This was not done intentionally, things happen, and the school is moving forward and improving.

Mr. Lauffer asked how this happened and can Mr. McCloud ensure it will not happen again. Mr. McCloud said that several positive steps have been put in place.

Ms. Dedden stated that she felt it is not just one person to blame, that the finance director, the payroll person, and the school board should all be found at fault. She also stated that she feels the board should have more internal controls in place to monitor employees. Mr. McCloud stated that they are aware of shortfallings and are working on improving.

Mr. Forbes stated that there has not been a vote for the first reading. This is only to acknowledge that the ordinance has had a first reading. A positive or negative vote does not signify how the Council member plans to vote at the next Council meeting. Even if everyone votes no, the ordinance will still be back at the next Council meeting for a vote on adoption.

Mrs. Miller made a motion to have the first reading for Ordinance 2023-010 and Mr. Lauffer seconded the motion.

Motion – Miller
Second – Blankenship

**Roll Call – 6 yeas (Isaacs, Lauffer, miller, Blankenship, Colvin, Dedden)
1 abstain (Gallagher)**

Second Reading of Ordinances and Resolutions

None

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Tabled Ordinances and Resolutions

None

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Executive Session

None

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All were in favor to adjourn at 8:37 pm.

Date: _____

Jamie Morley, Clerk of Council

Waynesville-Corwin Low-head Dam Removal and Little Miami River Restoration Project Proposal

Presentation to Waynesville Village Council – Feb. 6, 2023, 7pm

Mr. Mayor and members of council, thank you for the opportunity to speak to you this evening about the Waynesville-Corwin low-head dam. My name is Rich Cogen. I am Executive Director of Ohio River Foundation, a regional non-profit conservation organization dedicated to protecting and improving the water quality and ecology of the 14-state 200,000 square mile Ohio River watershed.

I have recently consulted with a few agency representatives and Waynesville citizens and we would like to open the conversation about removing the low-head dam.

Ohio River Foundation has successfully led the removal of 3 low-head dams and we are currently working on our 4th project. We specialize in administering and managing the projects and helping obtain the necessary funding. The projects range in size and cost from 50-300 foot long dams and \$50,000 – \$1.3 million, respectively. All municipally owned dam projects have been completed with no out-of-pocket costs to the community.

So, why discuss removing the Waynesville-Corwin Low-head dam and why now? A few answers.

First, recreation on American rivers has significantly increased in the last 30 years. Unfortunately, as more people paddle on these rivers many are unaware of the dangers posed by low-head dams. Hundreds of people have drowned in the impounded waters or the turbulent hydraulics below the dams. Many more have been injured. While anecdotally a death or injury occurred at the Waynesville-Corwin dam many years ago, I have not yet been able to verify that information.

Importantly, since only states and the federal government have governmental immunity, all the municipalities involved in our projects, have weighed the absence of an incident against public safety and the risk of municipal liability. It was these 2 issues that have been the primary drivers for the municipalities to vote to remove these dams. I reiterate, no injuries were reported at these sites prior to dam removal.

Second, the ecology. The Little Miami River was Ohio's first state scenic river and is now a federal and state scenic river. It is free flowing for its entire length, except for the Waynesville-Corwin low-head dam. Removal of the dam would make the river one of the longest free flowing federal and state scenic rivers in the country. It would also restore this 10,000 year old river to its historic flows that have been interrupted these past 150 years by the presence of the dam. Also, fauna, including fish and mussels species, which have been separated from each other and in many cases are interdependent for completion of their life cycles, would be reconnected. Endangered and threatened species also would have greater chances for survival and overall water quality would improve.

Third, the funding. In November 2021 the federal Bipartisan Infrastructure Law passed and provides increased funding for US Fish & Wildlife Service's National Fish Passage Program. That law (and also an Ohio state program) provide the necessary amount of funding estimated for this project of approximately \$1million. Let me be clear that no application is currently pending for this project.

Finally, before I get to the next steps, I would like to address the history of the dam. The current dam was constructed around 1835. It enabled water to be re-directed through a mill race west of the river, on which sat a mill producing flour. In 1904 the mill converted to gas to power its operations and then ceased operations in 1911. Several owners of the

mill property followed and operations of a park, swimming pool, fishing concession, and most recently restaurant (the since burned down Der Dutchman Restaurant) were at the mill site (the mill itself was demolished in 1974).

We understand that some people may have historic preservation interest in keeping the dam; however, the mill works and buildings no longer exist. A similar interest existed for our West Milton project, and accommodation was the installation of educational signage and old photos telling the story of the dam. The city of West Milton balanced the harm of the dam vs. the historic preservation value. In that context, the environmental harm and safety risks of a dam are additional and different from those considered when preserving a home or building.

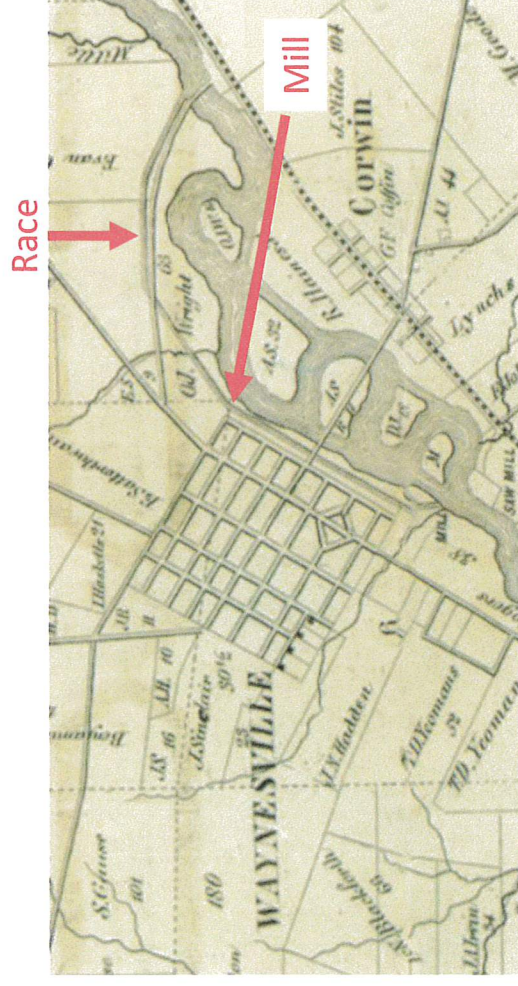
So, in closing, we would like to continue this discussion with future public meetings where citizens and interested parties could attend and ask questions of the different agencies that are interested in the dam removal and find out about current and future impacts of the dam and its removal, on recreation, ecology, history, and other issues.

