

NEW LONDON VILLAGE COUNCIL
Regular Meeting – Monday, August 28, 2017 @ 7 p.m.

Mayor John Martin called the meeting to order. He then gave the invocation followed by the Pledge of Allegiance.

Roll call was then taken with the following members present: Curtis, Myers, Cooke, Paramore, Willis and Winslow.

Also present: Ellen Simmons, Chief Marko, Steve Bond, Shawn Pickworth, Lynn Phillips, Mark Romelfanger, Jayne Carroll, Cathy Carpenter, Scott Carroll, Kevin Thomas, Sally Staschke, Sandra Sword, Russ Sword, Vicki Missler, Eddie Shaver, Mark Chase and Don Patton.

John Martin then asked for approval of the agenda. Myers made a motion to approve the agenda. Winslow seconded the motion. Roll call - All ayes; no one opposed.

The minutes from the August 14, 2017 Zoning Pubic Hearing were then presented for approval. Paramore made a motion to approve the minutes. Willis seconded the motion. Roll call – All ayes; no one opposed.

The minutes from the August 14, 2017 regular meeting were then presented for approval. Curtis made a motion to approve the minutes. Myers seconded the motion. Roll call – All ayes; no one opposed.

John Martin asked for any public questions or statements. He stated everyone would have three minutes to talk.

Ellen Simmons stood and stated the Community Club is working hard on Hometown Holidays which is December 2. She stated they would be having a meeting on September 14. It is going to be for business people and anyone else who wants to be involved or has questions about the whole thing; what they are doing, what they need, what they are planning and it will be at 9 a.m. at the Village Café on September 14 and she will repeat it again at the next meeting. She wanted to let everyone know so they can put it on their calendars so they don't double book.

Jayne Carroll then stood and said she had two questions. One is clarification and one is the correct zoning for the Sword property that has been questioned. There have been a couple discrepancies with the public and she wanted to clarify what the correct zoning is for that property as it is at this time. Is it Light Industrial? Her second question was if the exceptions as requested by Mark Chase, Bill Given, Kenny Fannin and the New London Neighborhood Group is by chance passed, will this cause any disruption of the current zoning updates that have been proposed or will it change the process and it will have to be redone or will it just proceed on if we pass these exceptions as requested. She stated those were her two questions.

Mr. Bond stated that the process is going to be that all the changes that have been requested in writing are going to be submitted to the engineer and the engineer will make a response to council. When council considers the ordinance, the ordinance will start off as the form of the map as it was proposed and approved by the Planning Commission. The initial question is the approval of that proposed map subject to amendments. Council will take a look at one of the requested changes and they will say yes or no as far as each change and then they will vote on the final package after any of those changes have been approved. So it will be the recommendation of the Planning Commission subject to any amendments that are made by council.

Jane Carroll said to clarify, those exceptions, if they are passed will not start the process over again? We don't have to redo anything?

Mr. Bond replied yes, assuming there is adequate votes to approve it.

Jayne Carroll said o.k. and then asked about her first question. What is the correct zoning on the Sword property? She said there was some discrepancies.

Shawn Pickworth answered that it was Light Industrial.

Jayne Carrol said thank you.

Sandra Sword asked if this was the time to talk about zoning.

Mayor John Martin and Steve Bond stated yes, this was the time.

Mrs. Sword stated she had handed out a letter and hoped everyone had read it and stated she would like to read it there.

Mayor John Martin replied that she had three minutes.

Mrs. Sword said she would read fast and read the following letter;

Dear Mayor, Council, and Concerned Citizens,

We respectfully submit our views on the purposed zoning changes on our property adjacent to 167 Park Avenue consisting of 37 acres, more or less. The land was purchased in 1998 and was zoned industrial, which meant it could be developed in all zoning categories. Since the land was zoned as such it required higher cost for the acreage. Our intent was to get this land to have control over the lot next to our home. However, the condition of the sale required purchase of the entire parcel then owned by a local Construction firm. After careful consideration, we felt the land was a solid investment because of zoning flexibility. Changes currently proposed to our property, if approved, will impact the economic value thereof.

