

**VILLAGE OF CRIDERSVILLE COUNCIL MINUTES
REGULAR MEETING – APRIL 9, 2018**

Mayor Rick Walls called the regular Council meeting to order and led in the Pledge of Allegiance.

Present-- Mayor Rick Walls; Council: Joe Bailey, Dorance Thompson, Eric West, Frank Oen, Paul Lynch and Stacey Cook. Also in attendance were Solicitor Angela Elliot, Clerk-Treasurer Candace Stevely, Village Administrator Jarid Kohlrieser, Police Chief John Drake and Fire Chief Rick Miller.

It was moved by West, seconded by Bailey to accept the minutes of the March 12, 2018 regular Council meeting as written. Motion passed 6-0.

COMMITTEE REPORTS:

Committee of the Whole: No meeting to report. A meeting was scheduled for Thursday, May 3, 2018 at 7:30 p.m. to be held at the Tower Park Community Building.

Utilities & Surface Water: Joe Bailey advised there was an electrical issue at our wastewater plant with one of our lift pumps that has been resolved. We have been in contact with a service tech on coming out and doing a full service on our lift station. The Village Administrator explained that there has been an issue the last couple months and a local tech hasn't been able to help. He wants both pumps gone through thoroughly.

Planning: Paul Lynch - We had nine zoning violation letters mailed out, and all recipients have complied with what was needed.

Finance: Eric West - We had another successful Tax Assistance Day this year with 30 residents attending, which was a better response than the last few years.

Park: Stacey Cook – The Lions Club is willing to share the cost on a new replacement purgalo swing for Legacy Park. It will be a steel powder coated swing and will be ordered this week. The total for the swing will be \$1,305.00. She presented the Committee report from the March 21 meeting. The Committee followed up on Dan and Sue Allen's request to put in two stone paths creating a drive to their backyard through park property to get their fifth wheel camper behind their house at 312 Parkview, so they can meet zoning requirements. He has been gaining access to his backyard through the park for more than 20 years and no one ever questioned him using this access until now. Cook presented photographs from the Auglaize County Auditors website of the park and the Allen's property. A pad has been installed in their backyard for storage of the fifth wheel. There are 8 properties on Parkview and 7 properties on Sunrise that have backyards that abut to Tower Park. There has never been an unimproved alley behind these properties. There are also 6 properties on East High Street that abut to Tower Park. There is an unimproved alley noted behind these homes. None of the properties abutting Tower Park have public access to their backyards. The Parks Committee's concern is if one property owner is given access, will it set a precedent. The Committee hopes the public understands that making decisions regarding requests like this one is not taken lightly. The Parks Committee decided that its recommendation to Council regarding the Allen's request to put 2 stone paths through a portion of Tower Park to provide access to the property at 312 Parkview not be granted. It is also recommended that a letter be sent to all property owners and/or renters with backyards abutting Tower Park that accessing their property by motor vehicle is now allowed. This recommendation was brought up by Mr. Allen during the meeting. It was noted in discussion that others have accessed their backyards through park property. This discussion has brought several other issues to light. The Parks Committee needs to develop a plan regarding use of park property, the use of authorized vehicles in the parks, parking in grass areas during sporting and special events, and shelter house rental parking.

The Parks Committee also took a look at the community building. The space is in need of a facelift and the Village Administrator has the building listed for renovations this year. The Committee would like to have a meeting to look closer at the project and create a priority list of renovations.

The Village needs to be more diligent in cleaning up trash in the park that blows against the property owners' fences around Tower Park.

Mr. Allen wondered who complained about him accessing his backyard through the park. He only needs to have access 2 or 3 times a year. Cook explained that she had heard about complaints several times over the year but never was given any names. Jarid Kohlrieser had issued Mr. Allen a permit for a parking pad in his backyard to park the