I am not asking for a vote at this time on the project; but, hope that the administration can provide us some assistance in staging and publicizing the meetings.

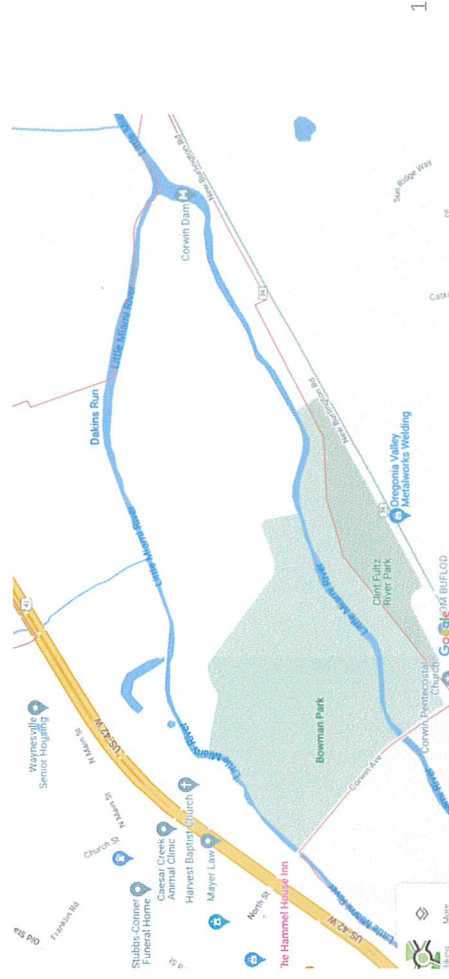
I thank you again for this opportunity to speak with you and will now take any of your questions.

Overview of the Corwin Low-Head Dam and the Mill Race in Waynesville, Ohio

- A brief history of the Corwin Dam and the Mill Race
- Original (wood) dam built in 1805.
- A mill race was hand-dug in 1806. The race was (and still is) 1.2 miles long.
- A mill was built in 1806.
- 1825 – John Jennings builds a 3-story mill at (what once was) the Old Mill Stream Park.
- 1835 – Wood dam replaced with stone dam.
- The Race mill was purchased by Charles Robitzer in 1930. Mr. Robitzer built the Old Mill Stream Park.



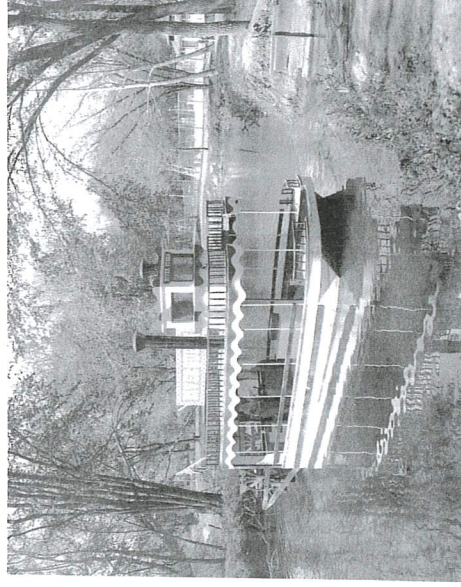
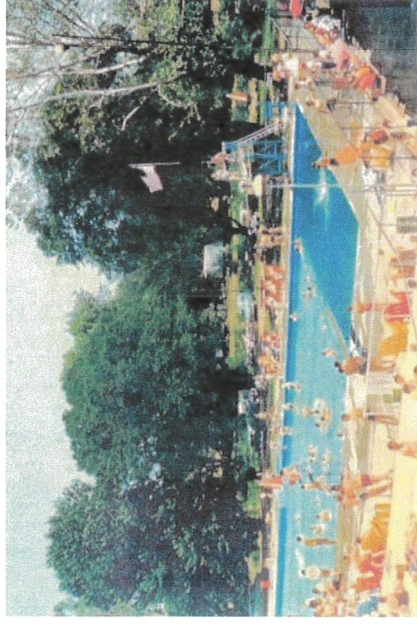
1856
Map



Google
Map

Old Mill Stream Park – On the Mill Race

- The Old Mill Stream Park, built in 1930, was a huge recreational attraction.
- The Park had a pool, picnic shelters, fishing ponds, restaurant, miniature golf course, ball diamonds, and a Race paddle boat.
- On summer holiday weekends *thousands of visitors* came to the Park.
- The Park disappeared in the late 1990s.
- Currently, the Harvest Baptist Church owns the land.



Low Head Dam Removals

- Removing dams, including low-head dams, has been a popular activity to support healthy eco-environmental activities in the U.S. for the past 2-3 decades.
- Stream/river improvements can include:
 1. Water/chemical health
 2. Reducing conditions causing algae blooms
 3. Flow improvement that can help animal and plant life
 4. Removal of safety risks
 5. Reduction in maintenance costs
 6. Economic benefits
- However, dam removal isn't always beneficial. Scientific research on the effects of dam removal is not well developed.¹ Very few published environmental impact studies accompany dam removals.²
- While dam removal can benefit many components of local ecosystems, removing a dam may also result in detrimental impacts.³

1. "A Summary of Existing Research on Low-Head Dam Removal Projects", American Assoc. of State Highway and Transportation Officials, September 2005.

