

**Village of Covington Ohio
Record of Proceedings
Covington Village Council Meeting
May 27, 2008**

Covington Village Council met in regular session on Monday, May 27, 2008 at 7:00 p.m. in the Covington Government Center with the following members present: Marc Basys, Scott Tobias, Doris Beeman, George Karayannis, Donna K. Dewey and Gary Bell. Mayor Lowell Yingst presided at the meeting. Grant Kerber, Law Director, was also present.

Pledge of Allegiance was given to the flag.

First item of business was the public Hearing for zoning Conservation zoned area behind Rudy Inc on Hazel Street to Light Industry for purpose of Rudy's Inc to build on new office and scales.

Tobias informed Council Planning and Zoning Board had discussed this and unanimously approved the zoning request.

There was no one present in favor or against the change.

Bob Rudy and Brian Rudy were present to answer any questions.

Motion was then made by Tobias and seconded by Basye to approve zoning change of Conservation District to Light Industrial zoned area as requested behind Rudy's Inc on Hazel Street by placing Ord. 05A-08 on First Reading. Roll call: all ayes.

Motion was made by Dewey and seconded by Beeman Ord. 05A-08 pass First Reading. Roll call: all ayes.

Minutes of May 12th were approved as written.

Fund valances were reviewed. Motion was made by Bell and seconded by Beeman for payment of bills. Roll call: all ayes.

Jim McCarry was present stating he had presented a concept plan to Ray Kimmel, BPA Supt., on behalf of St Teresa Church for sanitary sewers to be extended to St Teresa Church. The Church plans to build a community shelter and concession stand with flush toilets at their campus on the East end of Covington adjacent to McMaken Road.

They have three options: Build a huge mound, tie into Covington or use holding tanks until they tie into Covington's line. They want to tie into Covington and don't expect Village to pay for this. They have hired an engineer who will make concept plan. Engineer's cost estimate is \$10,000. While McCarry is not expecting approval at this time from Council, he would like a nod of approval. He said putting tanks in would cost in excess of \$100,000. They may have to put in holding tanks until line is extended to the East along State Route 36.

As further information is gathered, he asked that Kimmel relay information to Council.

Letter was received from Ed Boggs asking permission to use park facilities the week of June 16-19 for High School softball. Time of use would be from 8:00 a.m. to 11:00 a.m.

Council voiced no objections.

Church of the Brethren has asked permission to barricade portion of Wall Street at Wright Street the week of June 16-20th for Vacation Bible School.

Motion was made by Karayannis and seconded by Bell granting Church permission to Barricade Street for Vacation Bible School. Roll call: all ayes.

June 14th at 9:00 a.m. is the groundbreaking ceremony for the new fire department to be located on East Broadway. Mayor and Council are invited.

Railroad arch on N. Wall Street: Adrian Miller was present requesting an extension for the street closing to August 1st.

Miller said he had talked with the Mayor and Police Chief Lee Harmon and had the 15 day checkpoints requested by the Mayor. Also, he had put up No Trespassing sign as requested and has replaced the silt fence on the South side. He has talked to Mrs. Sandy Abel (present at the meeting) and will work with her to flatten land.

Miller explained in the first month there will not be much happening due to legal issues he is having with man who is supposed to be taking down bridge. Miller is now waiting on attorneys.

Miller said he is not happy about it either.

Miller said issue is with stones; he is waiting on this to be resolved. Also, he will slope and reseed area as he had originally stated.

Dewey asked what if stones don't come down.

Miller said they are sandstone and bonded together with cement. If necessary he will get them down with a hack hammer. This would take awhile but he would get them down. Issue is to get them down and save stones.

As far as the future, he is looking at different options: residential or multi-use building.

This would have to go before the Planning/Zoning Board.

Kerber said every 15 days project can be re-evaluated. He asked Miller what he is waiting on legally.

Miller said attorneys are hashing it out. Man who bought stones couldn't get it down. Man said it was too costly for him to hire Miller or anyone to get stones down; however, the man bought the stones. (Attorneys are Mr. Putoff and Mr. Donnelly.)

Miller further said the bridge will come down one way or the other. He said he owns from Rudy's to Finrock's.

The Mayor asked Miller if he could start doing something on the other end.

Tobias asked Diane Wackler if she needed silt fence which would be on the North side of the railroad arch.

Wackler said she is just getting water, no silt.

Barbara Ross who lives in area of railroad arch said she has muddy water in front of her house on both sides. She can't walk from her car to her house because of puddles. She gets letters to clean up her property.

She said everybody is letting Miller do whatever he wants with the railroad arch property. She said she has boxes and cabinets on her porch because she is getting a new kitchen. A neighbor lady complained about the animals at Ross' property so they were taken away and killed.

When asked where she lives she replied in the ghetto. She said she never saw police in the area until the arch project started. Now they come down and turn on their bright lights like they are scared.

