

Held \_\_\_\_\_

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RECORD OF PROCEEDINGS

5<sup>TH</sup> REGULAR COUNCIL MEETING

MARCH 12, 2024

The 5<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: Tammy Byers & John DeLonzo, Marvin & Jennifer Jackson & Brian Stoudt.

Tammy Byers & John DeLonzo addressed council regarding the purchase of their property at 500 Pennock St in October of 2022. There was a so-called split to be off the property and after I purchased the home it said there was 2.37 acres and this council approve a split off the land that neither of the parties that did the split owned. So, this has now caused a laundry list of trouble. I am sure you are familiar with Mr. Albright. Mayor Tarbet stated I am sure council is familiar with the lot split, the only thing that we get involved with because it is in our zoning. This is required if boundaries are changed and after council approves the split. When council passes a split, it is just an authorization to splitting the lot. It has no legal it isn't like this is going to happen it is only we have given someone permission to split a lot under our zoning. The whole process belongs to the property owners. Okay? It doesn't have anything to do with us it's who owns it. Somebody filed a request, correct, to have the lot split and JT what happened after that? It stated Atty Bob Clark filed the application for the lot split with Passmores were intending to sell a half-acre to Mr. Albright. Apparently while the lot split was pending, Passmore sold the entire parcel to John DeLonzo and once the entire parcel was sold there was some issues with the lot split, which was apparently never filed. I checked the auditor site today and it still shows the parcel as 2.47 acres. I believe when ever the original lot split was filed, they intended to keep 1.8 acres with the house and sell the other half acre to Albright apparently something happened, and some mistakes were made and the property was transferred to Mr. Dolonzo. Tammy stated part of their defense with us is, they have filed a suite against us. They have mentioned you all so we wanted to make you all aware they have put in their suite you have approved this split. So, we wanted to come tonight to let you know what is going on. We have had nothing but issues since if we have come to this town from these people. John stated it has been non-stop with the Passmores & the Albrights. This came about the 24<sup>th</sup> of December when the title company got a hold of us. They signed the same deed we did, it stated in the deed what acreage went with it. They said the parcel was 1.88 acres and everywhere else it was showing the 2.37. So now this has caused a lawsuit because they said that council approved the 600 Pennock lot/split. It stated that was just the lot split for the portion of 500 Pennock St. it had nothing to do with 600 Pennock. 600 Pennock is outside the city limits. Mayor Tarbet stated even though the split was approved but never filed its like it is not there, right? As far as if it is never completed nothing changes right? Atty. Battista stated my guess of what happened whenever they want to do lot splits, I insist that we get a survey so we have a plat map of the split of the lot and the legal description. When we approve a lot split it ends up eventually getting recorded the .5 acre and that would have left you 1.88. My guess is this lot split application was made when I make them go through the legality of getting a survey that creates a time lag so my understanding of what happened was again local atty had a purchase agreement for a .5 acre split and there was an intent there would be a .5-acre split. As what I saw was a 1.88-acre lot. Mr. DeLonzo stated correct. When you looked at the purchase agreement Parcel # it came back as 2.37 acres, because the split did not take place. Atty. Battista stated the local attorney was not involved he would have known there was an issue, wait a minute this was supposed to be 1.8 not 2.37. When it went to a different closing agent this got closed at 2.3. If you look at the initial advertisement, but what closed was 2.3. John stated I am very well aware of that. As far as the village is concerned the app was made to us for a .5 lot split once the survey was done that happened, I can not tell you the timing of whether the 2.3 had already transferred to you or not. John stated yea it had. Atty. Battista stated it is not the village's job to do a title search. Somebody made an app, the village approved that app, we approved the lot split. The lawsuit is basically going to answer the questions for you about who has the right to this .5. Or they going to say there was a mistake. John stated they are trying to say someone made a mistake, they