2. Ibid.

3. Ibid.

Is the Corwin Dam an Appropriate Candidate for Dam Removal?

1. Water/chemical health

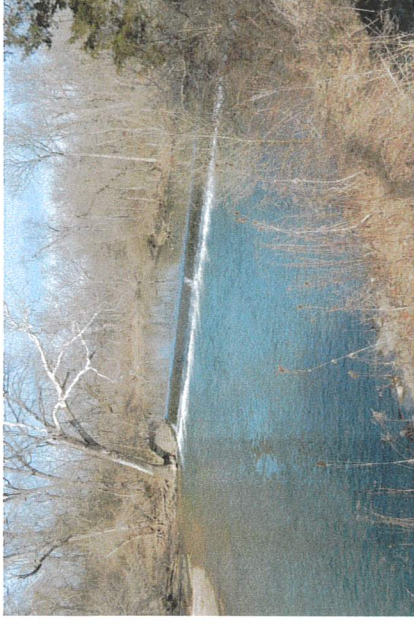
- A “Biological and Water Quality Study of the Upper Little Miami River, 2011” was conducted by the OHIO EPA and published in February 2014.¹
- This report shows NO water/chemical changes caused by the dam. All measurements taken above the dam were the same below the dam. Measurements taken included dissolved oxygen, pH, conductivity, and temperature.

2. Conditions causing algae blooms

- The dam hasn’t been observed to cause algae blooms. The water flow across the dam is good. Dissolved oxygen and temperature above/below the dam are the same.

3. Flow improvement that can help animal and plant life

- Water flow across the dam is good.
- Animal life (aquatic, insect) and vegetation above and below the dam are thriving.
- The river above and below the dam “Fully meet the Ohio EPA aquatic life use”.²
- Macroinvertebrate summary is “Exceptional”³
- The Fish Community Index is rated as “Exceptional”⁴



1. “Biological and Water Quality Study of the Upper Little Miami River, 2011”, OHIO EPA Technical Report EAS/2013-05-06, February 2014.

2. Ibid.

3. Ibid.

4. Ibid.

Is the Corwin Dam an Appropriate Candidate for Dam Removal?

4. Removal of safety risks
 - The dam isn't a risk to people living along or using the Little Miami River.
5. Reduction in maintenance costs
 - The dam appears structurally sound. No maintenance costs are being incurred.
6. Economic impacts

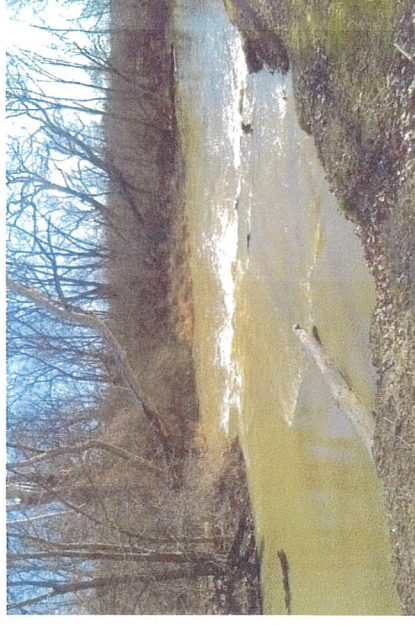
Positive

- Canoe and kayak users would not have to portage around the dam, but this likely wouldn't have any significant improvements in recreational activities.

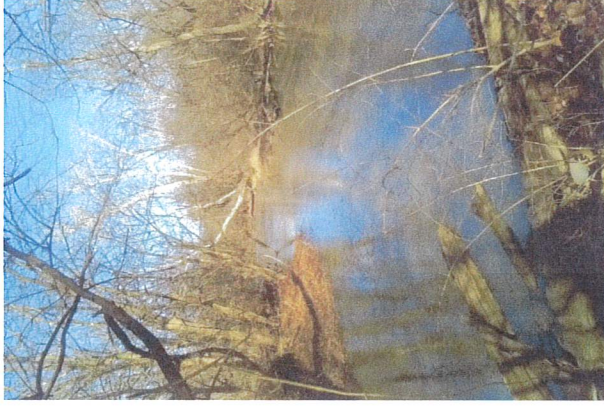
Negative

- There would be a major negative impact to the value of the Old Mill Stream Park property (now the Harvest Baptist Church).
- The could be a significant negative health impact when the 1.2 miles of the Race becomes a swamp (mosquitos, odors, unwanted vegetation and animals).
- The longest hand-dug mill race, built in 1806, would be demolished. This would be a sad loss of a unique historical landmark.

Mill Race
looking south
from Old Mill
Stream Park



Mill Race
looking north
from Old Mill
Stream Park

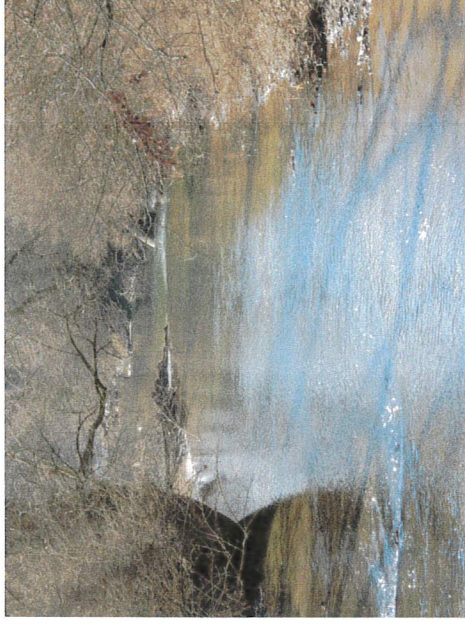


Summary

- There are no benefits to Waynesville or Wayne Township by removing the Corwin Low-Head Dam
- The dam has no negative effects on the Little Miami River environment.
- Recreational enjoyment of the Little Miami River is not obstructed by the dam.
- There are many benefits in protecting the Mill Race that results from the dam.
- The contributions of river conservation groups are great and dam removal sometimes can be a good thing. State and Federal grants for dam removal can be very useful. But, the Corwin Dam is not an appropriate candidate for dam removal.
- Waynesville Village Council and Management are encouraged to not support any proposals to remove the Corwin Low-Head Dam.



