

**Village of Waynesville
Council Meeting Minutes
October 16, 2023 at 7:00 pm**

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; 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, October 16, 2023.*

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

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Mayor Acknowledgements

Mayor Isaacs asked Chief Copeland to speak on the proposed code updates to section 131.061 and explain why he believes the updates are necessary.

Chief Copeland stated that the whole point of the proposed code update was with the safety of children in mind. He explained that he was trying to be proactive and not reactive. There have been several incidents around the area, most recently at West Carrollton, where a self-proclaimed First Amendment auditor is causing issues at schools. After speaking with administrators at Wayne Local Schools and the School Resource Officer, there is nothing in the Village codes concerning the school and trespassing individuals off their property. This proposed policy applies only when school is in session and was extended to include Bicentennial Park because this facility is used by students during school hours. The new code only applies to individuals loitering and provides an extra precaution. Chief Copeland explained that people walking around the park or children playing on the playset are not considered loitering. These individuals have a purpose to be at the park. There is no intent to take away the ability of the public to enjoy the park but to have something in place to protect the students if a situation arises. Chief Copeland suggested removing section B, which specifically refers to the park. The code will still give the police the ability to better protect the school and keep the children safe.

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Disposition of Previous Minutes

Mrs. Miller motioned to approve the Special Council Meeting minutes for October 2, 2023, and Mr. Blankenship seconded the motion.

Motion – Miller
Second – Blankenship

Roll Call – 7 yeas

Mr. Colvin motioned to approve the Council minutes for October 2, 2023, and Ms. Dedden seconded the motion.

Motion – Colvin
Second – Dedden

Roll Call – 7 yeas

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Public Recognition/Visitor’s Comments

Dawn Fogarty, Chief Executive Officer of Warren County Community Services, asked Council for their endorsement for WCCS to become a Community Services Block Grant (CSBG) designee. Ms. Fogarty explained that the WCCS was established in 1966 to help individuals of all ages. Currently, WCCS has a strong portfolio of program offerings that serve all ages by serving as the primary social services hub of Warren County. They help with providing guidance and services including housing, nutrition, meals, utility assistance, emergency services, and transportation. Currently, Warren County is a delegate agency, and the CSBG funding is passed through the Dayton agency losing a lot of administrative funding. It is in WCCS’s best interest to gain the CSBG designation. Without the designation, Warren County is technically open for other Community Action entities to come in and provide services and will continue to not receive the fair share of CSBG allocation and continue to lose out on administrative dollars that can pay for staff. Furthermore, WCCS has been left out of statewide planning efforts, grant opportunities specific to Community Action entities, and high-quality, low-cost staff training and development opportunities. To qualify for the CSBG, WCCS must receive an endorsement from 2/3 of all municipalities within the service region. Ms. Fogarty asked Council to endorse the WCCS application through legislation or a letter.

Mr. Gallagher asked if WCCS does not receive the designation, is there a chance another agency will try to come in and take over? Ms. Fogarty stated the agency in Dayton is technically mandated to serve Warren County by providing WCCS with funding and thankfully they have never come in and said that they would serve Warren County. Mr. Gallagher wanted to ensure that Waynesville’s endorsement would not further burden residents with more taxes but is just a way to ensure the funding is distributed directly to WCCS. Ms. Fogarty replied that Mr. Gallagher was correct.

Mr. Lauffer asked what exactly WCCS provides for Waynesville. Ms. Fogarty responded that the biggest partnership they have is with Mary L. Cook Library which provides adult literacy programs. Food and commodity boxes have been delivered to families throughout Waynesville. Utility assistance has also been provided to approximately 250 residents. Mr. Blankenship

thanked Ms. Fogarty and her staff for their assistance in helping his church find housing and provide food and utility assistance for those seeking aid through his church.

Mr. Colvin asked if anything has changed and that is why WCCS is seeking this designation. Ms. Fogarty responded that there has been no change in funding or aid, just that she became the director, and believes this is best for WCCS moving forward to receive better support at the state and national levels. Mr. Colvin agreed with Ms. Fogarty that keeping tax dollars as local as possible is the best option.