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signed the deed before I did. Tammy as far as I am concerned that should be between those two people that made that arrangement and not us and them. I moved to Minerva, because I like the quiet are, but at this point I don't like Minerva, because 1. The police were called because the one gentleman came on our property screamed, hollered, cussed at me and called me names. Minerva Police were called and a report was made he drove through our yard he continues to drive through there and torments. If you have these kinds of people in your town I don't want to live here! Mayor Tarbet asked are these people that own that property outside of the village limits? It stated correct. Atty. Battista stated they are getting to their property through Pennock. They have to drive through the half acre to get to their property confirmed Councilman Boldizar. John stated they can also access their property from Arbor Rd. Before all the trouble with Tammy & Mr. Albright this has been a serious pain in the butt. Now we are going to court. I am at appoint I am not sure what to do. The mortgage company has assigned me a lawyer from Columbus, they think everything they do is false claims all based on the council approving the split. Mayor Tarbet stated I am no lawyer, but I have to think here, there is a process right.... They filed for the lot split and they go through this process due to the village having minimum lot size requirements. We have to make sure this is followed. This .5 acre meets the village's minimum lot size and that clears it off the table for the village. It meets the zoning requirements. They can proceed with what they were doing, once we approve it is back in their hands, right Clark. Clark stated if we approve a lot split then if they act on that that would get recorded as a record. Mayor Tarbet stated evidently this is where it stopped. They received the approval and never recorded it. I apologize that you have this feeling about us, because we actually did the process, if they have an attorney that is citing that this whole thing is because of the lot split approval. You are at a place where you signed for a lot of 2.3 acres and now, they are saying you don't. Mayor Tarbet asked why they are fighting over the half acre? John stated the Passmores want it back so they can sell it to the Albrights. Since the Albrights did not have any claim to that land. It basically is a piece cut off the ass end of our land. The drive to get to it. Does Pennock end at the asphalt? It stated Pennock is a dedicated roadway which ends further West. Pennock is an easement. The dedicated street ends at the dedicated alley further to the West. It stated it's a private road we maintain. Councilman Boldizar asked how can we help? John stated I am not sure, but I would appreciate and suggestions. We are probably going to end up in court. Councilman Boldizar stated unfortunately from where I am sitting and I know the mayor has said it, when there is a lot split it goes to the Planning Commission, then it comes to council to approve or disapprove. I understand that this is an issue and we want to help in any way possible. Atty. Battista stated the village has not been made a party to the suite by either the plaintiffs or defendants so there is no allegation at this point that the village did anything wrong. I think what you are suggesting is that they are relying on the fact the village approved the lot split and that means again we do not have any control over this a court will eventually decide who has rights to the .5. Atty. Battista stated he has seen this attorney present at seminars and is very well known. John stated again this is based on the approval of the split that never went through. Councilman Boldizar stated just so I am clear you are 500 and 600 is out of village limits. This use to be a tractor path at the end. Benjamin stated Albrights are landlocked because Passmore owns South and they own to the west of their property. It stated the exit off of Albrights land is Pennock St, otherwise it has to off the easement, otherwise the auditor would never allow this stated JT. John asked if they don't take care of the street how can they use it. Mayor Tarbet stated the owners will have to have an easement. John stated there is no where it states there is an easement. John stated all of Pennock is an easement. Mr. Gunderson asked if he had a document to prove that. Yes, we do stated Tammy. It stated if Albright has an easement, it would have been when Pennock transferred the 600 Pennock property. Mr. Gunderson stated it sounds like two options A. no easement filed which is why they want that .5. B. we don't have any documentation that the easement has been extended. Atty. Battista stated he talked to Dave Bodo; I think all of these properties have access through easements which would go back to change of title. Those properties when approved back when they would have an easement. Tammy stated I have researched these maps from the 1800 and it states proposed easements. Atty. Battista stated those maps may ne be accurate you would have to look at the deeds. Easements are created in deeds stated Atty. Battista. Tammy stated Mr. Albright has told everyone that Pennock St is his f-ing road and he will do whatever he wants to the road. Mr. Gunderson stated this seems like a cluster and it has been a discussion for a year. Mr. Gunderson stated possibly the easement be extended. John