View of the Mill Race looking north from Corwin Rd.



View of the Mill Race looking south from Corwin Rd.

Opponents halt effort to remove Little Miami dam Waynesville residents contend plans favored canoe, kayak interests at the expense of history.

By Lawrence Budd

Staff Writer

Sunday, October 22, 2006

WAYNESVILLE — State environmental officials were ready to foot most of the bill for removal of a 170-year-old dam on the Little Miami River, just north of Corwin in Warren County.

The plan, proposed by a regional soil and water conservation board, followed a national trend to remove obsolete low dams, freeing up the river flow for canoeists and kayakers, as well as mussels and migrating fish.

Plans were flowing smoothly until earlier this month, when a group of Waynesville residents protested, claiming the plan pandered to canoe and kayak interests while ignoring the historic value of the dam and a 200-year-old, 1.5-mile mill race expected to dry up if the dam was removed.

A mill race is a channel of water diverted to drive a mill wheel.

"We were trying to have some consensus building," said Dave McElroy, administrator of the Warren County Soil and Water District. "We're not the type of agency to just do it anyway."

The proposal, actually spearheaded by the Greene County Soil and Water District, ultimately won the blessing of a regional board also including Montgomery, Clark and Clinton counties. A long list of supporters included the River's Edge canoe livery just upstream of the dam.

Last month, the Ohio Environmental Protection Agency encouraged the group to apply for a water quality grant for the project, expected to cost about \$150,000.

While no public meetings had been held, the proposal included a signed letter of support from Rod Smith, then manager of Waynesville, as well as unsigned letters from other local governments and organizations, including the Waynesville Historical Society.

"Nobody but Rod Smith knew about it," said Warren Sheehan, a historical society member who has led opposition. Smith resigned last summer.

Sheehan and supporters attacked the project during a public meeting in Lebanon. Sheehan said other factors are responsible for the disappearance of mollusks such as mussels.

Last week, the Waynesville Council voted to join the opposition.

McElroy was unable to explain the absence of signatures on many of the support forms. He said the application was prepared by a former staff member of the regional board.

The masonry abutments and cement structure known as the Corwin Low-Head Dam impede the river about a mile north of Waynesville, feeding a mill race dug in 1806 to feed a grist mill.

"Everybody thinks that's the river," Sheehan said Thursday, pointing to the mill race flowing behind the Der Dutchman restaurant, off U.S. 42. The mill race, "probably the longest in the country," Sheehan said, cuts back into the river about a mile south.

The mill race, which later supported a sawmill and ice plant, still flows year-round, providing an alternate, dam-free route for canoeists and a beautiful backdrop for customers of the restaurant and other businesses in the riverside strip center.

The regional board set to propose the dam removal, in a grant also designed to fund restoration of the Little Beaver Creek and the next two watershed festivals at Caesar Creek state Park, hasn't scheduled a meeting to decide what to do. Ohio EPA expects needs an application in the next month or so, officials said.

"Well probably feel it's a better idea to do work somewhere else where it's wanted," McElroy said.

Contact this reporter at (937) 225-2261 or

lbudd@DaytonDailyNews.com.

ORDINANCE NO. 2023-010

**AN ORDINANCE AUTHORIZING A ONE TIME PARTIAL ABATEMENT OF
INCOME TAX PENALTIES FOR WAYNE LOCAL SCHOOL DISTRICT**

WHEREAS, Wayne Local School District has recently been informed of certain income tax penalties and interest as a result of late payments; and

WHEREAS, the Finance Director has thoroughly investigated the matter, and after consultation with RITA and the Law Director, has recommended certain one-time abatements to this tax liability; and

WHEREAS, Council, upon the recommendation of the Finance Director and the Finance Committee, desires to approve a one-time abatement as detailed below.

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

Section 1. That the penalty shall be reduced from a 50% penalty to a 15% penalty resulting in a reduction from the original amount of \$24,621.30 to approximately \$3693.20, consistent with the recommendation of the Finance Director.

Section 2. The Finance Director is authorized to take any all necessary steps to implement such one-time abatement.

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

Adopted this _____ day of _____, 2023.

