

VILLAGE OF MADISON
Regular Council Meeting
August 28, 2023

RECORD OF PROCEEDINGS

Mayor Britton called the meeting to order at 7:01PM.

Mayor Britton invited all in attendance to join in the Pledge of Allegiance to the Flag. Mayor Britton requested that everyone observe a moment of silence. Council Members Mr. Adams, Mr. Donaldson, Ms. Drown, Mr. Lee and Mr. Vest were in attendance. Also in attendance were Administrator Mr. Bailey, Law Director Mr. Szeman, Fiscal Officer Kristie Crockett, Village Engineer Eric Haibach and Chief of Police Troy McIntosh.

PUBLIC HEARING:

Mayor Britton opened the public hearing at 7:02 pm.

Law Director Szeman stated that the public hearing is called for Ordinance No. 21-2023 for public comment on:

ORDINANCE NO. 21-2023: AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF MADISON VILLAGE, OHIO, PART SEVEN – PLANNING AND ZONING, TO ENACT NEW ARTICLE 13 REGULATING SHORT-TERM RENTALS; AMENDING SECTION 4.3(f) TO INCLUDE “SHORT-TERM” RENTAL AS A CONDITIONALLY PERMITTED USE IN THE R-2, SINGLE FAMILY RESIDENCE DISTRICT; AND AMENDING SECTION 17.5 APPENDIX A, TO ADD FEES RELATED TO SHORT-TERM RENTAL PERMITS.

The floor was opened for public comments.

Dennielle Hearn (319 N. Lake Street) – Mrs. Hearn asked that Council consider broadening the area where Short-Term Rentals could be permitted to include an area on N. Lake Street. She asked that if this area could not be considered, what are the next steps to make that happen?

Administrator Bailey stated that he did receive written correspondence earlier in the day from Mrs. Jennifer Solly that he read into the record.

He read correspondence received from Lavonna Elliott.

He read correspondence from Holly Rupnow (691 E. Main Street)

He read correspondence from Timothy Reagan (480 Tappan Oval)

He read correspondence from Patricia Lausin (Bates Road)

He read correspondence from Karen Farrow

Administrator Bailey stated that some of the correspondence that he received did not have addresses on them. Some of the correspondence is from Madison Township residents that do not realize that this is permitted in the Township.

He read correspondence from Laura Ratliff 215 Wellington Court.

He read correspondence from Paige Kuchta

He read correspondence from a resident that would like to remain anonymous.

He read correspondence from Courtney Reed.

Any correspondence that was received is available for review at Village Hall.

Mr. Bailey stated that in regards to the correspondence he received, there are four (4) residents from Madison Village that are not in favor of the Short-Term Rentals, two (2) residents from Madison Township that are not in favor and four (4) residents from Madison Village that are in favor.

Mike Naugle (746 E. Main Street) – he and his wife Natalia Paternak came to the Village approximately eight to nine months ago to propose the idea of Short-Term rentals. They are in favor of having Short-Term rentals. He stated that he understands the concerns of the residents however; being a user of Short-Term rentals, he feels that they are safe. He feels that having these will bring a lot of positivity to the community. He thanked Council for being part of the process.

Mayor Britton closed the public hearing at 7:13 pm.

MINUTES

Mayor Britton announced minutes to be approved for the Council Meeting held on July 24, 2023. Motion for approval made by Mr. Vest, seconded by Ms. Drown.

Questions/Discussions – None

Roll call on approval, 5 yeas. Motion carried.

FIRST HEARING OF PERSONS BEFORE COUNCIL: None

PAY ORDINANCE

Mayor Britton presented Pay Ordinance No. 2489: \$138,513.90 for payroll and \$335,941.92 for current and upcoming expenses, for a total of \$474,455.82.

Motion for approval made by Mr. Adams, seconded by Mr. Lee.

Questions/Discussions – None

Roll call on approval, 5 yeas. Motion carried.

OLD LEGISLATION:

ORDINANCE NO. 21-2023: AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF MADISON VILLAGE, OHIO, PART SEVEN – PLANNING AND

ZONING, TO ENACT NEW ARTICLE 13 REGULATING SHORT-TERM RENTALS; AMENDING SECTION 4.3(f) TO INCLUDE “SHORT-TERM RENTAL” AS A CONDITIONALLY PERMITTED USE IN THE R-2, SINGLE FAMILY RESIDENCE DISTRICT; AND AMENDING SECTION 17.5 APPENDIX A, TO ADD FEES RELATED TO SHORT-TERM RENTAL PERMITS. (3rd Reading)

Motion for passage made by Mr. Vest, seconded by Mr. Adams.

