

**NEW LONDON VILLAGE COUNCIL**  
**Regular Meeting – Monday, September 11, 2017 @ 7 p.m.**

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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, Willis, Paramore, Cooke and Winslow.

Also present: Chief Marko, Shawn Pickworth, Marvin McCallister, Bob James, Eddie Shaver, Don Patton, Lynn Phillips, Ellen Simmons, Joe Thomas, Jayne Carroll, Jen Hale, Cathy Carpenter and Kenneth Fannin.

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

The minutes from the August 28, 2017 regular meeting were then presented for approval. Paramore made a motion to approve the minutes. Winslow seconded the motion. Roll call – All ayes; no one opposed.

John Martin asked for any public questions or statements.

Jayne Carroll stood and said she had a quick question. She stated that at the last meeting they were told they would be getting the results back from the engineer and she was wondering what the engineer's zoning recommendations were for the Sword's property. She was hoping it was recommended to be residential.

Mayor John Martin said they would be doing them one at a time. Each letter that was sent out – everything has been documented and they will take them each one at a time and go over each one.

Jayne Carroll was satisfied and said thank you.

Ellen Simmons then stood and said she had mentioned at the last meeting that the Community Club will meet at 9 a.m. at the Wildcat Café on Thursday, September 14 and they are inviting anyone who has interest in the Hometown Holidays especially business owners and merchants.

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.
  
- Major Water Leak – crews were called in over the weekend to repair a major water leak at the intersection of Cook Rd. & Butler Rd. 2 valves at that location had failed and were replaced. Crews work most of the day Saturday on the repairs. It appears now crews will have to dig the repairs back up tomorrow morning, something failed with the repair.

Wastewater

- Nothing major to report.

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 – another great Labor Day weekend. A huge Thank You to everyone involved. See Joes attached report.

Shawn then stated he would let Joe give the park report because of Labor Day.

### Other

- Cement work is scheduled to begin tomorrow morning on the Police Garage. Crews worked on getting the sewers installed last week.
- Insurance Inspector – there will be a representative from our insurance company here tomorrow, September 12, 2017. He will inspect all structures and equipment. This is usually done every other year.

John Martin then asked for a report from Zoning. Bob James said he just had a couple things. Janotta and Herner was in and got a zoning permit for the new Firelands Electric building. They will start building in November. Firelands Electric also has to apply for a solar panel permit to fulfill the requirement that a certain percent of their power has to be green power. They will be building it on the initial lot they have next to the building. He has not signed off on that permit because they technically have not officially submitted their request yet. They are in the process of doing that. He also stated he had two properties that he needs to reinspect and if they haven't cleaned up, they will be turned over to the police department for criminal action. The third property he sent a letter to he was just informed that they never picked the letter up from the post office so it was hand delivered by the police department. They now have 30 days to clean up their property.

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 reported there were 58 runs for August. There were 28 in the Village of New London; four in New London Township; three in Ruggles Township; five in Troy Township; eight in Fitchville Township. There were three Mutual Aids (2-Greenwich Twp., 1-Greenwich Village). There were four motor vehicle crashes: three in Fitchville, and one in Greenwich Township. There were eight Negative Transports and five runs to the Laurels. There was one Law Enforcement Standby and one Fire Standby.

John Martin then asked Joe Thomas to share his park report.

Joe Thomas reported – 2017 Labor Day Festival was another success. We approximately had 10,000 people attend the festival this year from Saturday, September 2 through Monday, September 4. I would like to thank all the volunteers that help with this weekend: The New London Park Board, Shawn Pickworth, the New London Police Department, Firelands Ambulance Service, the New London Fire Department, all the gate