camper, but now he cannot use the pad for the intended purpose. He is out \$680 for stone, equipment rental, fuel, and the permit; and no one had brought any concern to Mr. Allen. If Council doesn't want the two stone paths put in, he won't do that. He only needs the access two times a year, to take the camper out and then bring it back at the end of the season. The ground he drives across is off the Recycle Center drive, and it is a space that no one uses. It is a wet part of the park. When he has made ruts in the past, he has fixed them and the grass. His request came from wanting to be in compliance and have the camper in the backyard. Bailey asked what changes were made in the zoning code. Cook stated that before the 2015 zoning code, the old zoning code had stated that campers had to be parked along the side or back of the house. That part was not changed. It was never enforced unless someone complained about it. Bailey doesn't like "setting a precedent" wordage. If someone wants to change something they need to show up at a meeting and ask. He feels Council needs to listen to them. If they need access 2 times a year, he doesn't have a problem with that. Everybody's situation is different. If they can make their case for a definite need, and Council can live with it, then it should be okay. West asked about the permit. Jarid stated that the permit is for the actual construction not for the purpose. The intent was for their camper. The Solicitor said that if the application for the permit is valid, Jarid has to issue the permit. West doesn't want to see the stone paths through the park. Cook commented that if Council would grant the Allen's access, what would we say to other property owners without access to backyards. Oen feels that if we grant them access then it will open the way for other requests. Lynch agreed with Oen. Mr. Allen said he no longer wants to put in the 2 stone drives, just to have access now a couple times a year. Cook: If we look at the usage of the park, we have nothing in place that could address this issue. If we did, we could possibly do something like an access use, not a continuous use, since he only wants access 2 times a year. I could be comfortable with that and that would get us into the concept of the usage of park property back there for maintenance, construction and things like that. Mayor Walls voiced his concern about liability if someone were to get hurt while accessing the backyard while using park property. Oen said that now this situation is out in the open and everyone in town knows about it. If the Allens are granted access, then everyone will think they can gain similar access. Mrs. Allen felt it should be a case by case situation. The Solicitor stated that for the Village, it is not like letting someone have access on your private property. Being a public entity, if the Village lets someone do something, then they would need to let everyone do the same thing.

Councilman Thompson had to leave, as he was on-call for work.

Mayor Walls asked for a motion to bring the issue to a vote. It was moved by Cook, seconded by Oen, to let Dan and Sue Allen use the park property to gain access to their backyard. Vote: Bailey-yes, West-yes, Oen-no, Lynch-no, Cook-no. The motion did not pass: 2 yes, 3 no. There was a question about Thompson leaving and not voting. It was answered by the Mayor that Council has a quorum even though Thompson was not present.

Streets: Mayor Walls gave the report for Thompson. Our crews are still trying to keep up with more potholes that keep popping up. We are talking with a contractor to find out the best ways to repair some of the gutters in Meadowbrook subdivision and how much it will cost.

Properties: We have hauled five loads of stone to put around the recycle center at the County's request. They were willing to share half the cost of the total which amounted to \$621.44. Our East side tornado siren was not spinning around when tested so Commercial Communications came out and replaced a blown fuse. It is now operating properly. Stacey Cook requested that it would be beneficial to have more stone up around the building where there are low areas. This would help shorter people to reach the outside recycle accesses.

Safety:

Police- Chief John Drake reported 200 calls for service for March. The calls are up about 10% for the year to date and there has also been a spike in arrests. There was \$2,115 collected for Mayor's Court.

Larry Drain started as Code Enforcement Officer on March 5, 2018. He has sent out 185 letters. Larry gathers all the violations. He does not issue citations. Chief Drake stated that he is always willing to work with people who contact him and are unable to comply within the required time.

Fire- Chief Rick Miller reported 40 EMS runs and 11 Fire runs for March, for a total of 178 responses as of April 1. He had the new grass truck in the parking lot for Council to look at after the meeting. The Fire Department will be serving food at the Firehouse during the garage sales on May 12.

OLD BUSINESS:

It was moved by West, seconded by Lynch to read Ordinance #1682 by title only and declaring an emergency. Motion passed 6-0. Mr. Oen asked if there had been a hearing held. The Solicitor asked when the Public Hearing had been held. There had been a misunderstanding and there was no public hearing scheduled. At this point Ordinance #1682 was tabled until the May meeting and a Public Hearing was scheduled for 7:00 p.m. on Monday, May 14, 2018 prior to the regularly scheduled Council meeting. Proper notification will be published in the Wapakoneta Daily News.

NEW BUSINESS:

It was moved by West, seconded by Lynch to pay the necessary bills for the month of April 2018. Motion passed 6-0.

Mayor Walls asked if there were any concerns regarding the renewal of existing liquor licenses within the Village. Police Chief Drake said that there are currently three licenses within the Village: Casey's, Fuel Mart and Bear's Den. There were no concerns.

Councilman Thompson returned to the meeting after being called out for his work earlier in the meeting.

It was moved by Cook, seconded by West to read Resolution #2340 by title only and declaring an emergency. Motion passed 6-0. **RESOLUTION #2340 – A Resolution for the Fiscal Officer to sign a Depository Agreement between Minster Bank and the Village of Cridersville, and declaring an emergency**, was read by Mayor Walls by title only. There were questions from Council concerning the need for this legislation. The Village Administrator advised that one of the main reasons to do business with Minster Bank is because they are able to provide smaller loans to the Village than our present bank, and that eventually the Village will switch all accounts to Minster Bank. It was moved by Bailey, seconded by Thompson to accept Resolution #2340 as read by title only and declaring an emergency. The motion passed 6-0.