This young family moved into this location in November, 1976 (not young today). During the past 41 years, New London has seen very little housing growth along with dramatic losses of industrial and commercial activity. New London School Superintendent recently relayed to Sandy that our school enrollment is flat if not lower. Some major factors endorsing a necessity to protect our investment.

Another great concern, does New London Village have resources to support a housing development? Could sanitary systems, surface and storm sewers manage the large increases of volume that would inevitably happen in the case of planning a housing development on the land? Could or would our village be capable of maintaining streets and policing of the area? What point is there if government officers regulate a change and are unable to show ability and planning to back it up or offer support?

Let's make it perfectly clear, Sandy and I have never considered building an asphalt plant on this or any property. It has been a rumor in at least three Counties which is totally unfounded and frankly, baffling. Additionally, surely there are a ton of laws protecting what can be built near schools.

Standing Federal Court cases justify our land is protected by the "Taking Clause" which **prohibits** the regulating agencies from using their **governmental powers to achieve the control** they wish **without cost**. The court has also applied the "Taking Clause" to invalidate regulations which **deprive property of its economic use**. The law sharply distinguishes between **property rights** and **mere privileges** that the government can continue or terminate at its pleasure. Ironically, this case was decided by the United States

Supreme Court in 2006 in a lawsuit called Kelo Vs. City of New London. In other cases, the court has ruled, zoning restriction may not deny an owner any economically viable use of his land.

This property was marketed and sold publicly, zoned Industrial with the right to develop as indicated by the zoning ordinance for the last 41 or so years. Though we sincerely appreciate the opinions of our neighbors, we feel existing circumstances dictate protecting our investment which we have worked hard to earn.

Thankfully, our citizens have the right to petition and voice their opinions due to the First and Fifth Amendments of this great country. Thankfully, land owners are protected by our judicial system and those same Amendments as well. Our military men and women fought for these rights and we are all now exercising them.

We suggest leaving our property as Industrial.

Thank You

Sandra L. Sword
Russel L. Sword

Mayor John Martin thanked Mrs. Sword and said he had one remark. When it said City of New London just for the record, I don't think that was the Village of New London, Ohio.

Mrs. Sword stated that no it was Connecticut. It was a big supreme court case back in 2006 and she remembers it. That was the thoughts and they protect land owners use. You cannot deny us viable use. This was also challenged in Strongsville, Ohio. They wanted to change the zoning and the landowner said economically you are making my land less valuable and we should be compensated for that. So if you are willing to compensate we will talk. But I think the law protects us.

Mayor John Martin stated he hated to interrupt but they do have a time constraint. Everything is being taken into consideration by the engineer and by council and they will wait to see what comes up from that. He doesn't want to say anything prematurely.

Mrs. Sword said she just wanted to put that out there but the "Taking Clause" she thinks protects them.

Mayor John Martin asked if there were any more public statements or questions. There were none.

John Martin then called for a report from the Administrator.

Shawn reported the following.

Water

- Water Plant Improvement Project – still no word from the OEPA on a PTI.

Wastewater

- Forced Main Project – crews laying the mainline made it to the Recreation Park on Thursday, August 24th. Plans are to have crews finish after Labor Day. The next phase of the project is to cross Euclid Road connecting/installing the line to the Reservoir Park & Campground. I would like to thank everyone involved in making this project happen.

Sanitation

- No major issues.

Street

- Working on submitting an application for OWPC funding for improvements to East Street. Legislation before you tonight will allow us to. If this project would get funded, it wouldn't be until fall of 2018 or spring of 2019 before the work is done.

Parks

- Labor Day – plans are coming together. Anyone interested in working the gates please stop by Gilbert Hardware and see Janie or at the village office. Can also be found on the village website www.newlondonohio.com. Presale tickets for Labor Day are on sale at the Village Office and Gilbert's Hardware until September 1st at 3 PM.
- Gun Raffle Tickets -- on sale now at the Village Office. The gun raffle will be held on November 4, 2017 at the Hileman Building starting at 12 noon. Doors will open at 11 AM.
- Country Roads Music Fest – September 30, 2017 at the New London Reservoir Park & Campgrounds. For any camping information please call 419-929-8609.