workers and french fry stand workers, Mark Roeder for running the french fry stand, Mark Cuson for running the horse show tournament, Chris Rowland for running the truck and tractor pulls, Tom Howell and Eric Mitchell for doing trash every day, Joe Myer, Tyler Cawrse, Jill Mitchell for running the volleyball tournament and the kid's games, and a couple of very special thank you to my wife Sarah Thomas and also to Michelle Popa, Lucinda Biddinger and Nancy Howell. Without all of the help from these people we would not be able to have this event. All the events this weekend went very well. I feel that it was one of the smoothest Labor Days that I have been a part of. Saturday's gates were down from last year, but that is going to happen when you have the weather we did. Sunday was the second best Sunday ever for Labor Day. Monday was just down a bit from last year and that was because of the cancellation of the fireworks. Shawn, John Chapin and myself met with the fireworks company and we all decided it was in the best interest to cancel the fireworks due to the weather coming in around 8 p.m. At the time of the cancellation, we called a park board meeting and also decided to move the fireworks show to September 30 after the Country Roads Music Fest.

September 23 we will be having an end of the year cookout at the reservoir at noon. All council members are invited.

September 30 is our Country Roads Music Fest. The first band starts at 2 p.m. and fireworks are at 10 p.m. We need council's permission for the Legion to sell beer.

November 4 is our annual gun raffle. Tickets are \$10 or six for \$50.

Almost forgot to thank Josh Wilson for coming out to the park on Tuesday and Wednesday to pick up trash.

John Martin then presented Ordinance 2017-22 An Ordinance Rezoning Various Properties Throughout the Village of New London. Second Reading.

Shawn Pickworth asked if they should go one by one down through the zoning letters and recommendations from the engineer.

Mr. Bond stated he felt that would be best.

Bill Curtis asked if council needed a motion to go through the letters.

Mr. Bond stated that no motion needed made. He thought the understanding was you will just take them one at a time. Shawn should go down and state the proposal for the first property from the Planning Commission is to zone it however. The request by the homeowner is to do whatever. The recommendation of the engineer is whatever and then does somebody want to make a motion to change the recommendation from the Planning Commission.

Shawn Pickworth stated they would go to letter #1. He stated he would go down Paul Tecpanecatli's memo. Letter dated August 15, 2017 from Mr. and Mrs. Kenneth Fannin of 116 Ledgett Street. The Fannin's requested that their property at 116 Ledgett be zoned single-family residential (R-1) instead of the proposed Light Manufacturing (M-1) zoning.

Consultant analysis: We concur with Mr. & Mrs. Fannin's request to rezone parcel #26019A050080000 to R-1. The Fannin's residence contains 2 parcels, the other parcel #26019A050100000 is proposed as R-1.

Curtis made a motion to go with what the consultant analysis recommends and change the zoning to residential (R-1). Winslow seconded the motion.

Mr. Bond stated that for each one of the proposals, to make the change you need five votes. Mr. Bond said to vote on the motion for the first one.

Roll call: Cooke – Yes; Curtis – Yes; Willis – Yes; Winslow – Yes; Paramore – Yes; Myers – Yes.

Shawn Pickworth then read Comment #2. Letter dated August 15, 2017 from Mr. Mark Chase of 1971 Euclid Road requesting the parcels east of Industrial Drive fronting West Main Street (SR 162) be dually zoned as Light Manufacturing (M-1) and General Commercial (C-3). The proposed zoning is Heavy Manufacturing (M-2).

Consultant analysis: These parcels are currently vacant and adjacent to proposed M-2 and C-3 zoning. The parcels could accommodate M-1, M-2 and or C-3 zoning given the adjacent land uses and their location on a busy arterial. Dually zoned parcels would not work for two main reasons: the proposed zoning map update reflects the Zoning districts that were included in the zoning code update which did not include a hybrid M-1/C-3 zoning district, and from a zoning and land use best practices perspective, dually zoned parcels would set a bad precedence. We recommend that council proceed with adopting the zoning map with these subject parcels zoned as M-2 and then refer the matter back to the planning commission to create a hybrid Light Manufacturing/General Commercial Zoning District.

