

# RECORD OF PROCEEDINGS

Minutes of

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 8101

Held

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### 16<sup>TH</sup> REGULAR COUNCIL MEETING

AUGUST 25 2020

The 16<sup>th</sup> Regular Council Meeting was called to order by Mayor Timothy N. Tarbet after the Lord's Prayer & the Pledge of Allegiance were said.

All Council Members present.

Guests: Denise Freeland & Aaron Stoller.

Denise stated the vendors that participated in the drive thru craft show said they would do it again. The Chamber Board made the decision to cancel the Oktoberfest. The duck race will still take place. 10 PPE safety kits were handed out to businesses. Denise is starting to plan movies for fall. They would like to show the first three Star Wars movies in September. The Downtown Wonderland Committee will be meeting next week to see what can take place for Christmas activities. The Chamber is starting a new partnership with WDPN which is an AM station. They offered a business spotlight program which will highlight a different business every day starting August 31 featuring Mayor Tarbet. Two new businesses opening-Vintage Lamp Shop. Kayla Prendergast is opening a music studio on Lincoln Way. Kayla is also working on her certification to become a kinder music instructor.

Councilman Boldizar asked if there were plans for the original Dans Pizza building. Denise has spoke with the owner and they have completely remodeled it. They are looking for renters for the commercial space or he would be interested in selling the building.

Motion to approve the Minutes of the 15<sup>th</sup> Regular Council Meeting held July 28 2020 was made by Councilman Kishman seconded by Councilman Hannen. All voted yea.

Motion to approve the Minutes of the Special Meeting held August 19 2020 was made by Councilman Meadows seconded by Councilman Boldizar. All voted yea.

Administrator: Mr. Turske thanked the Health Department they provided thermometers and are working with the village on plans for upcoming events. We have received many complaints of speeding on North Market behind the park. The PD is patrolling that area. The ODOT work on RT. 30 going out of town is not moving forward as planned at this point. It still will. Due to COVID they have not been able to hold pre-construction meetings. ODOT will continue with updates with the village as they come available.

Service Director: JT reported Street Dept.: Repaired range cables at Nigro Fam. Milled out section of asphalt on E. Lincoln Way and filled with hot mix. Finished painting cross walks. Working on equipment repairs.

Water Dept.: Working w/ Regional Planning on GIS mapping. Hydrants flushed 8/15.

Waste Water Dept.: Received EPA violation on 8/13 for July issues. Responded to EPA violation 8/21. Filed violation report with EPA 8/21. Replaced roller in sludge press.

Park Dept.: Additional picnic tables damaged in Brock Park and Bicentennial Park. Assisted Water Dept. flushing hydrants. Removed uptown flowers.

Scheduled iWorQ zoning/nuisance software to track permits, track nuisance cases and permit public to report violations online for 8/26. A conference call will take place tomorrow to start this process.

Law Director: No report

Mayor: No report

Old/New Business

Ordinance No. 24-20 an Ordinance amending Sections 301.20 & enacting Section 331.45 of The Codified Ordinances to prohibit the operation of riding lawnmowers or grass-cutting vehicles on a public roadway. Second reading.

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Motion to hear second reading of Ordinance No. 24-20 was made by Councilman Boldizar seconded by Councilman Meadows. All voted yea.

Motion to approve second reading of Ordinance No. 24-20 was made by Councilman Boldizar seconded by Councilman Kishman. All voted yea.

