

RECORD OF PROCEEDINGS

Minutes of

Meeting

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

Held

20

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12TH REGULAR COUNCIL MEETING

JUNE 28, 2022

The 12th Regular Council Meeting was called to order by Mayor Timothy N. Tarbet after the Lord's Prayer & the Pledge of Allegiance were said.

Guests: Denise Freeland

Denise announced Bob Harris is completing repairs to the Roxy ceiling and painting. Lights are ordered. July 9 a fund raiser will be held for the Roxy held at the Great Trail Tea House. Denise gave an update on events. Councilman Boldizar asked Denise if she knew when the new café was to open. She spoke to the owner and they said soon!

Motion to approve the Minutes of the 11th Regular Council Meeting held June 14, 2022 was made by Councilman Kishman seconded by Councilman Meadows. All voted yea.

Administrator: Mr. Turske announced he received confirmation the CRA Application has been approved by the State. Landscaping will be done around village hall will take place next week.

Service Director: Street Dept.: Repairing catch basins as needed. Received sidewalk quotes from SJ Excavating, Malvern, OH for E. Line at Murray \$6000.00 with curb to eliminate erosion, Penn St. \$2750, if both together \$8000.00 (will eliminate \$750 short order charge for Penn St.). Mowed former dollar store property on Valley St.

Water Dept.: Raw water flow control valve failure from fatigue (suspected water hammer) on 6/20, temporarily replaced 6/21 with manual valve. 68 OUPS locate requests in June. Gathering metric data for EPA annual reporting.

Wastewater Dept.: Minerva Dairy monthly reporting received 6/17, under review.

Park Dept.: No skate/bike sign stolen from Brock tennis court; replacement signs ordered with anti-theft hardware. Luke Somers Eagle Scout project nearing completion, see attached photos. Luke was invited to make a presentation to Council once complete.

Pool: Attendance 6/13 – 6/26: 1439. Health Dept. Inspection 6/9: no violations.

Zoning: New Permits: See Report.

Councilman Boldizar asked if we are going to discuss the sidewalk on Line St? Mr. Turske stated we can now. JT stated it would be \$6000 and if we repaired the sidewalk on Penn, it would cost \$2000, if done by itself there would be an additional charge of \$750.00. Penn- a tree in the curb line that has shoved the sidewalk up. Mayor Tarbet asked If he was submitting that to be done or.... It responded council had requested I get a quote for the sidewalk. Councilman Boldizar stated I remember discussing it and it being the owner's expense, but there is a gray area... right? It stated the tree is in the curb line so technically it is ours. Councilman Boldizar stated no I am talking more on the Line St. sidewalk. Councilman Meadows stated you said the erosion was from the run off from the water. There is no curb. Councilman Meadows stated it is creeping further. JT stated this quote consists of an 18-inch curb. The curb will be flushed with the sidewalk. Councilman Meadows & Boldizar feel this is a safety matter. Mayor Tarbet stated we should just do both instead of paying the \$750.00 extra at another time.

Motion to approve the sidewalk and retaining system for Line & Murray and also the replacement due to the tree being in the curb line on Penn St. at the same time not to exceed \$8000 was made by Councilman Meadows seconded by Councilman Boldizar. All voted yea.

Law Director: Atty. Battista announced the Short Street property is now officially owned by the village. The village will have to pay an invoice of \$1006.58.

Mayor: No report.

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Old/New Business

Resolution No. 23-22 a Resolution authorizing the administrator of the Village of Minerva, Philip J. Turske, to file an application for a grant \$9801.28 under the Natureworks Program administered by the Ohio Department of Natural Resources for the playground equipment replacement at Brock Park within Stark County, and Declaring it an Emergency.

Motion to hear first reading of Resolution No. 23-22 was made by Councilman Kishman seconded by Councilwoman Jordan. All voted yea.

A ring climbing set to replace the box.

Motion to approve first reading of Resolution No. 23-22 was made by Councilwoman Jordan seconded by Councilman Kishman. All voted yea.

Motion to have second and third readings by title only and for passage of Resolution No. 23-22 was made by Councilman Boldizar seconded by Councilman Kishman. All voted yea.

Resolution No. 24-22 a Resolution authorizing the administrator of the Village of Minerva, Philip J. Turske, to file an application for a grant of \$11,912.10 under the Natureworks Program administered by the Ohio Department of Natural Resources for the Rotary Park Improvements within the Carroll County, and Declaring it an Emergency.

Motion to hear first reading of Resolution No. 24-22 was made by Councilman Boldizar seconded by Councilman Meadows. All voted yea.

Motion to approve first reading of Resolution No. 24-22 was made by Councilwoman Jordan seconded by Councilman Kishman. All voted yea.

Motion to have second and third readings by title only and for passage of Resolution No. 24-22 was made by Councilman Boldizar seconded by Councilman Kishman. All voted yea.

Ordinance No. 25-22 an Ordinance enacting Sections 735.01 through 735.08 and 735.99 of the Codified Ordinances of the Village of Minerva, Ohio regulating food trucks in the village. First reading.

Motion to hear first reading of Ordinance No. 25-22 was made by Councilman Meadows seconded by Councilman Kishman. All voted yea.

Discussion: Councilman Meadows stated the Planning Commission has been reviewing certain items and realized the village has no legislation on food trucks. We pulled ordinances from other municipalities on how they deal with food trucks.

Councilman Boldizar asked if this pertains to the old school ice cream truck? So, they are longer able to do that? Is that where we are at? Councilman Meadows stated I don't think we made it for them.