Questions/Discussion: Mr. Vest stated that in order to change the areas to allow Short-Term Rental would be difficult. He stated that the Planning & Zoning Commission would have to look into the zoning on the property she would like to have included. The Planning and Zoning Commission would have to meet again to modify the zoning upon her request. The areas include E. Main Street, W. Main Street & River Street.

Mr. Bailey explained that these areas were targeted larger residential properties on main arteries rather than have them in neighborhoods where the houses were closer together. He went on to say that there was discussion about the apartments on Main Street being added, however; they were excluded.

Councilman Lee stated that he is not excited about this legislation. He and his wife are landlords and they do extensive criminal and financial background reports on anyone that wants to rent. They do this to try and reduce the risk of having bad tenants.

He asked how complaints would be handled if there are several of them at one specific rental?

Administrator Bailey stated that revocation of the Conditional Use Permit would be the course of action. Nuisance complaints would be taken into consideration in their annual renewal. Mr. Bailey stated that if a property becomes a problem, the Administration has the ability to revoke their Conditional Use Permit and have them cease and desist.

Councilman Donaldson stated that there is more ability, through the Conditional Use Permit, than we have with renters.

Law Director Szeman agreed with Councilman Donaldson. He stated that if there is actionable information that some illegal activity is going on and being conducted out of a Short-Term rental the Conditional Use Permit can be immediately revoked.

In regards to the nuisance complaints there will be a record of it. If there are sufficient calls for service the administration can revoke the Conditional Use Permit. The CUP's are only good for one (1) year, so the applicant will have to come back to the Planning & Zoning Commission for renewal. At that time, if there are any records of complaints, non-renewal would be an option at that time.

Councilwoman Drown added that there will always be a point of contact for the properties. Should a problem arise, they will be contacted immediately to mitigate the situation.

Roll call on the motion: 5 yeas. Motion carried.

ORDINANCE NO. 22-2023: AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF MADISON VILLAGE, OHIO, PART ONE – ADMINISTRATIVE CODE SECTIONS 182.011, 182.012, 182.02, 182.03, 182.04 AND 182.05 OF CHAPTER 182, LODGING TAX, TO IMPOSE AN EXCISE TAX ON LODGING TRANSACTIONS FOR SHORT-TERM RENTALS. (3rd Reading)

Motion for passage made by Mr. Vest, seconded by Mr. Adams.

Questions/Discussion: Administrator Bailey stated that this is companion legislation to the Short-Term rental legislation. This allows the Village to collect bed tax.

Roll call on the motion: 5 yeas. Motion carried.

NEW LEGISLATION:

ORDINANCE NO. 28-2023: AN ORDINANCE ACCEPTING A CHANGE ORDER FOR CHIVERS CONSTRUCTION COMPANY, INC. FOR THE SANITARY SEWER INTERCONNECT PROJECT, AUTHORIZING THE MAYOR TO ENTER INTO THE CHANGE ORDER, AND DECLARING AN EMERGENCY. (1st Reading)

Motion for suspension made by Mr. Vest, seconded by Mr. Lee.

Questions/Discussion: None

Roll call on the motion: 5 yeas. Motion carried.

Motion for passage made by Mr. Adams, seconded by Ms. Drown.

Questions/Discussion: Administrator Bailey explained that early on in the work on the Sanitary Sewer Interconnect Project, there was interference with a Dominion gas line that forced the Village to move their waterline to the south side of the road. The dewatering equipment that kept the excavations dry had to be relocated into the roadway on Middle Ridge.

Roll call on the motion: 5 yeas. Motion carried.

ORDINANCE NO. 29-2023: AN ORDINANCE GRANTING AND AUTHORIZING THE MAYOR TO EXECUTE A UTILITY EASEMENT TO THE EAST OHIO GAS COMPANY FOR A NATURAL GAS LINE ACROSS PERMANENT PARCEL NUMBER 02-A-008-E-00-005-0; AND DECLARING AN EMERGENCY. (1st Reading)

A motion for suspension was made by Mr. Vest, seconded by Mr. Lee.

Questions/Discussion: None

Roll call on the motion: 5 yeas. Motion carried.

Motion for passage made by Mr. Adams, seconded by Mr. Donaldson.

Questions/Discussion: Administrator Bailey explained that this parcel is the alley where it ties into N. Main behind the police garage.

Roll call on the motion: 5 yeas. Motion carried.

