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Village of Beaverdam Minutes**March 3, 2020**

The Beaverdam Village Council met in regular session at the Town Hall with Mayor Pam LePine presiding.

The meeting began with Council member Neuenschwander saying a prayer. Mayor LePine then asked all to stand and say the Pledge of Allegiance.

Roll call was taken and the following Council members were present: Carl Murray, Todd Long, Jerry Neuenschwander, Frank Gillette, Thomas Nowlan, and Anthony Myer.

There were no corrections or additions to the agenda.

Council recognized Village Resident Fred Danser. Mr. Danser spoke in regards to the obstruction erected on the property opposite his. He was upset that Council has allowed it to remain erected. This is an area that patrons of his establishment have historically used as overflow parking. He gave a brief summary of past meetings he has attended, and questions and discussions he has brought to the attention of the Council. He brought up other properties around town that had junk, which were cleaned up after Council contacted the property owners. Mr. Danser asked why it was taking so long to get the property across the street from him cleaned up. He cited ORC 5589.01 and ORC 5589.03, and spoke to his interpretation of what those statutes stated. His definition of ORC 5589.01 is that it criminalizes anyone obstructing the road or road right-of-way. He feels that is the case with the property in question. His definition of ORC 5589.03 is that it is illegal for the Council to not "do their jobs", by getting further involved and enforcing the clean-up of said property.

Council Member Neuenschwander asked Attorney Van Dyne to give some advice and direction on the matter. Attorney Van Dyne advised that ORC 5589.03 does not apply to the Village Council. He also explained that placing items in the right-of-way of a road does not necessarily create an obstruction to the road. He reminded Council that if they are going to enforce a right-of-way clearing for this property, then they would need to enforce it for the village as an entirety.

Mr. Danser then spoke to the issue of him having been sued for imminent domain for his property where his business sat. Within the lawsuit wording he read, "please be advised, after the acquisition is completed no improvements, including fencing, may be placed in a new permanent right-of-way without written permit from the Village of Beaverdam." He then asked if the property owner had obtained a permit to construct the make-shift fence. The answer was no. Mr. Danser said that he had spoke to other small villages and said that they had expressed to him that if they were in the midst of a similar dispute, they would side with the thriving, tax paying business owner. He then asked if this issue could be addressed in a timely manner.

Discussion on the topic was held between Council Members. Attorney Van Dyne expressed that he did not feel it wise for Council the put up no parking signs on the property, as that would in effect be "taking sides" in this dispute. Council Member Gillette advised that letters had already been sent to the property owner to clean-up the property. Council Member Long spoke about how in the past, with other property owners, Council had continued to follow-up and press issues by taking the property owners to court. That was as far as Council could take an issue, and then they would have to start all over with the property owners. Attorney Van Dyne said that he would do some more research on right-of-ways, obstructions of right-of-ways, and what the Village's duty to do would be. Mr. Danser would like to be present for any further discussion of this topic.

There were no corrections or additions to the Meeting Minutes from the February 18, 2020 meeting. Council Member Gillette made a motion to accept the minutes and Council Member Nowlan seconded the motion. Roll call was taken: Carl Murray "yes", Todd Long "yes", Jerry Neuenschwander "yes", Frank Gillette "yes", Thomas Nowlan "yes", Anthony Myer "yes". **Motion passed.**

PAY BILLS - Ordinance 2020-10, a motion to pay the bills was made by Council Member Neuenschwander and seconded by Council Member Gillette. Roll call was taken: Carl Murray "yes", Todd Long "yes", Jerry Neuenschwander "yes", Frank Gillette "yes", Thomas Nowlan "yes", Anthony Myer "yes". **Motion passed.**

FISCAL OFFICER REPORT - A motion was made by Council Member Long and seconded by Council Member Murray to accept the Fiscal Officer Reports, which included; Appropriations

Held

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Summary, Fund Summary, Revenue Summary, Payment Listing, and Wage Withholding Summary through the date of 03/16/2020. Roll call was taken: Carl Murray "yes", Todd Long "yes", Jerry Neuenschwander "yes", Frank Gillette "yes", Thomas Nowlan "yes", Anthony Myer "yes". **Motion passed.**

MAYOR'S REPORT – Mayor LePine has placed a new policy regarding time off requests from employees. A note requesting the date off, reason for date off, and date turning in with a signature from the employee is now required.

Mayor LePine asked if Council Member Gillette had heard anything on the Swisher property that had been reported to the Health Department. No additional progress had been made.

Some residents had expressed concerns about the playground. They felt that it needs painted and needs new mulch when it dries up.