Mr. Gallagher asked if there was a way for residents in Waynesville to better utilize the programs offered by WCCS. Ms. Fogarty answered that recently a mobile was procured with ARPA money. They are hoping to come out to areas where there is not a WCCS office to better serve the more extended parts of the County.

Council thanked Ms. Fogarty for attending the meeting and asked if she could provide literature on WCCS and the services they offer.

At this time, Rebecca Blaho, 575 Royston Drive, approached Council. Ms. Blaho stated she wanted to address the minutes from the Special Meeting on October 2, 2023. Ms. Blaho said that at the meeting there was a discussion on social media and the Police Levy Replacement, and she made a comment that she did not think residents were getting the information. Ms. Blaho said that the meeting minutes state that she does not think the residents are knowledgeable enough to find the information. She just wants to make sure she is not misrepresented. She stated she believes the residents are knowledgeable enough, but they are not going to the website to get information. Ms. Blaho surmised that a lot of people get their information from social media and feels this is an opportunity missed by the Village to reach more residents. She also stated that even though the meetings were posted on the water bill, those who get their water bills electronically will not see these messages. Ms. Dedden said that if the link is clicked to view your bill, the messages are displayed. Ms. Blaho said she is aware of that but if individuals only pay from the email, the information is not seen. She elaborated that she believes social media would be a great tool to help disseminate information and stop rumors. She stated she feels that the Village should find a more organic way to get information out to the public. Mr. Lauffer asked what different way Ms. Blaho would suggest. Ms. Blaho said she feels that social media would be best. Mr. Lauffer asked how to do that without creating a records nightmare. Ms. Morley suggested Ms. Blaho could post the link to the agenda on Facebook. Ms. Blaho stated that she was just asked by a Council member not to post on social media. Mrs. Miller stated she did not say that but asked that individuals call for clarification first to get the facts and then post whatever. Ms. Blaho said that she believes Council are elected representatives and should meet the people where they are and that is social media. Again, Mr. Lauffer asked how. He stated that he would love to get on "Let's Talk Waynesville" but has been advised by the Village's Law Director to not do that. He stated that residents should come to the meetings if they want to get the true information. Ms. Blaho agreed and said that is why she was at the meeting today. Mr. Gallagher shared advice he received from the past Mayor of Waynesville: There is a point at which citizens are responsible for themselves to obtain the information. Mr. Gallagher stated he appreciates Ms. Blaho for attending the meeting and trying to get more residents involved.

Mr. Forbes stated that the Village does already post things on Facebook, and he never said that the agenda could not be posted on Facebook. Mr. Gallagher asked if there was a way to not allow comments. Mr. Forbes stated his advice from a long ago was not to have a Facebook page. By creating a Facebook page, an arena for comments has been created and this is governed by the public record law. Mr. Forbes stated that what he has recommended to Council is to not engage in back-and-forth comments on Facebook because of Sunshine Laws. Council members should make their comments on Village issues in a public meeting as a body. He further elaborated that the Village's page was created before there was the ability to not allow comments and since comments have been allowed in the past, the Village cannot change this. Ms. Morley stated that a couple of years ago, a resident made a similar complaint that the Village was not providing the public with easy access to information. She said that the Village redid its website and made it more user-friendly. She also asserted she makes sure the agenda is posted every Friday before a meeting for the public. Ms. Morley reiterated that preserving comments from posting an agenda on Facebook could become too cumbersome to maintain the records. Again, Ms. Morley stated she felt the best solution to Ms. Blaho's request would be for her to post a link to the agenda on Facebook. Council thanked Ms. Blaho for her comments and interest in keeping the community engaged and informed.

Anna Garafolo of 5145 Lytle Road approached Council to thank them and Chief Copeland for the proactive approach to help keep staff and students safe at Wayne Local Schools. She stated she appreciates the partnership that the Village, police, and schools have. She said her priority is for the students and staff to come to school every day and feel safe. The police presence outside on the street is appreciated and helps relieve her mind, so she can go inside and work on the social, emotional, and academic aspects knowing the police are there to handle the safety aspect. Ms. Garafolo stated she was there to express her gratitude.