Other

- Mayor John Martin and I met with Carol Knapp from HCDC and Ben Kenny from WSOS regarding information about the New London Revolving Loan Fund on Monday, August 21, 2017.
- Construction of the police garage began on Monday, August 21th. Building is up, next step is preparing for the floor.
- Nancy Howell and I met with Vicky Missler on Friday, August 25, 2017 regarding health insurance renewal for village employees.
- Met with representatives from ACC Norwalk to review the installation of the new phone system. We visited all village locations that will be impacted by these changes.

John Martin then asked for a report from the Police Chief. Chief Marko stated he had nothing to report.

John Martin then asked for a report from the Fire Chief. Chief John Chapin absent.

John Martin then asked for a report from the Ambulance. Bill Curtis had nothing to report but said he would have a report for the next meeting.

John Martin then asked for a report from Zoning. Bob James absent.

John Martin then presented Ordinance 2017-12 (substitute) An Ordinance Revising and Restating Various Sections in Chapters 921, 925, and 927 of the Codified Ordinances Relative to Water, Sewers, and Utility

Rules. Third Reading. Myers made a motion to approve the third reading. Willis seconded the motion. Roll call – all ayes; No one opposed.

John Martin then presented Ordinance 2017-22 An Ordinance Rezoning Various Properties Throughout the Village of New London. First Reading. Curtis made a motion to approve the first reading. Paramore seconded the motion. Roll call – all ayes; No one opposed.

John Martin then presented Resolution 2017-08 A Resolution Authorizing John Martin, Village of New London Mayor to Prepare and Submit an Application to Participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) and to Execute Contracts as Required and Declaring an Emergency. Emergency Reading. Myers made a motion to suspend the rules to allow Resolution 2017-08 to be passed on an emergency measure. Curtis seconded the motion. Roll call: Winslow, Yes; Curtis, Yes; Cooke, Yes; Myers, Yes; Willis, Yes; Paramore, Yes. Paramore made a motion to approve the emergency reading. Winslow seconded the motion. Roll call – all ayes; No one opposed.

John Martin then called for Old Business. There was none.

John Martin then called for New Business.

Sandra Sword asked if she could speak from the audience.

Mayor John Martin stated that she was not able to speak at that time.

John Martin then presented the monthly bills for approval under Schedule A. Myers made a motion to approve the bills as presented. Winslow seconded the motion. Roll call - All ayes; No one opposed.

John Martin then presented the monthly bills for approval under Schedule B-Then and Now. Curtis made a motion to approve the bills as presented. Winslow seconded the motion. Roll call – All ayes; No one opposed.

Mayor John Martin then asked for a motion to enter into Executive Session to consider the compensation of one or more village employees or official. Curtis made a motion to enter into executive session. Cooke seconded the motion. Roll call: Winslow, Yes; Curtis, Yes; Cooke, Yes; Myers, Yes; Willis, Yes; Paramore, Yes.

Bill Curtis made a motion to return to regular session. Myers seconded the motion. Roll call; Winslow, Yes; Curtis, Yes; Cooke, Yes; Myers, Yes; Willis, Yes; Paramore, Yes.

Mayor John Martin asked council if they had anything else to be brought forward before he asked for an adjournment.

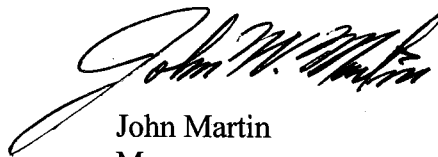
Myers stated she wanted to make a motion to accept United Health Care Option 2 for insurance.

Mr. Bond stated the village needed to pass an ordinance so no motion was needed at this time.

Curtis made a motion to adjourn. Willis seconded the motion. Roll call - All ayes; no one opposed.



Nancy Howell
Fiscal Officer



John Martin
Mayor