Councilman Meadows stated that would fall under the transient vendor. Not stationary. Councilman Kishman asked if we want a food truck to come to our store how would that work? Private property.

Mayor Tarbet asked if the ice cream truck had to have a license. Councilman Boldizar has a few questions. If you rent a food truck for a graduation party, do they have to pay the \$50 fee? Does this prohibit this. Councilman Meadows stated its not prohibiting it, but they have to register. Councilman Boldizar stated it does not define private property. Mayor Tarbet asked when you make arrangements to rent a truck do you ask them if they have a permit from Stark County. Councilman Boldizar said no, I will ask to sample their food! Mr. Turske stated this covers private and public. They would have to receive a permit from the village for \$50. Atty. Battista stated this is to regulate the food trucks in the village. Councilman Meadows stated the ice cream truck is not stationary. Atty. Battista stated they are selling pre-packaged items, and I do not know the answer to that. Councilman Meadows stated this legislation is no different than Louisville, Alliance. We are adopting what other communities are doing. The \$50 is for a year, not a time. Mr. Turske asked Denise how this will affect her soliciting for food trucks at the Chamber events. Mr. Turske stated I will repeat what I said at the Planning Commission Meeting. We have trouble finding food trucks. Last year the one vendor stated he would only come to the event if he was guaranteed to profit a certain amount. Now add a fee on top of that. Denise responded it very well could effect it. I can see the \$50 for the year isn't that bad, but the vendors coming once. Mr. Turske stated this would effect the Homecoming also. Councilman Boldizar asked we never have a charged a fee? The Community Associated handles that. Councilwoman

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Jordan asked if the vendor had a license through another community would we honor that? No. Denise stated the license is not an issue. All the trucks I bring in have the required documentation. If every other community is charging. Councilman Meadows stated we wanted to charge a minimal fee. We thought this would be a good start. Mayor Tarbet stated this could be a selling point. If you sign up you can come all year for the \$50! Denise stated could be. Mr. Turske stated this could always be reevaluated. Mr. Turske stated this could also be an income tax collection even though minimal. Denise asked if someone is bringing in a food truck in for a graduation party, how does that differ from a caterer? Are also going to charge caterers? How is it different? Councilman Meadows stated they are not running it out of their truck or van. Its already prepared. Denise stated I feel that is the same for the trucks. Councilwoman Jordan stated if it is for a graduation party the fee has already been paid no matter how much food is prepared. Mayor Tarbet asked who the enforcing agent is? Mr. Turske stated the village. Mayor Tarbet I am all about doing this, but if we are just putting another ordinance on the books we aren't going to enforce, what are we doing. Is the average person going to call a food truck for their graduation party? Is the person hiring them going to tell them to register? Oh, by the way there is an administration fee you have to pay! Councilman Kishman stated we need to ask other communities who is in charge of the enforcing. Mayor Tarbet stated this is just for the first read.

Motion to approve first reading of Ordinance No. 25-22 was made Councilman Kishman seconded by Councilman Meadows. All voted yea.

Ordinance No. 26-22 An Ordinance accepting the bid of Central Painting Inc. for the Village of Minerva 500,000 Gallon Southern Water Tank Interior Painting Project, and Declaring It an Emergency.

Motion to hear first reading of Ordinance No. 26-22 was made by Councilman Boldizar seconded by Councilman Kishman. All voted yea.

Mr. Turske stated on June 3 bids were due and the village received 11 bids. We are recommending along with our engineer not to go with the lowest bidder for three reasons. The lowest bidders bid is deemed incomplete. The bidder is a corporation, but evidence of authority to sign was not provided. The bidder provided an improper bid guarantee in contract bond. It did bond in the form of a total bid amount, they provided one for 10% which is not per bid instructions. The bidder failed to provide an adequate project reference to meet the qualifications in ode to the project specifications. Qualifications reads as follows: contractors bidding this project shall provide documentation of having repainted at least five potable water storage tanks within 24 months of the bid date of which two shall be of similar size and scoped to this project. They had none. They had not painted a water tower before. So, it is the engineer's recommendation, It, myself and Clark recommendation that we go with the second bidder. Their bid was complete and it was three thousand dollars more which still falls under our budget. They are well used and qualified in this work.

Motion to approve first reading of Ordinance No. 26-22 was made by Councilwoman Jordan seconded by Councilman Kishman. All voted yea.

Motion to have second and third readings by title only and for passage of Ordinance No. 26-22 was made by Councilman Boldizar seconded by Councilman Meadows. All voted yea.

Motion to approve the spending up to \$7200.00 to Smolen Engineering to do an assessment on the Community Building was made by Councilman Boldizar seconded by Councilman Kishman. All voted yea.

This will define exact issues with the building to determine if it is worth fixing.

Mayor Tarbet stated to Mr. Turske to get them on the schedule to get this started.

Councilman Meadows announced a Planning Commission Meeting on Thursday at 6 pm.

Mr. Turske stated the Fireworks ordinance will be placed on the website and social media. Fireworks are not permitted in town as before. If you live in town, don't light them off.

Mayor Tarbet stated the Ride for Roxy raised \$2300 with 55 riders. The Historical Clock will be repaired this week.

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Motion to enter into Executive Session @ 8:30 PM to discuss employee compensation inviting the village administrator was made by Councilman Meadows seconded by Councilman Boldizar. All voted yea.

Motion to reconvene into Regular Session @9:25 PM with no action being taken was made by Councilman Kishman seconded by Councilman Boldizar. All voted yea.

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

The next Regular Council Meeting will be July 12, 2022.

Attest:

Brenda Albaugh Clerk of Council

Timothy N. Tarbet Mayor