

RECORD OF PROCEEDINGS

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held

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RECORD OF PROCEEDINGS

7TH REGULAR COUNCIL MEETING

APRIL 13, 2021

The 7th Regular Council Meeting was called to order by Mayor Timothy N. Tarbet after the Lord's Prayer and the Pledge of Allegiance were said.

All Council Members present.

Guests: Marie Popick & Aaron Stoller

Aaron Stoller announced it is National Dispatcher week and wanted to recognize the dispatchers. The station exhaust system from the FEMA Grant in 2018 will be complete this week. He thanked the water department for their assistance with the ISO Rating. Carroll County Health Department is holding a vaccine clinic and as of yesterday they have 300 Covid shots. Stark County completed a 911 study and Aaron will request a copy of the results. Marcs Radio Communications changes are required in 2024 regarding radios and identification numbers. 30 pieces of communication equipment will need changed out. Aaron recognized Councilman Meadows as he was recognized at the Top 10 Percent Banquet.

Marie Popick president of the VFW Auxiliary presented the military flags that will be hung on accommodating street poles. She has a total of 30 flags that will feature sixty veterans. Councilman Boldizar suggested utilizing the Veterans Park if more request for flags is needed.

Motion to approve the Minutes of the 6th Regular Council Meeting held March 23, 2021 was made by Councilman Boldizar seconded by Councilman Kishman. All voted yea.

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

Motion to approve bills totaling \$338,867.89 for the month of March was made by Councilman Kishman seconded by Councilman Meadows. All voted yea.

Administrator: Mr. Turske reported Carroll County Jobs & Family Services contacted the Village regarding a program that allows municipalities to bring on younger people to work at no cost to the village. The Park Department will have two summer help from this program. The employees will be paid through Jobs & Family Services. It has been brought to the attention of the administrator display of flags with political association containing profanity on them. Mr. Turske was asked to contact Louisville on their policy. Residents in Louisville were asked to take down the flags. Louisville has an additional clause in their ordinance. The Village of Minerva does not have that. Clark and the village HR Attorney suggested if residents were asked to remove or take down the signs it could get challenged and the village would lose. Freedom of speech is highly protected. The realm is on steroids! Councilman Boldizar stated it makes the village look bad. Mr. Turske stated he would not want his children exposed to reading that language. Mr. Turske stated the Dairy smell case was settled in court. I did not have a firm understanding on what the heck happened in the court. And that is why I will have Clark explain the situation. Mr. Turske did state two of the cases were dismissed a third case they were fined \$500, but given a \$500 credit to any advancements or improvements they make to their facility to address the smell. Clark stated there was a hearing last Monday and the special prosecutor did not contact the village. After the fact is when the village found out the details of the hearing. Clark stated what he understands after the hearing the defendant made the representation, they were committing to investing \$250,000 into equipment to add an additional step to their process to separate the sludge that would have an impact on the smell issue. This improvement is scheduled to start at the end of August. I had a discussion with the prosecutor regarding future cases and complaints. Before, the Alliance Prosecutor was all for the village bringing cases/complaints. Apparently given the discussions, he feels that at this point the judge will not look at it kindly if cases are submitted right away. I think the Judge is thinking due to the big investment. The Judge wants the village to give them a chance. I guess where we are at this point, we should sit on the complaints right now stated Clark. My thought going forward, if we are given an opportunity, any new complaints run through JT and then JT send it to Mayors Court from Mayors Court send it to Alliance Court. The Judge has made his decision and if the defendant does not follow through on that then I will assume he (inaudible). Mr. Turske asked does that mean we have to wait until August to file anything. Can they go three straight months and have smell issues and getting complaints and we cannot take it to court. Clark stated what he told me is the Dairy would start the improvements by the end of August and finish by October. I pushed back and told him I understand, but. Councilman Boldizar stated this is absolutely crazy! This is not acceptable! This is the worst thing I have seen on Council. Throw out two cases, give them a \$500 fine and really not fine them and tell us we really can't do anything for five months! This is nuts! I think we need to tell the people that complained to put flags out with curse words towards the Dairy! Maybe that's the only thing that will get done around here! I think this is awful! Councilman Kishman asked if complaints could be called directly to the Prosecutor. No, they cannot. Mr. Turske stated he does not mind the