ORDINANCE NO. 30-2023: AN ORDINANCE PROVIDING FOR ADDITIONAL PERMANENT APPROPRIATIONS AND ADJUSTMENTS TO VARIOUS LINE ITEMS FOR THE CURRENT EXPENSES AND FOR OTHER EXPENDITURES OF THE VILLAGE OF MADISON, OHIO, FOR THE PERIOD BEGINNING JANUARY 1, 2023 TO AND INCLUDING DECEMBER 31, 2023, AND DECLARING AN EMERGENCY. (1st Reading) (Middle Ridge Road Repairs after Sanitary Sewer Interconnect Project)

Motion for suspension made by Mr. Vest, seconded by Mr. Donaldson.

Questions/Discussion: None

Roll call on the motion: 5 yeas. Motion carried.

Motion for passage made by Mr. Adams, seconded by Mr. Lee.

Questions/Discussion: None

Roll call on the motion: 5 yeas. Motion carried.

ORDINANCE NO. 31-2023: AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 14-2006, AS AMENDED, RELATED TO COLUMBARIUM FEES FOR FAIRVIEW CEMETERY; AND DECLARING AN EMERGENCY. (1st Reading)

Motion for passage made by Mr. Vest, seconded by Ms. Drown.

Questions/Discussion: None

Roll call on the motion: 5 yeas. Motion carried.

Motion for passage made by Mr. Lee, seconded by Mr. Adams.

Questions/Discussion: Administrator Bailey explained then when the Village was originally quoted the fees for the columbarium, the engraving was not included. He stated that there will be a policy that mandates the type of font that can be used as well as what can be on the engravings. It will be up to the purchaser to obtain their own engraving.

Roll call on the motion: 5 yeas. Motion carried.

ORDINANCE NO. 32-2023: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP AND TO CHANGE THE ZONING OF PERMANENT PARCEL NO. 02-A-015-0-00-001-0 FROM R-3, MULTIPLE FAMILY RESDIENCE DISTRICT, TO A-1, AGRICULTURAL DISTRICT. (1st Reading)

Administrator Bailey stated this legislation will go three (3) readings and a public hearing will be held.

Councilman Vest explained that this came before the Planning & Zoning Commission. The applicant would like to change their zoning from R-3 to A-1. The property they would like to change is between and behind the condos on Middle Ridge Road. Their intended use is to have rescue animals such as goats, horses, pigs and other animals. These would be located behind the condos. The Planning Commission has sent this to Council so they can accept or reject this.

RESOLUTION NO. 17-2023: A RESOLUTION RECOGNIZING AND HONORING ALEXANDER DAVIS, TROOP 750, IN EARNING THE BOY SCOUTS OF AMERICA RANK OF EAGLE SCOUT.

A motion for passage was made by Mr. Vest, seconded by Ms. Drown.

Questions/Discussion: None

Roll call on the motion: 5 yeas. Motion carried.

RESOLUTION NO. 18-2023: A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE MADISON LOCAL SCHOOL DISTRICT TO FURNISH A SCHOOL RESOURCE OFFICER TO THE SOUTH ELEMENTARY SCHOOL; AND DECLARING AN EMERGENCY. (1st Reading)

Motion for suspension was made by Mr. Vest, seconded by Mr. Donaldson.

Questions/Discussion: Chief McIntosh provided some of the details of the contract.

Roll call on the motion: 5 yeas. Motion carried.

Motion for passage made by Mr. Adams, seconded by Mr. Lee.

Questions/Discussion: None

Roll call on the motion: 5 yeas. Motion carried.

PURCHASE ORDERS AND OTHER APPROVAL PERMITTED BY MOTION:

A purchase order in the amount of \$3,488.49 to Applied Industrial Tech for a Dodge Transmission Torque-Arm for the Waste Water Treatment Plant.

Motion for approval made by Mr. Adams, seconded by Ms. Drown.

Questions/Discussion: None

Roll call on the motion: 5 yeas. Motion carried.

A purchase order in the amount of \$10,000.00 to Specialized Construction for crack sealing on various roads.

Motion for approval made by Mr. Lee, seconded by Mr. Adams.

Questions/Discussion: None

Roll call on the motion: 5 yeas. Motion carried.

A purchase order in the amount of \$3,202.70 to Winter Equipment for cutting edges and curb runners for the M/R Department for the 2023 snow plow season. (Sidewalk plow)

Motion for approval made by Mr. Vest, seconded by Mr. Lee.

Questions/Discussion: None

Roll call on the motion: 5 yeas. Motion carried.

A purchase order in the amount of \$3,000.00 to Xavas Solutions (My Senior Center) for the My Senior Center Swipe Station.

