

CITY OF CARLISLE
JULY 13, 2010

The regular meeting of the City of Carlisle was held this evening, July 13, 2010 in Town Hall with Mayor Tim Humphries presiding. The meeting was opened at 7:00PM with the Pledge of Allegiance.

Roll call: Mr. Scott Boschert, yes; Mr. Bryan Green, yes; Mayor Tim Humphries, yes; Mr. Chad Johnson, yes; Mrs. Jennifer Long, yes; Mr. Randy Winkler, yes. Absent Mr. James Lickliter.

Mr. Winkler made a motion to excuse Mr. Lickliter due to a traffic jam in Cincinnati that Mr. Lickliter was tied up in. Mrs. Long seconded the motion.

Roll call: Mr. Boschert, yes; Mr. Green, yes; Mayor Humphries, yes; Mr. Johnson, yes; Mrs. Long, yes; Mr. Winkler, yes.

The regular minutes of June 8, 2010 were presented to council for approval. Mr. Boschert made a motion to approve the minutes as presented. Seconded by Mr. Winkler.

Roll call: Mr. Green, yes; Mayor Humphries, yes; Mr. Johnson, yes; Mrs. Long, yes; Mr. Winkler, yes; Mr. Boschert, yes.

The regular minutes of June 27, 2010 were presented to council for approval. Mr. Winkler made a motion to approve the minutes as presented. Seconded by Mr. Johnson.

Roll call: Mr. Green, yes; Mayor Humphries, yes; Mr. Johnson, yes; Mrs. Long, yes; Mr. Winkler, yes; Mr. Boschert, yes.

Public Forum:

Assistant Chief Rodney Bell presented Jody Bilbrey. He was a Fire Fighter for New Carlisle and has moved here and would like to become a volunteer firefighter for Carlisle. Mr. Matthew Hoffman. He is a graduate from Warren County Career Fire Program and has four years experience as a firefighter and he would like to volunteer also. Thirdly Mrs. Pamela Bors would like to become the departments day time photographer. Mr. Dustin Perry a current firefighter is being promoted to Lieutenant. The Oath of Office was presented to them by Mayor Humphries.

Mrs. Lisa Evans owns commercial property at 200 Industry Drive. The family has owned this property for twenty five years and in 2005 her ex-husband passed away. In 1985 the original building was built and since then there has been two additions added. The family recently put the building up for sale. The issue they are here for tonight to discuss is in regards to the Floodplain Management. Mrs. Evans stated they had a contract on the property and was to close on May 31st. FEMA's new requirements require that the elevation had to be resurveyed by the new owner for them to get insurance on the property. Waco Engineering out of Franklin did the elevation survey and found that the building sets one foot below the base flood elevation. It's about two feet below what Carlisle Community Flood Program requires. Mrs. Evans stated that now that they are aware of the situation we are responsible for disclosing this to buyers. The problem is this makes our property unsalable anywhere near the market value due to the high cost of flood insurance.

Mrs. Evans stated she is looking to Carlisle to remedy this problem. With Carlisle participating in the National Flood Program, you're required to have certain guidelines and follow and meet those on new construction and in all phases of construction and make sure the property elevations are proper. Being part of the National Flood Insurance Program it is left up to them to remedy these solutions and if they can't or will not, they can be placed on probation which will cause a surcharge for anybody that has a flood policy or at some point it could be suspended from the program. Mrs. Evans stated that she and her family are looking to Carlisle for assistance in a variance or some type of assistance.

Nikki Evans commented that the Carlisle Floodplain Management was implemented in 1984, a year before the property was built. The fact is that since we're a foot below the flood level. The flood insurance is actually higher than living in a coastal area. Nikki asked if there could be some communication with FEMA to try and rezone, obviously nothing can be done about the elevation of the building. The building was allowed to be built and it passed inspections. Carlisle surveyed the land and approved not just one but three improvements. Would it be possible to work with the Warren County, Jerry Spurling? Mr. Spurling did say it was the Community Floodplain Manager responsibility to make Warren County aware of any flood zones or issues.

Mrs. Callahan stated that Mr. Spurling was contacted and Mr. Greg Wallace is in charge of the Floodplain Management Program and has been for many years but not in 1985.