Attest: _____
Clerk of Council

Mayor

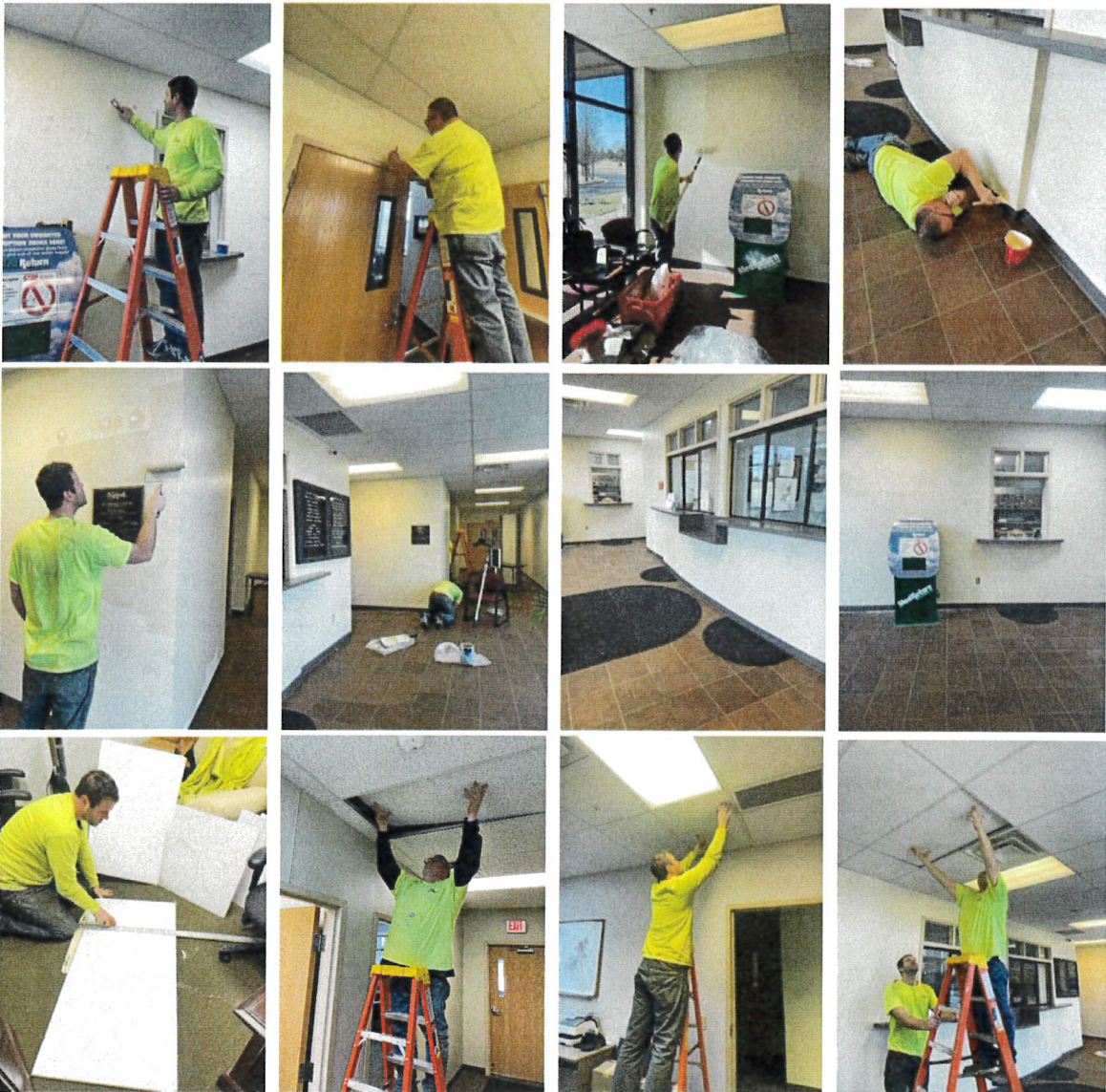
Council Report

February 21, 2023

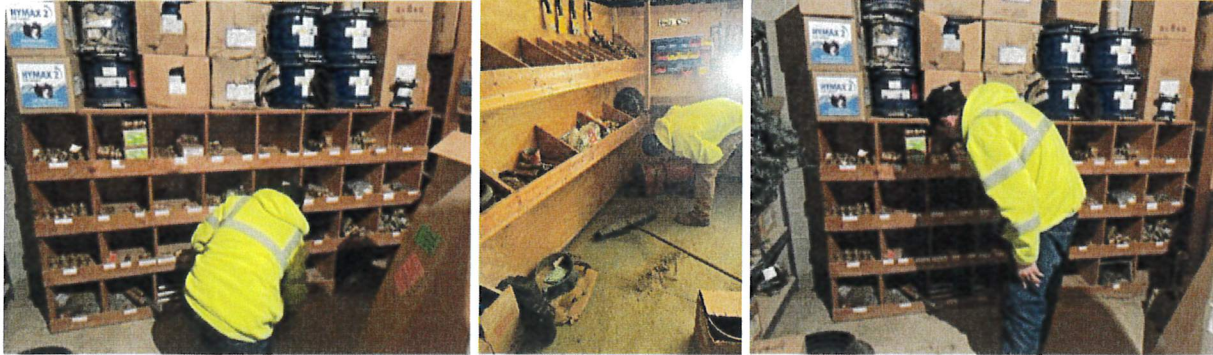
Chief Copeland

Manager

- The Village Maintenance Department gave the Government Center foyer a facelift by painting the walls and moving various items around. In addition, all the damaged and water-stained ceiling tiles in the building were replaced, and light fixtures were cleaned.



- Brian K and Darren inventoried all the stock water parts and organized them into bins at the Main Street storage facility and in the water emergency response trailer. Brian and Darren will be putting together a list of parts to order to keep in stock for emergencies.



- We have ordered the mobile stairs for the Maintenance Department, so we can use the space above the garage locker room for storage. Brian and Greg have started the construction of walls to make the space usable and safe to meet OSHA standards. The drywall will be completed after the stairs arrive.



- Brian from the Water Department cleaned up the well valves that are in a secured fenced area at the well field. This location has not been maintained and they are going to schedule an annual maintenance program to keep it clear of debris.



- The new paint sprayer was delivered and the old one was traded in. The company will be returning in the spring to teach the staff how to use it. This equipment will be used for marking school zones, crosswalks, street no parking areas, and stop bars in the Village.



Old Sprayer



New Sprayer

- Water Supervisor Brian K. completed the diamond cut aluminum panels at the water distribution station (Sawyer building). This is to protect the integrity of the brick walls on the building that have direct contact with water overflow from the water haulers.