Fire Chief Miller gave Council a detailed explanation of the renovation of Grass Fire Unit #445, including a breakdown of the cost of \$10,879.30. The Department has requested to be reimbursed for this expense from the Fire & Rescue Fund. It was moved by Thompson, seconded by West, to read Resolution #2341 by title only and declaring an emergency. Motion passed 6-0. **RESOLUTION #2341 – A Resolution to amend Resolution #2334, making permanent appropriations for current expenses and other expenditures of the Village of Cridersville, State of Ohio, during the fiscal year ending December 31, 2018, and declaring an emergency**, was read by Mayor Walls by title only. Councilman Bailey clarified for those present that these funds do come from the Fire & Rescue Fund, which receives the funds from the Fire & Rescue levy. It was moved by West, seconded by Bailey to approve Resolution #2341 as read by title only and declaring an emergency. Motion passed 6-0. Chief Miller advised that these improvements provide a grass truck which is able to get five people from the road to the fire and will be very useful to the Department. This resolution increased Fire & Rescue 2018 Permanent Appropriations by \$14,879.30.

It was moved by Bailey, seconded by Thompson to read Resolution #2342 by title only and declaring an emergency. Motion passed 6-0. **RESOLUTION #2342 – A Resolution authorizing the Village Administrator to file an application to The State of Ohio, to participate in the Community Development Block Grant Critical Infrastructure Program for the Northwest Sanitary Sewer Rehabilitation Project and declaring an emergency**, was read by Mayor Walls by title only. It was moved by Lynch, seconded by Bailey to approve Resolution #2342 as read by title only and declaring an emergency. Motion passed 6-0. Jarid Kohlriseser advised the Village's portion will be a 10% match for the grant.

Cook advised those present that the Garden Club has a scheduled work day on April 21, and hope there will be warmer weather. They will start in Legacy Park and plan to secure the statues. Time allowing, they will move to other locations. On April 26, from 4:30-6:30, the Historical Society's Beef & Noodle Dinner will be held at the school. On Wednesday, May 2, the Historical Society and the Fire Department are having an open house at the Fire House, that is the 100th anniversary of the fire that destroyed 32 buildings on East Main Street in 1918. It is open to the public. They would like the community to come down and get involved. The circus will be coming to Cridersville on May 15 as a fund raiser for Legacy Park. There will be a clown coming to town on May 7. Cook hopes that the clown will be able to visit

the school, Otterbein, and the Library that day. The Historical Society has taken out an additional rider policy to cover all insurance requirements for the circus event.

Steve Burtchin, 330 Onalee Drive, read a portion of a letter he had prepared to read to Council, pertaining to the issue of not being able to park some street legal vehicles on owners' properties, in driveways, etc. The current Zoning Code sets time limits that campers, trailers, RVs can be parked in front of houses without being moved to the side yard or backyard. He has a trailer that will need maintenance and he feels it will take longer than two days to do the work. He doesn't feel that one-size fits all legislation is fair. He also expressed his feelings that the Zoning Code was not passed fairly. Cook reminded him that there were public hearings held and the process was handled according to law. There were people in the Village who attended the hearings and voiced their concerns. Those reviewing the legislation gained helpful information from the hearings that was used in the new legislation, but unfortunately not everyone in the Village was happy with the legislation passed. Cook and other Council members stated that their responsibility is to the whole Village and what is best for everyone when passing legislation. Mr. Burtchin also distributed a two-sided paper to Council with comments from six area realtors regarding zoning restrictions in communities

Zac Hunsaker, 375 Onalee Drive, explained he received a permit to install a concrete pad in front of his house to park his trailer on. It is used for his mowing business. He was advised that according to the current Zoning Ordinance, the trailer can only be parked there for 72 hours, but must be removed for 72 hours before he can bring it back to that location. He was advised that he should talk with Paul Lynch, the head of the Planning Committee, about his concerns.

Mike Beal, 329 Onalee Drive, showed Council pictures of ruts made by the Post Office truck between the sidewalk and the street on Carlisle and Onalee. There are also ruts across the street. Chief Drake had asked Mr. Beal to get in touch with the Post Office. Chief Drake said it would be best to contact the Lima Post Office.

Jarid Kohlrieser advised that the gas company will have a project on West Sugar, East Sugar, North Waverly and North Gay Street from April 30 to June 1, to replace old steel lines. They advised him they would notify residents of these areas by letter and phone calls one week prior to construction. They will have a meeting at the Village Hall on April 18 and Council members are welcome to attend the meeting.

Resident Steve Burtchin observed an alley off Sugar and North looked new and unused. He was advised that the alley had been reconstructed last year. It is necessary for the Village to maintain the streets and alleys. He questioned why all properties don't have alley access. Cook explained that many subdivisions and older areas were never plotted with alleys.

It was moved by West, seconded by Cook, to adjourn the April 9, 2018, regular Council meeting. Motion passed 6-0.

Candace Stevely, Clerk-Treasurer

Rick Walls, Mayor