Mrs. Callahan stated the buyer's insurance company requested an elevation certificate. When we pulled the file there was none. So we had to do a lot of research to figure out why. The building was built in 1985, Warren County did our building inspections in 1985. There were new FEMA regulations enacted in 1984 and this is probably one of the first buildings built after the regulations went into effect. We as a city are not allowed to approve variance that's the responsibility of FEMA. They can do lomrs and lomas and that takes time and effort with a lot of paper work and still may not be successful in the end. Mrs. Callahan stated FEMA has audited the city twice since 1985 and this problem has never come up. When additions are added to an existing building; we don't shoot elevations because the original building is already there and presumably correct.

Mr. Johnson asked if there are any other situations like this that has happened elsewhere.

Mrs. Callahan stated this is not normally the County's responsibility, unless it's county land.

Nikki Evans commented they are trying to find properties that are mis- categorized. The insurance the Evans family was paying was \$900 per year. The new purchaser would be paying \$10,000 per year.

Mrs. Long asked if there has been any conversation with FEMA?

Mrs. Evans stated she wanted to know if the Carlisle zoning would help.

Mrs. Callahan stated we're in contact with FEMA, as you know the new maps are coming out this month and there are potential problems city wide with the new FEMA maps, but Mr. Wallace has called and they have not returned his calls to date. Mrs. Callahan stated when we were working with the engineering firm from Franklin to shoot these surveys; a suggestion was made to do a Hydro Engineering study. This study is expensive and there are no guarantees that it will be able to solve the problem.

The Hydro study is a survey that they look at the whole area not just the one building but several aspects. They look at diking if that can help, they have to look at all of the surrounding businesses and how that would affect them. They go in and basically seek solutions for things like this.

Mr. Green asked how long has this issue been going on. Mrs. Evans stated since May, not only did the buyer back out of their contract, he backed out of the contract that was behind their building.

Mr. Green asked if there was another business in town having a problem with FEMA? Barb Williams, owner of the Flower Cart, is doing a Loma which if successful, will amend the FEMA map. Mrs. Williams is doing this on her own.

Mr. Winkler stated since county did the inspections back then it seems like there would be some liability there.

Mrs. Callahan stated she would call Congressman Turner's Office. Maybe look at a revision to the map, not sure that would help you or not. Marty Heide is the Representative for Congressman Turner's Office and it maybe advantageous for Mrs. Evans to meet with Ms. Heide. Mrs. Callahan stated she would assist in getting the two parties together.

Mr. James Lickliter entered the council meeting at 7:35PM.

Mr. Green stated certainly the city would have continuous responsibility for acts or omissions committed back in 1985 if the city didn't do something it was suppose to do. There would be a continuous duty or expectations to remedy those mistakes. Does the city carry any kind of an insurance policy that covers damages done by such oversights?

Mrs. Callahan stated omissions or mistakes in the past are probably covered by sovereign immunity, we would probably not be liable, but as far as an insurance policy we have insurance coverage for general liability.

Mr. Green asked that we look at the policy. In dealing with FEMA, Mr. Green felt FEMA on the one hand who has no real duty to you (Mrs. Evans) to alter or exempt you, is not in their best interest to do that. It is in their best interest to protect people from disasters. This would not do the next buyer any favor if they waived that and on the other hand you're dealing with a private insurer who has absolutely no duty to you to extend the coverage. They're independent business people who are free to set their own standards.

Nikki Evans stated the longer this is on the market and we have to disclose to every buyer that there is this defect, it is hurting the market value and it depreciates every day.

Mr. Green asked Mrs. Callahan to look at the city's insurance to see whether or not it currently extends coverage for those kinds of oversights. Surely we're going to be on the hook, because we did inspections then and any damages incurred for failure of faulty inspections. Mr. Green stated he also had some questions to Warren County since they did the inspections. Mr. Green extended his sympathy to the family.

Council Reports

Mr. Lickliter stated the traffic is pretty bad from Cincinnati.