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complaints. I do not like the court decision. I don't like this one bit. Clark stated we have discretion as what to do with the complaints. We can still submit cases. Councilman Boldizar stated if you think for a second people that have complained in the past I sure in the hell am not going to submit a complaint again knowing the outcome! Mr. Turske stated nothing had been done prior to this and now complaints have been submitted and now we get two thrown out cases and that kind of fine. Citizens have the right to be upset. Clark stated the issue has to get in front of the Judge which now it has. Charges were file in 2019 due to the smell. Councilman Hannen asked Clark what is the worst-case scenario if complaints were filed? Clark stated I can't say what the Judge would do. My guess would be the Judge would not be happy with us and entertain a motion to dismiss. The decision was made moving forward any new complaints will be filed. Mayor Tarbet stated it has taken so long to get to this point and now they are saying well leave them alone. Councilman Boldizar I would love to leave them attempt to fix the problem. I have said to the people calling me. We are filing the complaints; it will go to court and there will be a resolution as some point and there isn't one. Mr. Turske stated I feel we have let residents down. Actually, the court & Judge let everyone down. We have three filings we are holding on to. Mayor Tarbet stated it is our turn now. Clark stated the three complaints, from here forward we receive complaints we submit the new complaints. Clark stated he has indicated he is trying to make improvements. If we have an odor issue and the Dairy resolves it in a day then that shows attempt. Clark stated I am suggesting you file in hour one on the odor, but if it continues then file. Mayor Tarbet asked council what do you want to do? They will take Clark's suggestion if an odor occurs and we get smell complaints we file it without delay. And every time they have one and it's not taken care of, we file. All council agrees. Councilman Hannen reiterated the \$250000 improvement is to get rid of the odor. Clark stated that representation was made in court from what he was told. The next occurrence will be filed stated Mayor Tarbet.

Service Director: Street Dept.: Culvert replaced Knox Court. Resident at 207 Euclid Ave. requested storm sewer installation to capture spring water that flows onto the street from property at the corner of W. Line St. and Euclid. This has been an issue for years and spring water flows onto roadway and freezes over winter and requires excess amounts of salt and sometimes need to be scraped off with backhoe. Built structure and mounted signs supplied by recycling district. HPM Patching as necessary (hot mix will be available after 4/19). Ditching Random Rd. Evaluating roads for paving program.

Water Dept.: Chlorine injection pump failed and was replaced. Installed backwash control valve, meter and 2 isolation valves 3/24. Plant was taken offline at 0752 and was back online at 1453. Prepared water main on Bridge St. for line stop, contractor had emergency out of area and had to reschedule work. Fire hydrant components replaced 4/7 following line stop. Flushed entire water distribution system 4/10 assisted by Street Dept. Fire Dept. conducted 3 flow tests. Waste Water Dept.: Located sanitary sewer on Surrey Dr. for tap. Located sanitary sewer Libbie St. for possible tap. Working on issue with Clarifier #1. Working on coordinating/scheduling repairs to 200,000-gallon digester aeration piping. Issued Minerva Dairy surcharge for 3 violations in February in the amount of \$1189.47. Park Dept.: Sanitizing playground equipment weather permitting. Concreted wheelchair swing base in Bicentennial Park. Planning on securing swing per instructions and providing keys to persons that wish to use the swing, posting warning signs with instructions and roping (chain) off area to restrict small children from coming into contact with swing while in use. See image. Tilled infields of ball fields. Cemetery: Topped graves with top soil and planted grass. Contract with Ferren Lawn Care completed. Mowing will begin this week. Swimming Pool: Completed 2021 Application for license to Operate. 12 Lifeguards pending training. Councilman Boldizar asked if the storm sewers and manhole covers on McDaniel could be repaired. JT stated risers could be incorporated.

