

RECORD OF PROCEEDINGS

Minutes of

Meeting

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

Held

20

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17TH REGULAR COUNCIL MEETING

SEPTEMBER 14, 2021

The 17th Regular Council Meeting was called to order by Mayor Timothy N. Tarbet after the Lord's Prayer & Pledge of Allegiance were said.

Guests: None

All Council Members present.

Motion to approve the Minutes of the 16th Regular Council Meeting held August 24, 2021 was made by Councilman Kishman seconded by Councilman Boldizar. All voted yea.

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

Motion to approve the bills totaling \$261,879.65 for the month of August was made by Councilman Boldizar seconded by Councilman Kishman. All voted yea.

Administrator: Administrator Turske stated that there is a motion on tonight to hire Attorney Eric Williams for annexation assistance. Also, there will be a flu shot clinic for employees and their families on Sept. 29th. And the Bicentennial Park bridge will be removed this week for 8-10 weeks for repairs.

Service Director:

Street Dept.: Tree in curb lawn in front of 104 Penn St. damaged sidewalk. Tree to be submitted to Shade Tree Commission. Owner requests assistance with sidewalk repair. Repaired water cuts on E. Line St. Repaired damaged asphalt on Venetian Way and W. First St. Repaired leaking vent on village hall roof. Trimmed trees on McKinley. Topped several graves and seeded.

Water Dept.: Working on ERP for AWIA requirements. Met with Wenger Excavating for project planning - N. Market St. Exercised water valves in preparation of N. Market water project. Scheduled to cut in 4" valve at old water tower location on Ridgeleigh. Repaired damaged drain on Penn St. Attended training in New Philadelphia for required contact hour.

Waste Water Dept.: July 2021 Minerva Dairy surcharge prepared, 4 days in violation \$440.43. Replaced roller on sludge press. Replaced bearings on sludge press. Cleaning clarifier in preparation for repairs.

Park Dept.: Cleaned uptown area for grand opening 9/9. Replaced tires on Jacobsen mower.

Zoning:

New Nuisance Cases

- 9 Pending cases.
- 110 YTD

New Permits:

- 461 Knox Ct. - Zoning
- 814 McDaniel Ave. - Zoning
- 408 W. Line St. - Pool
- 76 YTD

Other:

- Conversation with Ohio EPA and prepared storm water map in reference to Minerva Dairy stormwater permit.
- Several conversations with Ohio EPA in reference to General Color IDP.

Service Director Williams was able to get quotes for the property on Murray Ave. with the water issue in his garage. The boring would be about \$2,000. for 125 feet, approximately \$1,600. for pipe and about \$300. for the catch basin for an approximate total of \$3,900. There is also sidewalk damage from one of our trees on Penn St. Our ordinances say that the homeowner is responsible for the sidewalks. Administrator Turske noted that we're getting in to a lot of moral claims and we don't have a sidewalk program in place. We need to be careful about setting a precedent. Administrator Turske said that previously either Council or the Mayor approved to have us pay for the sidewalks, but the sidewalks are the responsibility of the homeowner. The homeowner said she isn't able to afford the sidewalk replacement. He said that other municipalities have set up programs to assist property owners with a 50% split and the programs always run out of money. He wants

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us to be careful about setting a precedent moving forward. This isn't the only sidewalk around the village like this. Administrator Turske asked JT Williams how many we have done previously? He answered 3. Administrator Turske asked how many are left like this? JT Williams answered he wasn't sure but Administrator Turske said it was a decent couple of handfuls. Councilman Hannen asked if the homeowner is responsible for any injuries? Law Director Battista said yes. Councilman Boldizar asked if the curb lawn is our property? Service Director Williams said the homeowner needs Shade Tree Commission permission to remove the tree. The Village probably planted the tree. Councilman Boldizar said that he doesn't like that the homeowner has to pay for that. Law Director Battista said that we need a program or a policy. Councilman Boldizar said the tree is the reason the sidewalk is not level. The concrete is fine. Mayor Tarbet stated that we need a policy to have specified guidelines. The Service Director stated that we planted the trees and the trees are in the right of way. Administrator Turske asked how to handle the Weber property on Murray Ave.? It is a moral claim. Councilman Kishman asked how much. Administrator Turske answered about \$4,000. but would also caution the work. There could be unknown underground utilities. When asked if we would know where they are, Mr. Williams said they could be privately owned. For example, the sewer laterals would be privately owned. Administrator Turske said it wasn't just the cost, but not knowing what we could get in to. Councilman Boldizar asked if we were sure that it was a moral claim? That it's not from something we did? The Service Director answered to look at the elevations, that we didn't change the land. Councilman Boldizar asked if it had always been that way. Service Director Williams stated that it has been that way as long as he has been here. Mayor Tarbet noted that we put in a dry well for them before. Councilman Hannen asked why we did that and Mr. Williams said just to help them out. Councilman Meadows asked if the homeowner was aware of the total. Service Director Williams said no. Mayor Tarbet asked if we had approached them and Mr. Williams said no. Mayor Tarbet stated that the boring companies we normally use won't contract with a homeowner, just the Village. Service Director Williams said that the sewer laterals could be anywhere and they could be shallow. We have hit them before and not known for a year. Councilman Boldizar asked if we could have a discussion with the homeowner. Administrator Turske said he did not want to do that without Council's instruction as to what to do. Councilman Meadows said we could offer the boring but the Administrator noted that boring has the most liability. Councilman Meadows asked what if the homeowner signs off on any responsibility. Service Director Williams said that it may not be just his property, that it may be the lines of a neighboring property. Councilman Meadows asked if we could take a different route and the Service Director answered no. Councilman Kishman said that if we do half, we will have others asking and we will have to do that same. Councilman Boldizar suggested we do half but any charges will be on the homeowner. Attorney Battista said that we can draw up an agreement but he doesn't believe the homeowner will agree. Councilman Boldizar said they either take the risk or leave it as is. Attorney Battista asked if the GIS mapping would locate the lines. Service Director Williams said no, it's only for the mains. Mayor Tarbet asked if we excavated, how far could our new mini excavator reach? Service Director Williams stated that he is concerned with that because the space is too tight and we're not sure where the property lines are. Councilman Boldizar said there's not a good answer. He suggests we offer to pay half if the homeowner takes on all responsibility of any damage. Mayor Tarbet and Councilmen Meadows and Kishman agreed with Councilman Boldizar. Councilman Hannen said that he's not sure that we should pay half. The project and damages are on the homeowner. He has options. We can give him guidance but not absorb a cost. Administrator Turske reiterated that other Council members agreed to pay for the boring if he agrees to be liable for any current or future damages. He then asked about the sidewalk issue. Councilman Boldizar said that he doesn't want people tripping on the sidewalk. Councilman Kishman stated that we should start a program. Councilman Meadows noted that he likes the trees but not the potential issues. Councilman Kishman asked about some erosion under a sidewalk near Murray and Line and if that was a property owner issue. Service Director Williams said yes. Mayor Tarbet said that we could pull out the tree and sidewalk and have the homeowner replace the sidewalk. Service Director Williams said the homeowner has stated she can't afford it. Mayor Tarbet said he hates to see us replacing sidewalks. Councilman Boldizar said to remove the tree and sidewalk and replace it. Administrator Turske warned that precedents were being set. Mayor Tarbet said they were already set on Line and Bonnieview Streets before. The Administrator said that was under a different administration and council. The mayor asked if we were approached because of the hazard and Mr. Williams said yes. Mayor Tarbet said that we need a plan before we do anything. The Administrator suggested we pull Carrollton's sidewalk program for guidance. Councilman Boldizar asked if we could put a cone up. The Service Director said yes but it will probably get stolen. He asked the Law Director if we could face any liability if we painted the edges of the sidewalk area yellow. Law Director Battista said if we do it there and not in another spot, he would have concerns. Mr. Williams said that Bowman Tree Service is so far behind that it will take a while to get estimates.