- Brian and Greg from the Street Maintenance Department took advantage of the nice weather and did some asphalt repairs on February 8th throughout the Village. If you see any streets that need attention, let me know and we will add it to our list. We will schedule more street repairs for the spring.



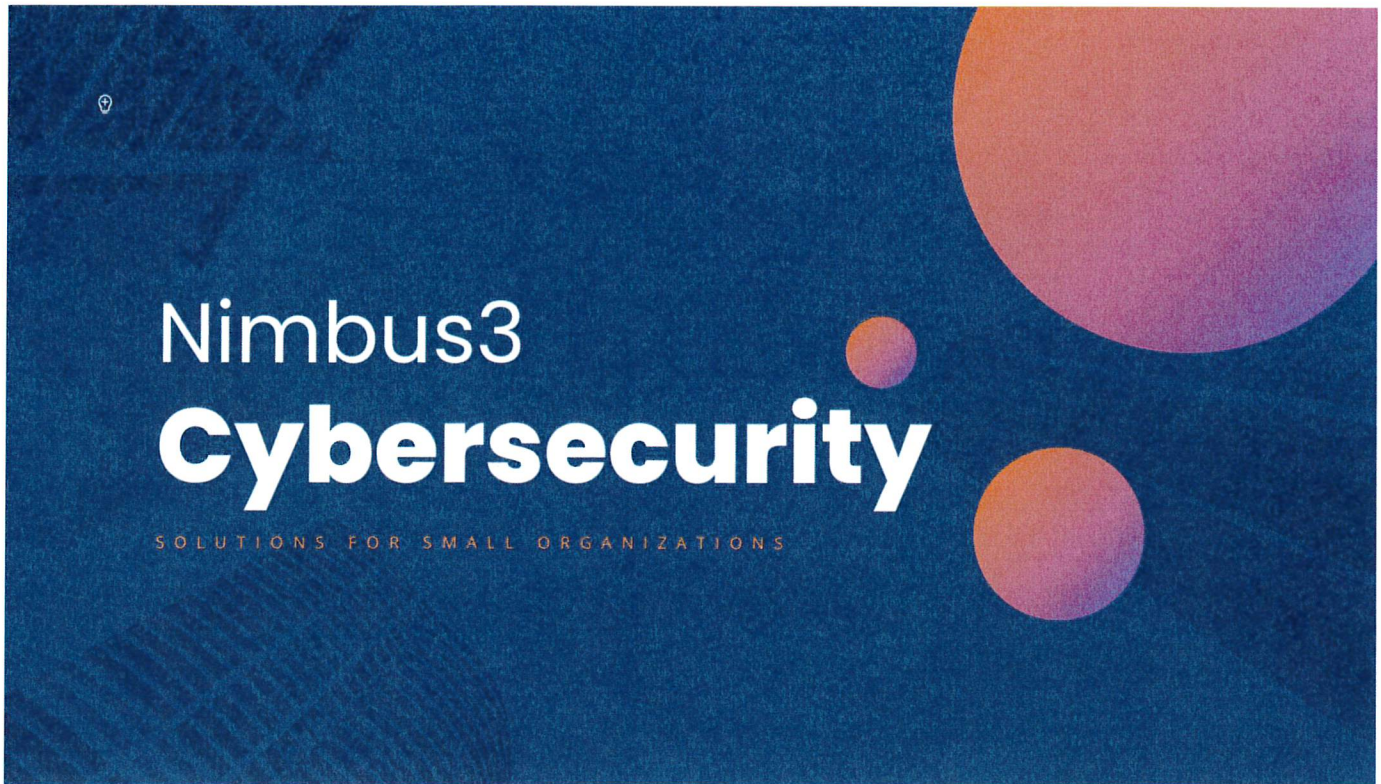
- On February 6th , Mayor Isaacs, Councilwoman Dedden, Councilman Blankenship and I attended a Cyber Security training at the Warren County Commissioners Meeting Room. The training was very informative and sparked a potential concern for the Village. I had a followup meeting with Shawn Waldman, Chief Executive Officer and Kyle Zech, Sales Manager on February 14th to get quotes for a cyber security protection consultant retainer for the Village Government Center. This is a precautionary measure to make sure the Village computer systems do not get hacked or compromised. On February 16th, I received a quote from Shawn Waldman of Nimbus3 Cybersecurity which has been included in my report for your review. I have contacted Karie Novesl of Hylant Insurance to get a comparison quote from their cyber security department. I will discuss this information at the Council meeting.
- Water Operator Brian Keith and I attended the Ohio River Basin listening session at the Ceaser Creek Lake Visitor's Center on February 9th. The meeting was to discuss water issues in this region and future plans.
- On February 8th, I completed the U.S. Department of Commerce / U.S. Census Bureau mandatory form BAS-ARF OMB No. 0607-0151. This form updates the Federal records of any jurisdictional boundary changes and annexation. I am the BAS contact and Mayor Isaacs is the TC/HEO contact for the Village. I submitted the reports for both Mayor and I which were reviewed and approved.

Police

- On February 10th I was called out at 5am in reference to a breaking and entering at the Waynesville McDonalds. Myself, Sgt. Denlinger and Officer Geyer responded to the scene. A subsequent investigation revealed that at approximately 2:30am, two white male subjects entered the business and broke into the safe. Additional details will not be included because it is an active investigation. I have provided the best photo for your review. Later in the morning employees from Subway contacted us and the same males broke into Subway shortly after leaving McDonalds. I provided information to all the police departments in Warren County. We were contacted by Lebanon Police and they advised that Little Ceasars was broken into the same night. If anyone can assist in this investigation, please contact me, Lt. Bledsoe or Sgt. Denlinger.