ATTORNEY – Attorney Van Dyne spoke about the Ohio Co-operative Purchasing Program. It would cost the Village \$100.00 to join. This program would allow the Village to purchase items at state bid pricing. Discussion was held about the benefits to the Village joining the program. A motion was made to join the Ohio Co-operative Purchasing Program. This motion was made by Council Member Nowlan and seconded by Council Member Myer. Roll call was taken: Carl Murray "yes", Todd Long "yes", Jerry Neuenschwander "yes", Frank Gillette "yes", Thomas Nowlan "yes", Anthony Myer "yes". **Motion passed.**

Attorney Van Dyne did adjust the wording on the proposed zoning ordinance. He stated that when changing zoning on eleven (11) or more properties, notice had to be given only in the newspaper. This notice had to be given at least thirty (30) days prior to Council's public meeting on the re-zoning. The proposed ordinance now needs to be referred to the Zoning Board for review at a public meeting. After that meeting, the Zoning Board can then be referred back to Council with a recommendation as to whether the ordinance should or should not be adopted. Council will then have their own public meeting, and will then vote to adopt the ordinance. It was decided to have a Zoning Board meeting on April 7, 2020 at 6:30pm, with the public meeting for the Council to follow at their regular meeting time.

There was some confusion as to how many copies of the 2020 Ohio Basic Code book were needed when it was originally ordered. Attorney Van Dyne explained that there was a new Magistrate, and so more books were needed. Fiscal Officer will order two (2) more books at a cost of \$40.00 each.

Finally, Attorney Van Dyne advised Council that the farm ground owned by the Village was no longer tax exempt because it was not being used for municipal purposes. However, because it is being used for farming purposes it does qualify for the Current Agriculture Use Valuation (CAUV), which will set the value and the taxes much lower than what they would be if it was being used for commercial purposes. Each year a report needs to be filed in order for the property to continue to qualify to use the CAUV and he has filed this report on behalf of the Village.

CORRESPONDENCE – Fiscal Officer Unverferth passed out copies of the Permanent Appropriations for 2020 to all Council Members. These are not normally approved until closer to the end of the first fiscal quarter. However, the Temporary Appropriations that were set were running too low to pay some of the Village's bills and the employees wages. A Finance Committee meeting will be held on March 7, 2020 at 7:00pm to look over the Permanent Appropriations and the committee will then recommend to Council whether or not to adopt them.

Village Administrator Leis talked about a potential new utility billing system.

OLD BUSINESS – Council Member Neuenschwander will contact Koogler Refuse and have them fax over a new contract with updated names, as the last one had the former Fiscal Officer's name on it.

Council Member Gillette informed the Council that there was nothing further to report on the properties that had been referred to the Health Department.

NEW BUSINESS – There was no New Business to discuss at this time.

COMMITTEE REPORTS

FINANCE – There was nothing to discuss from the Finance Committee at this time.

STREET- Village Administrator Leis has a list of the streets that need to be re-paved due to potholes and sink holes. He said that they would need to grind down the current street, cap off the manholes, and then re-pave. He has not obtained any bids for this yet. Council Member Neuenschwander suggested that the Council prioritize this project, as it would probably not be able to be done all at once.

SAFETY/TREES – There was nothing to discuss from the Safety/Trees Committee at this time.

BUILDING - There was nothing to discuss from the Building Committee at this time.

REC BOARD – There was nothing to discuss from the Recreation Committee at this time.

UTILITY - There was nothing to discuss from the Finance Committee at this time.

PROPERTY MAINTENANCE – There was nothing to discuss from the Property Maintenance Committee at this time.

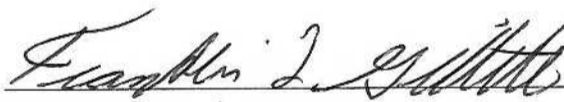
VILLAGE ADMINISTRATOR- Village Administrator advised Council that there were still issues with the dump truck. Maintenance Worker Long was still in the process of obtaining quotes for a new truck.

He advised that the Village that there would be an issue with changing out the pumps at the water plant. When the plant was first erected there were holes purposely left in the roof for when the pumps needed to be changed. This would allow a crane to come in through the holes and remove the pumps, and then to replace new pumps in the same manner. However these holes are much smaller than the size of the holes, and are also not aligned with the location of the pumps. This means that in order to replace the pumps new holes would need to be made. This is a project that will need to take place this summer.

With no further business, a motion to adjourn was made by Council Member Long and seconded by Council member Nowlan.



Mayor



President of Council



Fiscal Officer