Motion for approval made by Mr. Adams, seconded by Mr. Donaldson.

Questions/Discussion: None

Roll call on the motion: 5 yeas. Motion carried.

A purchase order in the amount of \$7,200.00 to Peroni Concrete for a concrete road repair on Saxton Street.

Motion for approval made by Mr. Vest, seconded by Ms. Drown.

Questions/Discussion: None

Roll call on the motion: 5 yeas. Motion carried.

A purchase order in the amount of \$3,225.00 to Gareth's Tree Service for removal and stump grinding for a tree on the E. side of Central Park and in the public parking area.

Motion for approval made by Mr. Adams, seconded by Mr. Lee.

Questions/Discussion: None

Roll call on the motion: 5 yeas. Motion carried.

A motion from the floor to recognize the agreement with Lake County Narcotics Agency was made by Mr. Donaldson, seconded by Mr. Vest.

Questions/Discussion: None

Roll call on the motion: 5 yeas. Motion carried.

ADMINISTRATOR'S REPORT:

➤ **Engineer's report –**

Mr. Haibach reported that work on the Sanitary Sewer Interconnect Project is wrapping up! All of the mainline pipe is in the ground. Over the next couple of weeks, the contractor will be focusing on site restoration.

He reported that there are two (2) projects that have been combined into a single bid. One project is improvements to Dana's Park which consists of new ADA

compatible playground equipment and play surface, an ADA access trail that goes through the park to get to the playground.

The other project is the newly created Wetlands Park adjacent to the Madison Senior Center. An ADA accessible path will be going in as well as an elevated viewing platform.

The project is currently out to bid and is scheduled to open on Friday September 1, 2023 at noon.

➤ **Fiscal Officer's report –**

Mrs. Crockett reported that she has distributed the budget requests for 2024 to each department head along with a year-to-date expense report. She has requested that they return their requests by September 15, 2023. Upon receipt she will put together the draft budget.

➤ **Police Chief's report –**

Chief McIntosh reported that Officer Rederick has completed his field training successfully and is now working a regular shift on the schedule.

One of the Officer's has gone out on an extended medical leave (non-work related). The anticipated return is the middle of November 2023.

In regards to training, he reported that Officer Wransky attended a Colt Armors Rifle Class as well as a Glock Armors Class. Officer Rederick attended a recertification course on Tasers.

The Department went out to the new Lake County Range for a requalification on firearms.

With school back in session, he stated that the Officers have been focusing on enforcing the school zones.

In closing, he reported that they are doing evaluations on body camera vendors. Councilman Donaldson stated that he has been hearing positive comments on the Police Department.

➤ **Administrator's report –**

Administrator Bailey reported that this week is the last week of the Outdoor Market as well as the Concerts in the Park for the season. He stated that it was a very successful season. There were a few rain days, however; the concerts were moved to the lobby of the Holiday Inn. With that being very successful and well attended, there is talk about perhaps one (1) night a month having a night out with a band and food truck at the Holiday Inn.

He reported that the MCIC has started planning the Boo Brew Bar Crawl on October 28, 2023. Tickets will go on sale October 1, 2023. Participants will pick up their swag bag in the Village Park between 4-5 pm. The event will be held from 6 – 8 pm. There are five (5) bars participating this year.

In regards to the Wetlands Project, he is very happy with how the project came out. Before the project was completed, he was contacted by Mr. Donaldson and

they were able to use it as an education opportunity for the high school Ecology class. He and Mr. Donaldson gave a brief description of the project.

COMMISSION AND COMMITTEE REPORTS: None

FINAL HEARING OF PERSONS BEFORE COUNCIL:

Nancy Manty (6 Appaloosa Trail) – Mrs. Mantey complimented Mr. Bailey for the wonderful job this year with the Market and the Concerts in the Park, especially with the raffle.

NEW BUSINESS

Mayor's Report: -

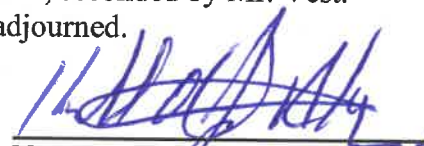
ADJOURNMENT

Motion to adjourn at 7:56 pm made by Mr. Lee, seconded by Mr. Vest.

Roll call on adjournment, 5 yeas. Meeting adjourned.



Sam Britton Jr., Mayor



Mark V. Vest Council President
H.O. Jay Adams, Vice President of Council
9/25/2023
DATE

Attested:


Kristie M. Crockett, Fiscal Officer

September 25, 2023

DATE