Mr. Johnson stated he received an email from Mr. Dean Byrd, regarding littering. Mr. Johnson proceeded in reading the e-mail. At the end of the email, Mr. Johnson responded by thanking Mr. Byrd for his article and he agreed that he was tired of having phone books thrown in his driveway and has to pick them up and throw in the recycle bin. Some of the Council members have already addressed this to the City Manager about similar situations in our past meetings. As a citizen, we all know it's our responsibility to try to stop individuals from littering. I live across from Roscoe Roof Park and often pick up litter thrown in the park as well as my yard. I am looking at replacing my mailbox due to kids playing tag last week. The litter ordinance 660.03 list litter as garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobiles parts, furniture, glass, or anything else of an unsightly or unsanitary nature. Mr. Johnson also stated he was not sure what happened between Mr. Byrd and the Police Chief. Mr. Johnson stated he has full confidence in the Chief Bruck and his officers to keep the peace in the city and to insure our safety and meet the standards of our City Manager when give, the chance.

Mr. Boschert stated the storm drainage at Baker and Vernon always backs up. Mr. Boschert stated even after the heavy rain stopped there was no relief from the standing water. Mr. Boschert asked if this could be checked out by Mr. Casson. Mrs. Callahan stated she would have it checked out. Mr. Boschert questioned the lake at TNT Burger Shack is that their responsibility or the city's. Mrs. Callahan stated would check the catch basin on the road to be sure it's not blocked. If this is on private property, it is their responsibility.

Mr. Boschert stated that at the last meeting of JEMS Board passed out their monthly reports and Mr. Boschert requested them to be broken down by percentage. For the runs in May, Carlisle was 13% of runs and 14% in June. JEMS Board will be presenting a report each month. Chief Riddiough has put out some preliminary discussions for a possible levy to pay off part - time supervision.

Mr. Green wanted the Service Department and Administration to know that citizens are noticing the progress concerning high grass. It looks good.

Mr. Green stated he was concerned about a couple of the existing railroad crossing, again Mr. Green stated this can't be overstated. It's not the cities railroad crossings but there are still a couple that are particular rough and do stand out. Mr. Green stated there had been previous conversation about the possibility of erecting signs on some of these tracks "like uneven tracks" something to let people be aware that the tracks are uneven. Mr. Green stated he would like to see the city move in that direction by placing signs where they are needed.

Mrs. Callahan stated they could move the signs from Fairview to Central Avenue crossings.

Mr. Boschert stated he knew that Mr. Casson was in contact with the railroad company regarding the grooves that they cut into the pavement, and they apparently have not responded. Mr. Boschert asked if they don't do anything what is our recourse of action. Can we spend a little extra money and put some black top down to fill in the grooves?

Mrs. Callahan stated that NS railroad has been very cooperative and CSX has still not returned the phone calls made by Mr. Casson. They are totally ignoring the city. Mr. Boschert questioned if CSX does nothing, can the city go in and fill the grooves that CSX has placed at the crossing. Mrs. Callahan stated

this may not be a big deal, but there could possibly be a problem with us doing that. Mrs. Callahan stated she would check on this and get back to council on their response.

Mr. Winkler thanked NS for the smooth crossing at Fairview after waiting for five years. Thanked the firefighters who steps up to be volunteers. Mr. Winkler mentioned that the recycle truck did not go through the Fairview Subdivision. Chief Bruck stated that Rumpke's truck had broken down.

Mayor's Report: Community Night Out will be August 3rd from 6- 8PM. Police and Fire will be in attendance. The Lions Club will be holding a short meeting and after will be attending to show their support. Hope to see everyone in attendance for this.

Mayor Humphries congratulated Todd Chaney, of being the new Carlisle Baseball Associate President. Mayor Humphries extended his thanks to Mr. Brian Gosney and Mrs. Snyder for being the past President and Treasurer for the Carlisle Baseball Associate.

Manager's Report:

FEMA Maps are due to the City by July 31st. Mrs. Callahan stated that we are aware of changes made to the maps that will effect some residents who have never had to worry about flood insurance in the past. Mrs. Callahan stated this meeting will take place in the early fall, since they will need to have flood insurance established by December 17th. For those who apply early will pay a cheaper amount than those who apply after December 17th when the fees will double.