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stated I do not want him to use this entrance. Mr. Gunderson stated the parcel has to be connected to a road. Pennock is the most logical. John stated I would like him to find somewhere else. Mayor Tarbet asked if meeting have taken place with the atty. Yes, they have. Atty. Battista stated hopefully the Atty's are working towards a resolution so you don't have to try the case. Mayor Tarbet asked if the case was based on the village's decision? Atty. Battista stated there are several claims. Mayor Tarbet stated 500 or 600 Pennock St., that effects whether you call the Minerva Police or the Carroll County Sherriff. John stated I know, we have contacted both, and we are not impressed with what Minerva has done. Mayor Tarbet stated all we can do is help protect you on your property. Our Police Department works very well with Carroll County stated Mayor Tarbet. Tammy stated a No Tress-pass was posted. I have installed a trail cam and see them when they use Pennock. Mayor Tarbet stated I do not know what the solution is until the court make a determination. Atty. Battista stated once the decision has been made the Police can use this result to handle the situation. Mayor Tarbet stated it is a violation of the law if they tress-pass and get proof.

Motion to approve the Minutes of the 4<sup>th</sup> Regular Council Meeting held February 27, 2024 was made by Councilman Meadows seconded by Councilwoman Jordan. All voted yea.

Motion to approve the financial statement for the month of February was made by Councilman Boldizar seconded by Councilman Kishman. All voted yea.

Motion to approve bills for the month of February totaling \$181,412.83 was made by Councilman Kishman seconded by Councilwoman Jordan. All voted yea.

Administrator: Mr. Gunderson announced the tennis courts at Brock Park will be turned into Pickleball Courts! Councilman Boldizar looked up this whole pickleball thing! Do you know the average age of pickleball contestants? So, I don't ever want to hear you talk smack about how good you are when the average age is 72! So, to have a twenty something come in here and talk smack of how good he is. I have a problem with that! 😊 Mr. Gunderson stated letters were sent out from NECO regarding replacing the water meters dated before 2014.

Service Director: Street Dept.: 238.73-ton salt ordered for season. Filling pot holes with cold patch. Serviced 50G track hoe and installed LED work lights.

Water Dept: Repaired fire hydrant 15000 block Lincoln St. SE that was hit by unknown vehicle. Scrapped and painted well house. VFD 2 of 3 online, 3<sup>rd</sup> installed. Dealing with many locates mostly for Frontier new internet installs and Columbia Gas repairs. Jan. - 69, Feb. -75, March -34. Letters being sent out for meter replacement project.

Wastewater Dept.: Reviewed 67 documents provided by dairy in records request. 47,000-gallon sludge holding tank repaired.

Park Dept.: Assisted contractor installing VFD equipment at water plant. Community Building rentals for events and election.

Zoning: Nuisance: See activity and summary report. 129 YTD, 64 closed, 52 open, 4 pending, 9 unfounded.

Permits: See Permit Report. 16 YTD

Miscellaneous: Reviewing Boundary and Annexation Survey (BAS) maps for US Census Bureau, preparation to report boundary changes.

Law Director:

Mayor:

Old/New Business:

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Resolution No. 15-24 A Resolution of a question of a renewal tax levy for parks and recreational purposes in the Village of Minerva, Stark, Carroll and Columbiana Counties, Ohio at a rate of one (1.0) mill for five years, tax years 2025, 2026, 2027, 2028 and 2029, and declaring an emergency.

Motion to hear first reading of Resolution No. 15-24 was made by Councilman Kishman seconded by Councilman Meadows. All voted yea.

Motion to approve first reading of Resolution No. 15-24 was made by Councilman Kishman seconded by Councilwoman Jordan. All voted yea.

Motion to suspend statutory rules and have second and third readings by title only and for passage of resolution No. 15-24 was made by Councilman Kishman seconded by Councilman Meadows. All voted yea.

Ordinance No. 16-24 An Ordinance approving the Application for Lot Split/Combination of Four & One Group LLC. First reading

Motion to hear first reading of Ordinance No. 16-24 was made by Councilman Kishman seconded by Councilman Meadows. All voted yea.

Motion to approve first reading of Ordinance No. 16-24 was made by Councilwoman Jordan seconded by Councilman Boldizar. All voted yea.