Shannon Maloney, 109 E. Ellis Dr., thanked Chief Copeland for his clarification on the proposed new code concerning Bicentennial Park. He explained he originally had concerns that the school policies concerning the park would not sync with the new code. Mr. Maloney explained the history of Bicentennial Park and how the school ended up owning this park. He stated that when he served on the Village Council, his passion was parks and recreation. A committee from Wayne Township, Wayne Local School District, and the Village was formed to find a park for residents to enjoy. At this time, the school said they had 9 acres of undeveloped land that had flooding issues and would love to have this land developed into a park and become part of the School District's campus. A nonprofit was formed, and funds were generated to build this park. The park was leased for two ten-year terms for a dollar a year to the school. At the end of this time, funding and civic groups went away and it was decided that the best option would be for Wayne Local Schools to take over stewardship of the park. Mr. Maloney wanted to provide the history of Bicentennial Park and hoped it explained why so many people became alarmed over the proposed ordinance concerning the park. Many people donated money for the park's creation. He wanted to ensure he did not lose public trust and that Bicentennial Park remained a park for public enjoyment. He stated that after hearing Chief Copeland's comments at the beginning of the meeting he is glad to hear that the park will remain a place for all residents to enjoy and appreciates the extra level of safety.

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Old Business

None

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Reports

Finance

Finance will meet this Thursday, October 19th at 5:00 p.m. and everyone is invited to attend.

Public Works Report

The Public Works Committee will meet on November 6th at 6:00 p.m. Anyone who has any questions or interest in the infrastructure is invited to attend.

Special Committee Reports

The Parks and Rec Committee met this evening and discussed several agenda items, including the former Michener property that was recently sold, the potential new park by Mary L. Cook, and a proposal for a community pool. The next meeting will be on December 18, 2023 at 6:00 p.m. The Committee is asking the Village Manager to reach out to the YMCA and get information on a possible partnership.

Village Manager Report

- Provided plans for the new traffic signal at the corner of Route 42 and North St. The Village is responsible for 10% of the \$2 million project. This will be paid from the Village's license plate fees; nothing will be paid for from the Village funds. Former Council member, Richard Elliot, mentioned that one of the SCADA antennas is mounted on one of the blinking light poles. That will need to be moved during this project.
- Hosted a preconstruction meeting for the OPWC Franklin Road Phase I project. The project should begin within a week and will include new waterlines, new storm drains, and street replacement from Route 42 to Old Stage Road.
- The Street Department continues to repaint the curbs yellow in the Camp Creek area.
- Moody should begin work soon on running a line from Well 10 to tie into the current water system. The new line will bore 10 ft under the Mill Race and should not disrupt it.

- The Wellness Program hosted by the Wright State Nursing Students ran into some problems with locations and now will use the Government Center’s parking lot on Election Day from 12 p.m. to 2 p.m.
- A preconstruction meeting is scheduled for this week with Choice One and SmithCorp to review the OPWC Third Street project. This project should begin in January as there is a backorder for waterline parts. Parking may cause some issues for residents as many do not have driveways and park on the street.
- The Water Department replaced several valve cover caps along Main Street before the Sauerkraut Festival.

Police Report

- Mayor's Court month-end report and Police calls for service have been provided for review.
- The Sauerkraut Festival went well and the police activity report for the festival will be provided in the next report. There was a lower number of attendees, but that was probably weather-related.
- Provided a new policy about the school grounds. This was a proactive move to have a policy in place and help protect the children at the school.

Financial Director Report

- The audit for 2021 and 2022 is underway by the State Auditor.
- Ordinance 2023-046 will allow the Finance Director to transfer funds from the General Fund to pay for the Third Street project until the Village can be reimbursed for the expenditures. The funds will then be transferred back into the General Fund.

Chief Copeland explained that the Village was awarded a BLOCK Grant to pay for part of the Third Street project to get new waterlines, storm drains, and repaved. The other part is being funded through the OPWC. This project will not cost the Village anything.

Law Report

None

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New Business

Mrs. Miller announced there will be a Meet and Greet night on October 24, 2023, at 6:30 p.m. at the Wayne Local Schools Performing Arts Building. She wanted to know if Council would like to appoint anyone to speak on the Police Levy replacement. It was decided that Ms. Dedden would represent the Village at the meeting.

