

RECORD OF PROCEEDINGS

Minutes of

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held

RECORD OF PROCEEDINGS REGULAR COUNCIL MEETING

JANUARY 12, 2021

The 1st 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: Robert Cappelli Senior Project Manager of BL Companies (Dollar General), Jordan Rodgers, Project Engineer for Dollar General. & Aaron Stoller.

Mr. Cappelli reviewed the documents regarding the proposed consolidation and lot split for Dollar General. Dollar General is looking to purchase two lots and they would like to split a small portion of those tracks and consolidate it into track # 5. Dollar General will also give a small portion to the church. We would like you to consider moving forward with the approval of the lot consolidation of parcels 1 & 2 and then the split portion of each and consolidation of those split pieces to parcel 5. Mayor Tarbet confirmed the entrance will be on to RT. 183. The Planning Commission met on January 5 2021 and recommended it to Council for approval. Councilman Boldizar asked Mr. Cappelli what the time line for construction is. Jordan Rodgers stated from the last update they are aiming for April. It stated they have already obtained zoning permits for the driveway access and building site plans.

Motion to approve the Minutes of the 24th Regular Council Meeting held December 15, 2020 was made by Councilman Boldizar seconded by Councilman Kishman. All voted yea.

Motion to approve the Minutes of the Reorganizational Meeting held January 5, 2021 was made by Mayor Tarbet seconded by Councilman Meadows. All voted yea.

Motion to approve the financial statement for the month of December was made by Councilman Meadows seconded by Councilman Hannen. All voted yea.

Motion to approve bills totaling \$638,410.98 for the month of December was made by Councilman Boldizar seconded by Councilman Kishman. All voted yea.

Administrator: Mr. Turske congratulated the Police Department on receiving full compliance with the Ohio Collaborative Law Enforcement Agency Certification for the executive order on safe policing for safe communities. February 25, 2021 @ 5:30 PM ODOT will be having a virtual meeting to discuss the relocation US RT 30 from the existing Trump Ave. interchange to ST. RT. 44 east of the Village of East Canton.

Service Director: Street Dept.: 2018 International 7300 repaired under warranty, emissions sensor. Call out 12/20, 12/24, 12/25 for road conditions. Christmas Tree pick up appears complete. If anyone still has trees, place on curb lawn call village hall with address for pick-up. Christmas decorations have been taken down. Have HPM for temporary pothole repairs. 430.58 tons of salt used for deicing 2020-2021 season. Water Dept.: 10" Main break on Ike St. 1/1 assisted by Park and Street Dept. Working on Risk and Resilience Assessment, due 6/30/2021 per AWIA of 2018. Repairing 2 trash pumps. Received 2021 License to Operate from Ohio EPA. Waste Water Dept.: Slug discharges detected 12/10/2020 from 0100 0600, Ream and Haagar (lab) reported TSS was 2660 mg/L and 01/06/2021 (composite split received from Minerva Dairy). 2020 Sludge Processing 2,225,842 gallons, 120.47 dry tons = 1095.18 wet tons or 2,190,363 lbs. 2019 Sludge Processing 1,064,740 gallons, 70.42 dry tons = 640.18 wet tons or 1,280,360 lbs. 2018 Sludge Processing. 32.93 dry tons = 299.33 wet tons or 598,660 lbs. Park Dept.: Working on winter maintenance items. Cemetery: 38 burials in 2020. Misc.: Planning Commission meeting 01/05/2021, discuss lot consolidation for Cool Development on Valley St. Planning Commission voted to recommend council approve the lot split and consolidation. Virtual Meeting scheduled on Feb 25, 2021 by ODOT for US 30 Relocation project in East Canton. <https://publicinput.com/S4171> to attend or by phone. Zoning: No new nuisance cases, several follow-ups pending. 2 zoning permits issued, see permit report. Completed complainant/witness list for dairy odor complaint cases.

Councilman Boldizar stated the sidewalk by the pool needs cleaned up due to the snow plowing shoving dirt on to it. He asked if the Christmas Lights are always taken down so early. JT stated yes.

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Councilman Boldizar received two calls from residents with complaints on the dairy odor. Councilman Boldizar inquired if Ferron Lawn had submitted quotes for the cemetery maintenance.

Law Director: No report

Mayor: No report.

Old/New Business

Ordinance No. 49-20 an Ordinance approving the Village Investment Policy. Second Reading

Motion to hear second reading of Ordinance No. 49-20 was made by Councilman Meadows seconded by Councilman Kishman. All voted yea.

Motion to approve second reading of Ordinance No. 49-20 was made by Councilman Hannen seconded by Councilman Meadows. All voted yea.

Resolution No. 1-21 authorizing the interfund transfer of interest earned proportionately from specific accounts from the General Fund back to the respective accounts generating said interest earning. First reading.

Motion to hear first reading of Ordinance No. 1-21 was made by Councilman Meadows seconded by Councilman Kishman. All voted yea.

Motion to approve first reading of Ordinance No. 1-21 was made by Councilman Kishman seconded by Councilman Hannen. All voted yea.

Resolution No. 2-21 authorizing the finance director to move monies from one line item to another within funds that are solely designated as allowable transfers by the Auditor of State of Ohio and the Ohio Revised Code. The approval of such allowable transfers is for fiscal year 2021. First reading

Motion to hear first reading of Resolution No. 2-21 was made by Councilman Boldizar seconded by Mayor Tarbet. All voted yea.

Motion to approve first reading of Resolution No. 2-21 was made by Councilman Kishman seconded by Councilman Boldizar. All voted yea.