Curtis made a motion to go with what the consultant analysis recommends and keep the parcels zoned M-2 and then send it back to the planning commission and they can make a determination if they want to make it a hybrid Light Manufacturing/General Commercial Zoning District or leave it as M-2.

Shawn Pickworth stated that was fine but the zoning code will have to be amended. Once the zoning code is amended they will go back and amend the zoning map either with new language or a new district.

Myers asked if they could go against what they recommend.

Shawn Pickworth said absolutely.

Curtis wanted to confirm what is was zoned now. It is M-2 right?

Shawn Pickworth stated it was Heavy Industrial and that was what was recommended by the Zoning Commission.

Bob James stated that if council changes the parcel to M-1 now it will streamline the process of making it a hybrid.

Shawn Pickworth stated it didn't matter. The code would still have to be amended and then you have to amend the map. It has to go through the process no matter what.

Mr. Bond stated that at least with M-2 it includes M-1 at the same time. So those two would be taken care of.

Stuart Cooke seconded the motion to go with what the consultant analysis recommends.

Roll call: Cooke – Yes; Curtis – Yes; Willis – Yes; Winslow – Yes; Paramore – Yes; Myers – Yes.

Shawn Pickworth then read comment #3. Letter dated August 15, 2017 from Cathy Carpenter of 126 New London Avenue and signed by 56 other residents for a total of 57 signatures. The letter concurred with the proposed rezoning of parcel #26020A060250100 owned by Russel L. Sword & Sandra from M-1 to R-1 since the parcel was adjacent to the high school and other single-family homes. The signatures came from

residents residing on the following streets: 37 from New London Avenue; 1 from Railroad Street; 4 from East Street; 7 from Birch Park Drive; 1 from High Street; and 7 from Park Avenue.

Consultant analysis: We are in concurrence with the letter from a land use perspective and for safety reasons. We should also include parcels #26020A060240000 and 26020A060240100 to be rezoned to R-1.

Shawn continued with Letter #4 because it goes along with #3. Letter dated August 27, 2017 from Mr. and Mrs. Russel L. Sword of 167 Park Avenue. The Swords own the parcels adjacent and to the north of New London High School and are opposed to the rezoning of their land from Industrial to Single-Family Residential (R-1) use. They question whether the Village has the resources to develop the land for residential use and cite the "takings clause" raised in the Kelo v. the City of New London, Connecticut Supreme Court case implying that rezoning their property from M-1 to R-1 would be economically detrimental to them for not being able to use their property to the highest and best use.

Consultant Analysis: The Swords have owned the subject parcels for 41 years. When they sold part of their land to the school board for the construction of the high school, the entire character of the neighborhood changed to an institutional/residential area. The remaining land has been vacant with part of it currently being farmed. Future uses for these parcels should be residential in nature to be compatible to the school and surrounding residential areas. Industrial uses would bring additional noise, truck traffic and congestion to a now predominantly residential area and ingress and egress would conflict with existing residential uses along residential streets. Safety concerns would also be an issue for those students walking and biking to school. As far as the takings claim, the Kelo v. the City of New London, Connecticut Supreme Court case has no bearing on this rezoning situation. The Village is not taking any property using eminent domain, it is proposing to rezone land from a higher intense use (industrial) to a lower intense use (residential) to accommodate surrounding land uses. With the proposed R-1 zoning, the owners may still develop, sell and/or lease their land for uses allowed under the R-1 zoning district (single-family dwellings, public parks and playgrounds, churches, schools, bed and breakfast facilities, adult day care facilities and accessory buildings).

Paramore made a motion to accept the consultant analysis recommendation to zone the Sword property at R-1 (Residential). Curtis seconded the motion.

Mr. Bond stated that just for the record it was all three of the Sword parcels.

Roll call: Cooke – No; Curtis – Yes; Willis – Yes; Winslow – Yes; Paramore – Yes; Myers – Yes.