- Lt. Bledsoe participated in a police pursuit policy communication workshop at the Warren County Telecom office on February 15th. The discussion was to set communication standards for all emergency service organizations in Warren County. The communication process and policies collaborated will be shared with the department.
- The Police Department has a CJIS audit every 3 years for our LEADS compliance. The audit was conducted and we received notification that we passed on February 7th for another 3 years.
- Me, Lt. Bledsoe, and Sgt. Denlinger will be attending a Sovereign Citizen training on Tuesday, February 21st at the Warren County Sheriff's Office.
- Recycle Rally and Drug Take-back will be on April 22nd from 9am–2pm at the Wayne Local Schools.



STATEMENT OF WORK

Village of Waynesville
Virtual Chief Information Security Officer
(vCISO) – 1 Day Assessment
8 Hours

This Statement of Work (“Statement of Work” or “SOW”) is entered into and is effective on the date of execution, as set forth below (“Effective Date”), by and between Nimbus3 Cybersecurity, LLC (“SCD”) and Village of Waynesville, Ohio (“Customer”). The Appendix(es) to this SOW, if any, shall be deemed to be a part thereof. This SOW is incorporated into and governed by the most recent Master Services Agreement separately executed by and between the parties.

Offering Overview

Secure Cyber Defense vCISO program provides a partnership approach to cybersecurity. Engagements are purchased in blocks of time and provide clients with access to the full vCISO service offering. Designed to help clients develop or strengthen the security posture within the organization, the vCISO provides flexible senior security leadership at a fraction of the cost of a full-time CISO. Each engagement is designed to meet the needs and size of your organization ensuring cybersecurity initiatives are moving forward while allowing IT Teams to focus on critical projects.

The vCISO helps the organization understand current gaps in security and develop a vision and strategy to improve cybersecurity with a focus on people, processes, and technology. Each engagement is customized, working to understand the organization’s business, culture, process/procedures, and technology; providing oversight and guidance to ensure security is top of mind.

Deliverables

- **Cyber Compliance and Assessment** – A senior Cybersecurity will do an onsite assessment of the Village of Waynesville network, vendors and systems. Here is detailed list of areas that will be assessed:
 - **Baldwin System**
 - **Creative Technologies**
 - **Beacon**
 - **HiCap Technologies** – Evaluate how they connect to and support the Village. Evaluate servers, firewall and other systems discovered.
 - **Other systems that may be discovered during the process**
 - **External vulnerability scan** – If a static IP exists, we’ll run a external scan of the Village network and look for vulnerabilities.

At the end of the day, we’re looking for risk. We’re going to evaluate using the CIS Top 18 Control set and report back via a executive summary document. We’ll be happy to meet in-person onsite and deliver our results to anyone the Village would like us to present to.

Budget and Hours

This Statement of Work is for 8 hours of a senior Cybersecurity assessor pre-paid. A senior Cybersecurity advisor is \$300/hr for 8 hours for a total of \$2,400 for this engagement.

Timeline

Hours must be used within 12 months of the SOW signature and do not roll over. Additional hours may be purchased and will be good for an additional 12 months. A budget of hours will be allocated within the plan of action document during the kick-off. Hours are utilized in 30-minute increments.

Customer Requirements

The customer will provide timely access to the facility, assets, and to the appropriate personnel that are able to properly assist with the development of items identified in the plan of action. Failure to provide timely access may result in hours being utilized to re-engage the project or result in forfeiture of available hours.

Location

Services may be performed both onsite and remotely during the engagement and will be handled on a case-by-case basis.

Business Hours

Monday – Friday, 8 am-5 pm ET, excluding holidays, apply to this SOW.

What is Not Included

- Penetration Testing
- Digital Forensics
- Incident Response
- Licensing
- Implementation (unless noted)
- Remediation

IN WITNESS WHEREOF, the parties hereto have caused this SOW to be effective as of the execution day, month and year first written below.

VILLAGE OF WAYNESVILLE

Signature: _____
Name: _____
Title: _____
Date: _____

Nimbus3 Cybersecurity

Signature: _____
Name: Shawn Waldman
Title: CEO
Date: _____

Certificate of Estimated Property Tax Revenue

Use this form when a taxing authority certifies a millage rate and requests the revenue produced by that rate.

DTE 140R
Rev. 01/23
R.C. 5705.01, 5705.03

The county auditor of WARREN County, Ohio, does hereby certify the following:

1. On FEBRUARY 8, 2023, the taxing authority of the VILLAGE OF WAYNESVILLE (political subdivision name) certified a copy of its resolution or ordinance adopted FEBRUARY 6, 2023, requesting the county auditor to certify the current taxable value of the subdivision and the amount of revenue that would be produced by (1.000) mills, to levy a tax outside the 10-mill limitation for POLICE purposes pursuant to Revised Code § 5705.19(J), to be placed on the ballot at the NOVEMBER 7, 2023, election. The levy type is ADDITIONAL.
2. The property tax revenue that will be produced by the stated millage, assuming the taxable value of the subdivision remains constant throughout the life of the levy, is calculated to be \$ 73,434.40.
3. The total taxable value of the subdivision used in calculating the estimated property tax revenue is \$ 73,434,400.00.
4. The millage for the requested levy is (1.000) mills per \$1 of taxable value, which amounts to \$ 35.00 for each \$100,000 of the county auditor's appraised value.