Miller apologized for any inconvenience and said he was just trying to help Toss; he didn't intend to rip garage side.

The Mayor said he has been Mayor for ten years and for the years he has sent Ross a letter to get her property cleaned up.

Kerber asked Miller to put his name on extension request along side ARM Global Realty line. If there would be any question request alongside any aspect of the project, it is easier to

get in touch with person rather than corporate entity. It also gives Village more security if any environmental issues arise.

At 7:30 p.m. Public hearing was held for zoning block on N. High Street just north of Al's BP including South of Face Street and the West side of Pearl Street to Broadway from Office Service to R-2.

This was originally brought to Planning/Zoning Board by resident who was trying to get a loan. Person eventually got loan but Planning and Zoning Board supported idea of having entire block R2.

No one was present to object or voice any other opinion.

Thus, motion was made by Tobias and seconded by Bell to place Ord. 06A-08 pass First Reading. Roll call: all ayes.

Motion was made by Dewey and seconded by Beeman Ord. 06A-08 pass First Reading. Roll call: all ayes.

Council Discussed having a motion to extend street closure contingent of Adrian Miller hitting target dates.

Karayannis asked Miller if he was sure this was all going to happen. Miller said yes.

Clyde Shafer, a resident of N. Pearl Street, said there was asphalt and bricks dumped at site by Miller's truck.

Miller said he doesn't know where brick and asphalt came from but it was on his truck.

Bell said earlier Miller had said he didn't know who was dumping things at site.

Kerber said if Council doesn't want Miller to have street extension then they can:

1. Village cleans it up, clear street and charge him for expense.
2. Violation of ORC and Ohio Basic Code to block street right of way that is designated for traffic. This is a criminal offense in both.
3. Is nuisance – injunction for having him remove dirt.

All three can be done or any combination of the three according to Kerber.

Target dates for having work done is as follows as presented by Miller.

June 15, 2008: Silt Fence- Address Concerns of Mrs. Abel

June 30, 2008: Trees, Brush, piles removed; resuming work on bridge

July 15, 2008: Bridge removed from over street and clearing street

July 30, 2008: Inspect safety and condition of street to re-open 8/1/08

The Mayor said he had asked Miller to present 15 day target dates that he could live with. This is what Miller has done. As a result, the Mayor said he would recommend letting Miller proceed with what he has proposed.

Kerber said he would just extend permit for Step 1. Council may want it every two weeks. Miller could come and give updates.

Abel wants property stake back where it belongs on property line and excess dirt removed from her property.

Kerber said this would have to be a registered surveyor who reinserts property pin.

Miller said Mrs. Able wanted part of hill and he would leave her mound. He will level it out. Her property is part of the hill.

Question was asked if Miller's dirt fell on Abel's property.

Miller said there is less dirt now. Mrs. Abel now wants her property flat so she can beautify yard.

Miller said it would take longer than June 9th to get property pin re-installed.

Land may have to be resurveyed.

There was then discussion to have Miller's target dates to coincide with Council Meetings.

The Mayor said survey and pin in has to be done within two weeks.
Miller's target dates were changed to coincide with Council meetings.
Miller asked of property pin was council issue; Tobias said it is a planning/Zoning Board issue.

Bell asked miller if he agreed with this. Miller said survey pin, silt screen, and screen over catch basin.

Miller said as for those items concerned, you think I'm responsible?

Kerber said it has to be a registered surveyor.

Miller said, yes sir, I do agree.

Motion was made by Tobias and seconded by Karayannis to extend Miller's date of street closing based on his target dates and completion of started items. Roll call: all ayes.

Street Resurfacing bids for 2008 were submitted to Street Committee.

Tobias reported Finance Committee had met prior to Council concerning the 1.6 mil levy and the 2.2 mil levy. Committee's recommendation is to renew both.

Bell said Committee could recommend replacement which would generate more revenue dollars; however, with the economy as it is and residents having to tighten their belts; Council will tighten their belts also.

Motion was made by Bell and seconded by Tobias to place Ord. 007A-08 of First Reading for renewing 1.6 levy for five years. Roll call: all ayes.

Motion was made by Tobias and seconded by Bell Ord. 07A-08 pass First Reading. Roll call: all ayes.

Motion was made by Dewey and seconded by Tobias to place Ord. 08A-08 on First Reading for renewing 2.2 levy for five years. Roll call: all ayes.

Motion was made by Tobias and seconded by Bell Ord. 08A-08 pass First Reading. Roll call: all ayes.

Street Committee will meet after Council.

CAIC trustee meeting will be held on Tuesday, June 3rd at 7:00 p.m. at the Covington Government Center to review by-laws.

Patrolman Chris Walters was present on behalf of the Police Dept. and had no report.

No other department heads were present.

Meeting was adjourned at 8:20 with motion from Dewey.