Mr. Colvin stated he had given each Council member a performance review to be filled out on Chief Copeland and returned no later than the next Council meeting.

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Legislation

First Reading of Ordinances and Resolutions

Ordinance No. 2023-044

An Ordinance Appointing Robert Kaufman to Serve as Magistrate of the Village of Waynesville Mayor’s Court and Authorizing the Village Manager to Execute Any Necessary Contract Related to the Appointment

Mrs. Miller made a motion to amend Ordinance 2023-044 to remove the emergency clause and Mr. Blankenship seconded the motion.

Motion – Miller
Second – Blankenship

Roll Call – 7 yeas

Ms. Dedden made a motion to have the first reading of Ordinance 2023-044 and Mr. Gallagher seconded the motion.

Motion – Dedden
Second – Gallagher

Roll Call – 7 yeas

Ms. Dedden suggested that Council move Ordinance 2023-045 to the end of the legislation portion of the agenda and Council agreed.

Ordinance No. 2023-046

An Ordinance Authorizing the Transfer of Money from the General Fund to the Third Street Federal Grant Fund – Fund 2052 and Declaring an Emergency

Mr. Gallagher made a motion to waive the two-reading rule for Ordinance 2023-046 and Ms. Dedden seconded the motion.

Motion – Gallagher
Second – Dedden

Roll Call – 7 yeas

Mr. Gallagher made a motion to adopt Ordinance 2023-046 as an emergency and Mr. Lauffer seconded the motion.

Motion – Gallagher
Second – Lauffer

Roll Call – 7 yeas

Second Reading of Ordinances and Resolutions

Ordinance 2023-042

Amending the Schedule of Fees and Charges for the Village of Waynesville Regarding Trash Rates, Sewer Deduct Meter Prices and Fees, and After Hour Call Out Prices for Staff

Ms. Dedden made a motion to adopt Ordinance 2023-042 and Mr. Blankenship seconded the motion.

Motion – Dedden
Second – Blankenship

Roll Call – 7 yeas

First Reading of Ordinances and Resolutions Continued

Ordinance No. 2023-045

Adopting Section 131.061 of the Waynesville Codified Ordinances Regulating Loitering on School Grounds and Declaring an Emergency

Mr. Blankenship made a motion to waive the two-reading rule for Ordinance 2023-045 and Mr. Lauffer seconded the motion.

Motion – Blankenship
Second – Lauffer

Roll Call – 7 yeas

Mr. Forbes explained that Council should make a motion to adopt and then during this discussion of the legislation, if there are any amendments to the ordinance they can be made during this time.

Mrs. Miller made a motion to adopt Ordinance 2023-045 as amended and as an emergency and Mr. Gallagher seconded the motion.

Motion – Miller
Second – Gallagher

Chief Copeland stated he would entertain removing section B from the ordinance that specifies Bicentennial Park. He said his biggest concern is the school building. Furthermore, there is so much confusion around the mention of the park that he feels this would appease the residents and clear up any confusion.

Mr. Gallagher asked if Council later believes it is necessary to include Bicentennial Park, would they be able to? Mr. Forbes responded that yes, Council can always amend ordinances. He also wanted to point out that if section B is removed from the ordinance, it does not necessarily mean the park is excluded from the ordinance. The ordinance regulates loitering on school grounds but would not have any impact on individuals using the park as one would use a park. Mr. Forbes added that Council could remove section B, and the ordinance could still include the park area if the school calls and says they have a problem with someone on the property. Mr. Forbes stated that the police are not going to be patrolling the park looking to write tickets, this code is almost 100% complaint-driven. Chief Copeland agreed with Mr. Forbes that the whole point is to help give the police the tools to help deal with individuals who are trying to enter the school grounds with no business and the sole purpose of causing havoc.

Mr. Gallagher stated several of the comments he read on social media were that the park was locked up in a 501c3. Mr. Gallagher said he spoke with Gus Edwards and that 501c3 has lapsed and does not apply to this.

Mr. Forbes asked Council to amend section 2 of the original ordinance as he was in a hurry to get the ordinance together in time for the Council meeting, he inadvertently left in language referring to a previous ordinance and asked that references to short-term rentals be removed.