Law Director: Atty Battista reported he contacted the County Auditor regarding the Short Street property. The taxes are now \$23-25000 which exceeds the market value of the property. Clark will be contacting Stark Regional Planning Commission. Mayor Tarbet stated he assumes Phil has plans for that property.

Mayor: No report

Old/New Business

Ordinance No. 13-21 an Ordinance authorizing that the Charter Communications Franchise Fees be designated for transfer to the Park Fund (Fund No. B04). Third reading

Motion to hear third and final reading of Ordinance No. 13-21 was made by Councilman Kishman seconded by Councilman Meadows. All voted yea.

Motion to approve third and final reading of Ordinance No. 13-21 was made by Councilman Meadows seconded by Councilman Boldizar. All voted yea.

Ordinance No. 16-21 An Ordinance amending Sub-Sections 921.02 (43), 921.02(73), 921.06 (E), 921.08 (D), 921.08 (E), 921.16 (A) and 921.99 (D), and enacting sub-sections 921.07 (F) (17)-(23) and 921.15 (F) and (G) to update and modernize the sewer use regulations and connections. Second reading.

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Motion to hear second reading of Ordinance No. 16-21 was made by Councilman Hannen seconded by Councilman Kishman. All voted yea.

Motion to approve second reading of Ordinance No. 16-21 was made by Councilman Boldizar seconded by Councilman Meadows. All voted yea.

Ordinance No. 17-21 an ordinance amending ordinance no. 37-18 and 16-19 relating to compensation rates for full-time and part-time employees of the Village of Minerva.

Motion to hear first reading of Ordinance No. 17-21 was made by Councilman Meadows seconded by Councilman Kishman. All voted yea.

Motion to hear second reading of Ordinance No. 17-21 was made by Councilman Kishman seconded by Councilman Boldizar. All voted yea.

Motion to suspend statutory rules, have second and third readings by title only and for passage of Ordinance No. 17-21 was made by Councilman Boldizar seconded by Councilman Kishman. All voted yea.

Motion to appoint the Village Administrator, Mayor and Councilman Boldizar to the Board of the Minerva Growth Corporation (CIC) was made by Councilman Hannen seconded by Councilman Kishman. All voted yea.

Motion to accept the donation of \$200.00 from Pete Laubacher to be allocated to the General Fund to help fund village services was made by Mayor Tarbet seconded by Councilman Meadows. All voted yea.

Aaron asked if you discussed the banner program? You do realize this whole thing is going to blow up! Now the process has been put in place with hanging the banners, people are going to want sports and everything else. You have got to be ahead of this not behind. Mayor Tarbet stated the village administrator and the service director should set the rules & regulations. Aaron asked if there was any thought to having a Planning Commission Meeting from what I said earlier? Mayor Tarbet stated that would go to Phil. Phil asked I coordinate the Planning Commission? Aaron stated Tim was the chairman at the last meeting. Tim stated ok I will take care of that!

Councilman Kishman stated a Park Board Meeting was held on Monday and the next meeting will be May 3, (the date will be changed) at Brock Park. Pavilion needs rehabbed by the skate park.

Councilman Boldizar thanked Marie Popick from the VFW for the banners.

Councilman Meadows reported a 20/20 Vision Meeting was held March 25. Thanked Justin & Mike for helping with some issues due to power being off. Play is May 14 & 15. Thanked Minerva Local Administration for the Honors Banquet.

Mayor Tarbet announced 1100 meals have been served by the Minerva Senior Center. The community is looking forward to the opening of the pool. Mr. Linder will finish the pool pavilion.

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

The next Regular Council Meeting will be April 27, 2021.

Attest:

Brenda Albaugh Clerk of Council

Timothy N. Tarbet Mayor