Law Director: No report

Mayor: No report

Old/New Business

Ordinance No. 32-21 an ordinance establishing the position of Park Maintenance Supervisor and establishing the rate of compensation thereof. First Reading

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Law Director Battista suggested that we amend the title to Park Maintenance Superintendent because of the Charter language.

Motion to hear first reading of Ordinance No. 32-21 was made by Councilman Kishman seconded by Councilman Hannen. All voted yea.

Motion to approve first reading of Ordinance No. 32-21 was made by Councilman Boldizar seconded by Councilman Kishman. All voted yea.

Resolution No. 33-21 authorizing the Village Administrator, Administrator Philip J. Turske, to file an application with the Ohio Public Works Commission for the purpose of acquiring financial assistance through the State's Issue II Program, Program Year 2022 due September 17, 2021, and declaring it an emergency. First Reading

Motion to hear first reading of Resolution No. 33-21 was made by Councilman Hannen seconded by Councilman Kishman. All voted yea.

Village Administrator Turske explained this is for the North Market St. waterline project, Phase II.

Motion to approve first reading of Resolution No. 33-21 was made by Councilman Meadows seconded by Councilman Kishman. All voted yea.

Motion to suspend statutory rules of Resolution No. 33-21 and have second and third readings by title only and for passage was made by Councilman Boldizar and seconded by Councilman Hannen. All voted yea.

Motion authorizing Village Administrator, Administrator Philip J. Turske, to retain the law office of Eric Williams, LLC, to represent the Village in matters of annexation and economic development in an amount not to exceed \$20,000.00 was made by Councilman Boldizar seconded by Councilman Kishman. All voted yea.

Motion to appoint the following people to the Charter Review Commission was made by Mayor Tarbet seconded by Councilman Meadows. The Charter Review Commission will have 5 months to make any recommendations for Charter changes to Council. All voted yea.

List of Commission Members: Larry Pottorf, Debbie Shields, Cindy Lawson, Dave Viola, Jackie Carle, Kim Weiss, Deb Palmer, Dave Detchon, Beth Rhodes

Councilman Hannen asked if the special meeting on Tuesday, September 21 will be a public meeting and Mayor Tarbet answered yes.

Attorney Battista explained that the goal is to have any suggested revisions from the Charter Review Commission received by January 15, 2022, so we can get the language on the ballot for the May primary.

Councilman Kishman thanked the Police Dept. for showing up to the Jerry Rice visit.

Councilman Meadows thanked everyone who attended the Deathtrap performances. They are postponing the next performances until after Oktoberfest due to illness. The Planning Commission meeting is also postponed until after the annexation attorney meeting.

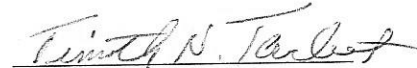
Mayor Tarbet thanked the people on the Charter Review Commission. He mentioned that there was a great grand opening for Insurance by Ashley and people should stop by to meet her. He noted that the Stockers & Streeters Car Show was on September 25 & 26 and there will be an exotic car show also on the 25th, with Ford V Ferrari playing in the Roxy. It will be \$5.00 per person, or \$10.00 per family to get in to see the exotic cars and there will also be a movie package available. There will be 2 bands playing and at least 1 food truck. Volunteers are needed for this fundraiser for the Roxy.

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

The next Regular Council Meeting will be September 28, 2021. There will be a special meeting on September 21, 2021 for the discussion with legal counsel of possible annexation and economic development.

Attest


Patricia Willoughby, Acting Clerk of Council


Timothy N. Tarbet, Mayor