Motion to allow Village Administrator, Benjamin W. Gunderson, to engage with Ohio Drilling Company for cleaning and pump repair on well #3 at a price not to exceed \$51,300.00 was made by Councilman Meadows seconded by Councilman Kishman. All voted yea.

Motion to allow Village Administrator, Benjamin W. Gunderson, to engage with National Pump to service two blowers at a price not to exceed \$16,000.00 was made by Councilman Boldizar seconded by Councilman Kishman. All voted yea.

Motion to allow Police Chief, Dale McDorman, to apply for the Ohio Law Enforcement Bulletproof Vest Program Grant for the 100% reimbursement of three bulletproof vests was made by Councilwoman Jordan seconded by Councilman Meadows. All voted yea.

Motion to appoint Kisha Lautzenheiser & Amanda Conrad to the CIC Committee was made by Councilman Boldizar seconded by Councilman Kishman. All voted yea.

Motion to have an early Pool Pass Sale from April 1-30: Single Pass \$50.00 & Family Pass of four \$130.00 with an additional charge of \$10 per child was made by Councilman Meadows seconded by Councilman Kishman. All voted yea.

Motion to remove Item K from the agenda was made by Councilman Boldizar seconded by Councilman Kishman. All voted yea.

Motion to remove parking meters in the village remove them not bag them was made by Councilman Boldizar seconded by Councilman Kishman.

Mr. Gunderson stated this is a motion to, this is a subject that has come up numerous times in the past, debating whether or not the parking meters are something we want in the downtown, so in order to, it's really a trial until September 1 to see if those parking meters are something that is needed, if it is, then it's going to be a much bigger project then just simply putting the parking meters back. So, with that in mind this is an effort to remove the parking meters and um...determine whether or not that's a long-term solution to our parking. Councilman Boldizar stated so the motion is to remove the parking meters from March 12 – September 1, 2024. Mr. Gunderson stated so that will be the motion, which means the parking meters will not be enforced. We will not be able to get all the parking meters taken out by today. So that will be an ongoing thing, but in terms of the enforcement of the parking meters that will be suspended until September 1. Unless amended down the road. Atty. Battista stated if you are going to remove the meters, I think you just remove the meters, I don't think that's a trial period.

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Just remove the meters and then you will look at it later. Mayor Tarbet defined there are no dates in the motion? Atty. Battista stated correct.

All voted yea.

Motion to allow Village Administrator, Benjamin W. Gunderson, to engage with Duperon for the replacement of the bar screen chain at a price not to exceed \$12,000.00 was made by Councilman Meadows seconded by Councilman Kishman. All voted yea.

Motion to accept the resignation of Dave Detchon from the Zoning Board of Appeals effective immediately was made by Councilman Boldizar seconded by Councilwoman Jordan. All voted yea.

Motion to allow the Finance Director, Patti Willoughby to attend the Certified Public Records Class as the representative of the Village Council was made by Councilman Kishman seconded by Councilman Boldizar. All voted yea.

Councilwoman Jordan announced the next AlterCare Clinic will be March 26.

Councilman Meadows "Shrek" March 21-23. Celtic Festival at the Roxy March 23.

Councilman Boldizar announced a CIC Meeting will be March 14 @ 4:30.

Councilman Kishman announced a Park Board Meeting was held with Stark Parks to discuss the new bridge for 2025. Kishman's is hosting coffee with the Stark County Sheriff on March 21<sup>st</sup>. Next Park Board Meeting is April 8<sup>th</sup>.

Mayor Tarbet announced changes evolving in Mayors Court: It is stated we cannot pick up people on warrants of non-payments of fines and costs. We have cleaned our files and no longer have anymore outstanding warrants. People not paying their finds we can do a lock on their vehicle registration; we can issue a block on their drivers license. We can turn them over to Ohio Attorney General's Office.

Mayor Tarbet announced the Police Chief & himself will have coffee at the Roxy and welcomes the public.

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

The next Regular Council Meeting will be March 26, 2024.

Attest:

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Brenda Albaugh Clerk of Council

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Timothy N. Tarbet Mayor