Mrs. Callahan stated she wanted to thank Associate Construction for allow training for the Fire Department in a couple of their homes. Chief Wyatt wanted her fire fighters to see how a house is constructed and Associate Construction allowed them access to a home they are building presently. Mrs. Callahan stated the Police Department will be going door to door to businesses updating contact information. Mrs. Callahan stated that the Service Workers, Utility Clerk and Finance Director finished training on the new meter reading system and asked utility customers to have patience while the kinks in the system are worked out and to please let us know if their bills don't look correct.

Mayor Humphries stated due to safety we believed it was in the best interest of the community, "if you were going on SR123 heading toward Germantown, " to remove the corn in the radius when turning left onto Chamberlain Road. Hopefully that situation will not rise to the occasion again due to some agreements. This was a level of this building being proactive to the needs of the community. Mayor Humphries thanked everyone for making this happen.

A RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX FOR CURRENT EXPENSES IN EXCESS OF THE TEN –MILL LIMITATION AND DECLARING AN EMERGENCY.

Mr. Boschert made a motion to suspend the rules requiring three readings, have one reading by title only, and declaring an emergency. Seconded by Mr. Winkler.

Roll call: Mr. Johnson, yes; Mr. Lickliter, yes; Mrs. Long, yes; Mr. Winkler, yes; Mr. Boschert, yes; Mr. Green, yes; Mayor Humphries, yes.

Discussion: Legislation brought to council with the ballot language for fire levy on it for the General Election in November for both counties.

Mr. Johnson made a motion to adopt. Seconded by Mr. Winkler.

Roll call: Mr. Johnson, yes; Mr. Lickliter, yes; Mrs. Long, yes; Mr. Winkler, yes; Mr. Boschert, yes; Mr. Green, yes; Mayor Humphries, yes.

Resolution passed of this day will be entered into Resolution Record Book as 10-10.

AN ORDINANCE DETERMINING TO PROCEED WITH THE LIGHTING OF STREETS, LANES AND OTHER PUBLIC WAYS IN THE CITY OF CARLISLE, OHIO.

Discussion: This ordinance is on for second reading and will be on the next agenda for the third reading and adoption.

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR LIGHTING OF THE STREETS, LANES AND OTHER PUBLIC WAYS IN THE CITY OF CARLISLE, OHIO WITH ELECTRIC LIGHTING.

Discussion: This ordinance is on for the second reading and will be on the next agenda for the third reading and adoption.

AN ORDINANCE TO AUTHORIZE THE CITY MANAGER TO PROMULGATE RULES AND REGULATIONS TO GRANT A LOCAL PREFERENCE IN COMPETITIVE BID AWARDS FOR THE PURCHASE OF COMMODITIES AND NON-PROFESSIONAL SERVICES.

Mr. Winkler made a motion to adopt. Seconded by Mr. Boschert.

Roll call: Mr. Lickliter, yes; Mrs. Long, yes; Mr. Winkler, yes; Mr. Boschert, yes; Mr. Green, yes; Mayor Humphries, yes; Mr. Johnson, yes.

Ordinance passed of this day will be entered into Ordinance Record Book as 14-10.

A RESOLUTION ADOPTING A TAX BUDGET FOR THE MUNICIPALITY OF CARLISLE AND DECLARING IT AN EMERGENCY.

Mr. Lickliter made a motion to adopt, seconded by Mr. Winkler.

Roll call: Mrs. Long, yes; Mr. Winkler, yes; Mr. Boschert, yes; Mr. Green, yes; Mayor Humphries, yes; Mr. Johnson, yes; Mr. Lickliter, yes.

Resolution passed of this day will be entered into Resolution Record Book as 11-10.

There being no further business Mr. Winkler made a motion to adjourn, seconded by Mrs. Long.

Roll call: Mr. Winkler, yes; Mr. Boschert, yes; Mr. Green, yes; Mayor Humphries, yes; Mr. Johnson, yes; Mr. Lickliter, yes; Mrs. Long, yes.

Meeting adjourned at 8:20PM.

Date: _____

Mayor

Attest: _____
Clerk of Council