Matt Nolan -AD
Auditor's signature

2/8/23
Date

Instructions

1. "Total taxable value" includes the taxable value of all real property in the subdivision as indicated on the tax list most recently certified for collection and estimates of the taxable value of public utility personal property for the first year the levy will be collected as set forth on the worksheets prescribed in conjunction with this form. If the subdivision is located in more than one county, the home county auditor (where the greatest taxable value of the subdivision is located) shall obtain the assistance of the other county auditors to establish the total tax valuation of the subdivision.
2. For purposes of this certification, "subdivision" includes any agency, board, commission or other authority authorized to request a taxing authority to submit a tax levy on its behalf. See R.C. 5705.01(A) & (C).
3. "Levy type" includes the following: (1) additional, (2) renewal, (3) renewal with an increase, (4) renewal with a decrease, (5) replacement, (6) replacement with an increase and (7) replacement with a decrease levies.
4. In completing Lines 1 and 4 of this form, mills should be identified in whole numbers, i.e., 5 mills, rather than as a fraction of a dollar, i.e., \$0.005. This expression is consistent with the prior practice of identifying mills in whole numbers per \$1 of valuation.
5. "The county auditor's appraised value" means the true value in money of real property. R.C. 5705.01(P).
6. For any levy or portion of a levy, an estimate of the levy's annual collections, rounded to the nearest one thousand dollars, which shall be calculated assuming that the amount of the tax list of the taxing authority remains throughout the life of the levy the same as the amount of the tax list for the current year, and if this is not determined, the estimated amount submitted by the auditor to the county budget commission. R.C. 5705.03(B).
7. Please file this certificate with the subdivision as soon as possible, so the taxing authority can pass a resolution to proceed not later than 90 days before the election.

**Worksheet to Calculate Revenue for Form DTE 140R
When a Taxing Authority Certifies a Rate and Requests the
Revenue Produced by That Rate for Additional, Replacement,
Replacement With an Increase, and Replacement With a Decrease Levies
and for the ½-mill Classroom Facility Levy**

DTE 140R-W1
Rev. 8/08
O.R.C. §5705.03(B)

Calculation of Revenue

1. Tax valuation on the tax list most recently certified for collection	
1a. Class I Real – Res/Ag	\$ <u>63,106,310.00</u>
1b. Class II Real – Other	\$ <u>8,377,900.00</u>
1c. Public Utility Personal	\$ <u>1,950,190.00</u>
1d. General Personal	\$ <u>0.00</u>
2. Total Valuation	\$ <u>73,434,400.00</u>
3. Millage Rate	<u>1</u> . <u>0</u>
4. Projected Revenue from Tax Collections	\$ <u>73,434.40</u>
5. Personal Property Phase-out Reimbursement Payment	\$ <u>0.00</u>
6. Total Revenue	\$ <u>73,434.40</u>

Instructions

Line 1a. Enter tax valuation of all Class I real property (residential and agricultural property) as indicated on the tax list most recently certified for collection.

Line 1b. Enter tax valuation of all Class II real property (all other real property) as indicated on the tax list most recently certified for collection.

Line 1c. Enter the estimated valuation of public utility personal property for the first tax year the levy will be assessed against public utility personal property. To determine the public utility valuation, please refer to the values in the appropriate spreadsheet available at:

www.tax.ohio.gov/channels/government/services_for_local_govts.stm

Note: Public utility personal property taxes are assessed at the same time as real property taxes, except, beginning in 2007, telecommunications property. The public utility values in the spreadsheets reflect the shift of telecommunications property to general business property.

Line 1d. Using the estimated values published on the Department of Taxation's Web site at the address provided above, enter the estimated general personal property value for the first general personal property tax year the levy will be collected. (**Note:** If the first year for which the levy will be assessed against real property is tax year 2008, then the first tax year that levy will be assessed against personal property will be 2009.) Since telecommunications companies are the only general businesses that are still liable for the personal property tax, and then only for tax years 2009 and 2010, only the estimated value of the telecommunications property should be entered on this line. No entries should be made on this line for levies that will first be effective for real property for tax year 2010 or thereafter.

Line 2. Add lines 1a through 1d and place total here.

Line 3. Enter the tax rate in mills certified to the county auditor by the subdivision.

Certificate of Estimated Property Tax Revenue

DTE 140R
Rev. 01/23
R.C. 5705.01, 5705.03

Use this form when a taxing authority certifies a millage rate and requests the revenue produced by that rate.

The county auditor of WARREN County, Ohio, does hereby certify the following:

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2. The property tax revenue that will be produced by the stated millage, assuming the taxable value of the subdivision remains constant throughout the life of the levy, is calculated to be \$ 514,040.80.
3. The total taxable value of the subdivision used in calculating the estimated property tax revenue is \$ 73,434,400.00.
4. The millage for the requested levy is (7.000) mills per \$1 of taxable value, which amounts to \$ 245.00 for each \$100,000 of the county auditor's appraised value.

Matt Nolan -AD
Auditor's signature

2/8/23
Date

Instructions

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**Worksheet to Calculate Revenue for Form DTE 140R
When a Taxing Authority Certifies a Rate and Requests the
Revenue Produced by That Rate for Additional, Replacement,
Replacement With an Increase, and Replacement With a Decrease Levies
and for the ½-mill Classroom Facility Levy**

DTE 140R-W1
Rev. 8/08
O.R.C. §5705.03(B)

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1c. Public Utility Personal	\$ <u>1,950,190.00</u>
1d. General Personal	\$ <u>0.00</u>
2. Total Valuation	\$ <u>73,434,400.00</u>
3. Millage Rate	<u>7 . 0</u>
4. Projected Revenue from Tax Collections	\$ <u>514,040.80</u>
5. Personal Property Phase-out Reimbursement Payment	\$ <u>0.00</u>
6. Total Revenue	\$ <u>514,040.80</u>

Instructions

Line 1a. Enter tax valuation of all Class I real property (residential and agricultural property) as indicated on the tax list most recently certified for collection.

Line 1b. Enter tax valuation of all Class II real property (all other real property) as indicated on the tax list most recently certified for collection.

Line 1c. Enter the estimated valuation of public utility personal property for the first tax year the levy will be assessed against public utility personal property. To determine the public utility valuation, please refer to the values in the appropriate spreadsheet available at:

www.tax.ohio.gov/channels/government/services_for_local_govts.stm

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