Mrs. Miller made a motion to amend section 2 of Ordinance 2023-045 to read “That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare, and shall be effective immediately upon its adoption. The reason for said declaration of emergency is for the preservation of the public peace, health, safety, and general welfare” and to strike section B and make section C, section B. Ms. Dedden seconded the motion.

Motion – Miller
Second – Dedden

Roll Call – 7 yeas

Mr. Colvin asked if this falls in line with the sovereign citizen attitude. Chief Copeland stated that the two are a little different. Usually, police have issues with sovereign citizens at traffic stops, where individuals claim that Ohio Laws do not pertain to them. First Amendment auditors claim they have the right to walk around government entities like schools because they are taxpayers and have a right to be there. Usually, First Amendment auditors are looking for attention and a legal suit because they feel their rights are being violated.

Sarah Hardyman approached Council and asked for clarification on loitering. She stated that sometimes kids hanging out at the park can be inferred as loitering. Mr. Forbes stated that the ordinance is only while school is in session. Ms. Hardyman asked what about homeschoolers who may be using the park during school hours. Mr. Forbes answered that playing at the park is not loitering. Chief Copeland added that if individuals have a purpose, then it is not considered

loitering. He also stated that the police will only act if there is a complaint from the school as it is school property.

Ellie Buell, 6753 New Burlington Road, asked if there is a plan in place for the police department to work with the school if a First Amendment auditor visits. She stated that the video of the First Amendment auditor is very disturbing and is thankful that the Village is being proactive in the protection of the children but wants to ensure that the school and the police department are in sync. Chief Copeland stated that he has had conversations with school administrators, and they have tightened up security. Secretaries are being more vigilant about who is buzzed in, and the School Resource Officer has been informed of the situation. He added that police officers are always at the school zone during pick up and drop off.

Ms. Buell stated that she believes the whole point of First Amendment auditors is to catch people off guard and try to get individuals to violate their rights. She stated that she reached out to the Warren County Sheriff, and they told her that there are plans in place already for criminal trespassing if an individual is asked to leave a governing building. She asked why, if there are already policies in place at the state level, is this ordinance necessary. Mr. Forbes stated that Ms. Buell is correct, however, this ordinance gives officers extra support. It gives the Village officers a closer-to-home policy to follow. He said that this gives the officers an extra layer of protection. Ms. Buell explained that she was here to better understand why the ordinance was necessary if there were already state-level policies in place. She added that at first reading of the ordinance, she was alarmed and wanted Council to consider if the ordinance was overstepping or overreaching since laws are already in place.

Mr. Gallagher stated he had a conversation with Ms. Garafolo about policies and she confirmed that the school was in the process of updating procedures to help protect the safety of the students. Mr. Gallagher said he had asked himself the same question if the Village is doing too much. He stated he also reached out to the Warren County Sheriff, and after speaking with them believes that this ordinance is necessary. Mr. Gallagher said that most of the time First Amendment auditors like to state case law and such, but with this, the Village will also have its own ordinance in place that has not gone to court.

Mr. Colvin asked if home rule applies to this instance. Mr. Forbes stated that as a municipality, they do have home rule authority to regulate this, but this is not a case where state law trumps municipal laws. Mr. Colvin asked if an individual is cited would they come to Mayor's Court? Mr. Forbes replied that if the individual is cited under this new code, then yes, they would appear in Mayor's Court.

At this time, a concerned citizen approached Council and stated he was in full approval of the ordinance and believes strongly that it is necessary. He said that there has been a First Amendment auditor that has visited five local schools causing one to be locked down for over two hours. He stated that the State does have a law in place to have an individual criminally trespassed off school property, but a specific individual must file the complaint, and rarely do individuals want to open themselves up to potential lawsuits. This ordinance takes that out of the picture and gives the Village Police and the school the tools to protect and take care of the students. He added he is very happy to see the Village being proactive.

At this time Mr. Gallagher called for a vote on the adoption of Ordinance 2023-045 as amended as an emergency.

Roll Call – 7 yeas

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Tabled Ordinances and Resolutions

None

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Executive Session

None

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All were in favor of adjourning at 8:39 pm.

Date: _____

Jamie Morley, Clerk of Council