Ordinance No. 3-21 authorizing the Village Administrator to advertise and receive bids for milling of various municipal streets. First reading

Motion to hear first reading of Ordinance No. 3-21 was made by Councilman Boldizar seconded by Councilman Kishman. All voted yea.

Motion to approve first reading of Ordinance No. 3-21 was made by Councilman Kishman seconded by Councilman Meadows. All voted yea.

Ordinance No. 4-21 authorizing the village administrator to advertise and receive bids for material and/or labor for resurfacing of village streets and other municipally owned properties. First reading

Motion to hear first reading of Ordinance No. 4-21 was made by Councilman Boldizar seconded by Mayor Tarbet. All voted yea

Motion to approve first reading of Ordinance No. 4-21 was made by Councilman Boldizar seconded by Councilman Hannen. All voted yea.

Ordinance No. 5-21 an ordinance authorizing the Village of Minerva, Ohio to sell personal property not needed for public use, obsolete or unfit for use, by internet auction pursuant to ORC Section 721.15. First reading

Motion to hear first reading of Ordinance No. 5-21 was made by Councilman Boldizar seconded by Councilman Kishman. All voted yea.

Motion to approve first reading of Ordinance No. 5-21 was made by Councilman Boldizar seconded by Councilman Kishman. All voted yea.

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Ordinance No. 6-21 an Ordinance approving an extension of the FFCRA Emergency FMLA and paid sick leave policies, and Declaring It an Emergency.

Motion to hear first reading of Ordinance No. 6-21 was made by Councilman Kishman seconded by Councilman Hannen. All voted yea.

Motion to approve first reading of Ordinance No. 6-21 was made by Councilman Hannen seconded by Councilman Kishman. All voted yea.

Motion to suspend statutory rules of Ordinance No. 6-21 and have second & third readings by title and for passage of Ordinance No. 6-21 was made by Councilman Boldizar seconded by Councilman Meadows. All voted yea.

Ordinance No. 7-21 an Ordinance amending Section 157.01, Subsection © of the Codified Ordinances of the Village of Minerva modifying overtime for police officers or dispatchers working holiday, and declaring it an emergency.

Motion to hear first reading of Ordinance No. 7-21 was made by Councilman Boldizar seconded by Councilman Kishman. All voted yea.

Motion to approve first reading of Ordinance No. 7-21 was made by Councilman Boldizar seconded by Councilman Hannen. All voted yea.

Motion to suspend statutory rules of Ordinance No. 7-21 and have second & third readings by title and for passage of Ordinance No. 6-21 was made by Councilman Boldizar seconded by Councilman Kishman. All voted yea.

Ordinance No. 8-21 an Ordinance approving the application for lot/split consolidation of Cool Investments, LLC for the new Dollar General Building on the Village of Minerva, and Declaring It an Emergency.

Motion to hear first reading of Ordinance No. 8-21 was made by Councilman Kishman seconded by Councilman Boldizar. All voted yea.

Motion to approve first reading of Ordinance No. 8-21 was made by Councilman Meadows seconded by Mayor Tarbet. All voted yea.

Motion to suspend statutory rules of Ordinance No. 8-21 and have second & third readings by title and for passage of Ordinance No. 8-21 was made by Councilman Meadows seconded by Councilman Boldizar. All voted yea.

Fire Chief Stoller reported 14 employees have been vaccinated with no serious side effects!. Chief Stoller presented the 2020 Year End Report. Training for the Steramist Machine will be February 1.

Motion to enter into Executive Session @ 8:33 PM to discuss pending litigation inviting the village administrator, law director & service director was made by Councilman Hannen seconded by Councilman Kishman. All voted yea.

Motion to reconvene to regular Session @ 9:52 PM was made by Councilman Boldizar seconded by Councilman Kishman. All voted yea.

Motion to donate \$1000 to the Senior Center to assist for things they still need for COVID and PPE those type of things was made by Councilman Boldizar seconded by Councilman Kishman. All voted yea.

Motion authorizing the Law Director to with amendments to the agreement authorizing the law director to submit the agreement to our litigation counsel to submit to the Minerva Dairy Counsel was made by Councilman Boldizar seconded by Councilman Kishman.

Councilman Hannen stated I believe as a council that it is a misrepresentation of the Village of Minerva and the taxpayers to enter into this agreement after what we have discussed. We are responsible for protecting our assets and our village and we have conceded way too much to move forward with this the way it stands. Councilman Boldizar stated I feel this is the first step to moving forward is the way I take this agreement. Mayor Tarbet stated we have been in a long battle with the Dairy to remove some

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issues that I can think I can honestly say that have caused financial harm to the village and it has been a long road for this council and the previous council. It has been a back & forth thing. What we are talking about now is not the smell, it is about other stuff that really doesn't apply to the smell. The smell problem is a whole different issue that is being handled differently. We have the option to pass a settlement with them to move forward. I don't know where it is going to go, I just don't. It has just been up and down back and forth. I am not sure this agreement will settle it or just delay it! I do not what this will cause. We need to bring this in front of Council for a vote. I will encourage anyone watching as to what this may be. We can enlighten you with most of what is going on. There is legal content that cannot be discussed.

3 Yeas 2 Nays. Mayor Tarbet & Councilman Hannen voting Nay.

Mayor Tarbet wants this handled in the shortest amount of time and not drawn out. They need to get it done!

Motion to adjourn was made by Councilman Boldizar seconded by Councilman Kishman. Councilman Hannen voted nay. 4 yeas 1 nay.

The next Regular Meeting will be January 26, 2021

Attest

Brenda Albaugh Clerk of Council

Timothy N. Tarbet Mayor