Aaron Stoller asked if there were exceptions for people helping out neighbors. Mayor Tarbet stated we discussed that. Phil what is the answer to that? We talked about how does a person taking care of a family member down the street that can't mow their lawn. Phil stated he and Clark discussed that using discretion, but putting language inside the ordinance itself would leave holes for arguments from people that currently use their mowers for transportation and not mowing. Atty. Battista stated if we have someone that is actually mowing, discretion would be used with non-enforcement. Aaron stated so.... it's a gray area of enforcement between what the purpose of it is. The individual we are talking about rides on the sidewalk. Why don't you just make it you can't have your tractor on the sidewalk? Mayor Tarbet stated it is mentioned in the ordinance. Aaron asked currently or is it being added? Phil stated currently it states they are not allowed to drive on the sidewalk. Aaron stated he could be taking it out now, but not on the sidewalk. Phil stated correct. So, he could be ticketed now for riding on the sidewalk...correct? So, you put him on the street he would need a triangle & lights to become a tractor according to the ORC. Any tractor that goes through this town is required to have flashing lights a triangle so my question is that if you get the wrong cop and writes black & white, I can be sent to Mayors Court for driving my lawn tractor to mow my neighbors' yard. And he would legally be right! Right? Mr. Turske responded would you want the discretion go the other way where if you put except for riding a mower you can't site the guy because he is using the excuse that he is going to mow! Aaron stated we had this conversation two weeks ago when I was here... I get it! But we allow golf carts and side-by-sides and mopeds not mopeds dirt bikes on the street. Right now, there are a bunch of things out there! I understand both sides I do. I don't want to see more motorized things on the streets! But I don't want to see us put something on there that is discretionary that we are going to make it as black & white and no discretion. But tell the cops it is discretionary! So, I am asking if you want this, that's fine. I am one of those people that rolls several lawns in the spring and I don't take any money! I just don't want to be that person! Mayor Tarbet stated we would have the ability to make that decision at that time. Mayor Tarbet stated this ordinance addresses those who do not have a mowing device attached to the tractor. What's to say they won't attach a cheap mowing deck. This is why I would have the discretion to go the other way. As opposed to him using some excuse or anyone saying I have a deck and I am going to mow and then the mower doesn't start and the next excuse is I am going to get parts stated Mr. Turske. That's the discussion we have had for months stated Mr. Turske. We discussed the point of people going from yard to yard. This discussion included Clark and Chief Miller. The most tactful way of addressing the issue at hand is saying there are no lawnmowers on streets. Clark if there is an issue allowing the cops to have discretion on this wouldn't it go to Mayors Court and then it could be thrown out? Clark stated Yes! So, we have that too fall back on. Is that a bad thing that it goes to Tim? Clark stated no and again if it doesn't work out, we can try something different. Since last October how many times have I almost hit him riding his lawnmower. The one night I worked late on this ordinance and the language and I pull out of here and sure enough he pulls right in front of me. What is the irony of that! No lights no nothing. Aaron stated the same instance there is a guy that runs at night with dark clothing and is on the road when the sidewalks are open. Same incidence right! He runs out in front of you in the middle of the roadway he is not on the edge of the curb he is 3 ft. in the road. Phil stated that is a separate issue we can address. There are a lot of separate issues going on right now in town that have not been addressed! Taking a list of those instances and saying we need to do something about this and address them. We will get to the issues to keep the residents & drivers safe. Councilman Boldizar stated I understand the gray areas and I also agree that there are several things that should have been enforced that have not been through out the years, but this is one thing that I thought would be an easy fix for those people almost getting killed on a nightly basis or possibly causing accidents! And plus, it is a bad look for our town. The same with golf carts, side-by-sides and dirt bikes should not be in town. Mr. Turske stated side-by-sides shouldn't be in town anyways. None of those should be in town stated Councilman Boldizar. Golf carts are allowed but not side-by-sides. Clerk of Council stated side-by-sides are allowed on secondary roads if tagged. Mr. Turske stated he would check into that! Mayor Tarbet stated he said for example he was coming by Que Pasa two guys pulled off Short Street and

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parked in a parking space and went into Que Pasa! I drove through the parking lot to see if it had license plates tags.... nothing! The cops have chased the guy on the dirt bike that rides at night with no lights. And they are working on it!

Ordinance No. 25-20 an Ordinance amending Subsection 501.01 (d) of The Codified Ordinances to prohibit cattle, horses, sheep, geese, ducks, goats, turkeys, chickens and other fowl in the Village of Minerva except in an agricultural District. First reading

Motion to hear first reading of Ordinance No. 25-20 was made by Councilman Boldizar seconded by Councilman Kishman. All voted yea.

Motion to approve first reading of Ordinance No. 25-20 was made by Councilman Meadows seconded by Councilman Hannen. All voted yea.

Ordinance No. 26-20 an Ordinance amending Section 505.10 of the Codified Ordinances of the Village of Minerva to provide notice of dog bite. Second reading

Motion to hear second reading of Ordinance No. 26-20 was made by Councilman Meadows seconded by Councilman Kishman. All voted yea.

Motion to approve second reading of Ordinance No. 26-20 was made by Councilman Kishman seconded by Councilman Hannen. All voted yea.

Ordinance No. 27-20 an Ordinance amending Subsection (a) (1) (C) OF Section 505.001 and Subsections (a), (b) and (c) of Section 505.01 of the Codified Ordinances to address dogs running at large in the Village of Minerva. First reading

Motion to hear first reading of Ordinance No. 27-20 was made by Councilman Meadows seconded by Councilman Boldizar. All voted yea.

Motion to approve first reading of Ordinance 27-20 was made by Councilman Boldizar seconded by Councilman Meadows. All voted yea.

Councilman Hannen thanked Nancy Tarbet for the cookies for his birthday.

Motion to enter into Executive Session @ 8:03 PM to discuss pending litigation inviting the Village Administrator, Law Director & Service Director and also to discuss discipline of an employee not inviting the Service Director was made by Councilman Meadows seconded by Councilman Kishman. All voted yea.

Motion to reconvene into Regular Session @ 8:38 PM was made by Councilman Kishman seconded by Councilman Meadows. All voted yea.

Councilman Meadows would like to be on record to wish Councilman Hannen a Happy Birthday!

Motion to adjourn was made by Councilman Boldizar seconded by Councilman Kishman. All voted yea.

The next Regular Meeting will be September 8, 2020.

Attest:

Brenda Albaugh Clerk of Council

Timothy N. Tarbet Mayor