Shawn Pickworth stated there was one more piece he thinks council needs to consider. They did not get a letter from Mr. Wilmer White on Grove street. His property is proposed to be zoned M-1 by our Planning Commission. If you look at the piece of property on Grove Street, it is surrounded by residential. It is his and the engineer's opinion that it should be zoned R-1.

Bill Curtis asked if was currently being used as Industrial.

Shawn Pickworth stated it is not currently being used as Industrial and it hasn't been used as Industrial for years and it doesn't belong there.

Bill Curtis then asked if it was adjacent to other Commercial or Industrial properties.

Shawn Pickworth answered that it was not.

Janice Myers asked if the map they are voting on has it listed as R-1.

Shawn Pickworth stated that no it was currently listed as M-1.

Stuart Cooke replied "So the map has it as M-1 right now?"

Shawn Pickworth said yes, the map they have before them right now has it as M-1. He stated he would get council the address.

Marion Paramore verified that they would have to make a motion to change it to R-1.

Shawn Pickworth replied that yes and it is Grove Street lot #26022B01170000.

Janice Myers made a motion to change Wilmer White's lot on Grove Street from M-1 to R-1.

Roll call: Cooke – No; Curtis – Yes; Willis – Yes; Winslow – Yes; Paramore – Yes; Myers – Yes.

Bill Curtis asked if council would now need to vote to change the map.

Mr. Bond stated that what they just did was to do that. He hopes that by the third reading the fully final revised version would be in front of council. Shawn Pickworth stated that it would.

Bill Curtis made a motion to approve the second reading on Ordinance 2017-22 with the changes council had made that night. Willis seconded the motion. Roll call: Winslow, Yes; Curtis, Yes; Cooke, Yes; Myers, Yes; Willis, Yes; Paramore, Yes.

John Martin then presented Ordinance 2017-23 An Ordinance Authorizing an Agreement with United Healthcare for Health Insurance, and Declaring an Emergency. Emergency Reading. Myers made a motion to suspend the rules to allow Ordinance 2017-23 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. Willis seconded the motion. Roll call – all ayes; No one opposed.

John Martin then presented Ordinance 2017-24 An Ordinance Amending the Employee Handbook and Personnel Policies Relative to Adopt a New Policy on Social Media. First Reading. Curtis made a motion to approve the first reading. Winslow seconded the motion. Roll call – all ayes; No one opposed.

John Martin then called for Old Business.

Bill Curtis asked if the mayor had heard anything from the railroad.

John Martin said he had heard nothing from the railroad. He had meant to call them that day but he got sidelined with other business and didn't get a chance. He does intend on calling them to find out what is going on but he has heard nothing.

John Martin then called for New Business.

Stuart Cooke made a motion to allow the Legion to sell beer at the reservoir for the Country Roads Music Fest on September 30, 2017. Myers seconded the motion. Roll call – All ayes; No one opposed.

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. Curtis made a motion to approve Schedule B. Willis seconded the motion. Roll call: Paramore – yes; Winslow – yes; Willis – yes; Curtis – yes; Cooke – abstain; Myers – disqualify herself.

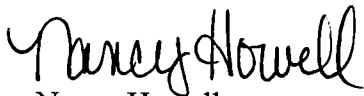
John Martin then presented the Then and Now bills for approval under Schedule C. Paramore made a motion to approve the bills as presented. Myers seconded the motion. Roll call – All ayes; No one opposed.

Mayor John Martin asked if there was anything else to be brought up before council before he asked for an adjournment.

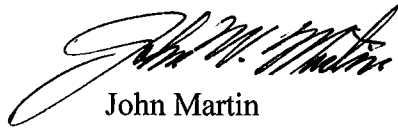
Neil Winslow asked if there was going to be more discussion on pay raises.

Shawn Pickworth stated he was still asking for pay raises. He still would like council to allow him to give out pay raises. Since there was no executive session on the agenda that was all the discussion until the next meeting.

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



Nancy Howell  
Fiscal Officer



John Martin  
Mayor