

ZOAR VILLAGE COUNCIL MEETING
November 12, 2019

The Zoar Village regular council meeting was called to order by Mayor Scott Gordon at 6:00 pm at the ZVFD location.

Roll Call	David Irwin	Present	Judy Meiser	Present
	Paul Worley	Present	Gayle Potelicki	Present
	Hans Fischer	Present	Joe Potelicki	Present

Motion to approve the 10/8/19 regular meeting minutes as received and amended was made by Gayle and seconded by Hans. Roll call: All yes.

The following bills were presented for signature to be paid in November 2019.

Scott Gordon	150.00	Nov Mayor salary
Patricia Smith	420.00	Nov Clerk
OPERS	100.80	Nov Clerk
AEP	288.82	Oct Street Lighting
FIA Card Services	102.04	Street Supplies/Gravel/Mailing
Lacee Felix	247.50	Prosecution Sept/Oct
Speedway	20.47	Fuel
Village of Bolivar	1,318.75	Sept/Oct Police
BVFD	315.66	2 nd Half Rollback EMS
ZVFD	946.98	2 nd Half Rollback Fire
CNA Surety Bonds	340.00	Mayor Bond 2020-2024
Ohio Municipal League	235.00	2020 Membership Fee
ABCO Printing	63.04	Deposit Tickets with Shipping
Tusc Co Regional Planning	27.04	2020 Membership Fee

Motion to acknowledge receipt of financial statements and pay the monthly bills for November was made by Joe and seconded by Gayle. Roll Call: All yes except Judy who abstained her vote on the ZVFD payment.

Public Speaks:

See Mayor's Notes.

Fiscal:

Patty requested council approve Mary Ellen Gooding for year-end assistance. She thought it would cost approximately \$150 or less. Motion made by Gayle to allow, seconded by Hans. RC: All yes.

Patty explained she needed a Resolution to re-allocate 28.20 in the general fund from Electric to insurance and bonding to support the expense for the Village Mayor' bonding. She also needed to do a supplemental appropriation in the Fire Fund 2901 in the amount of 531.81 to allow payment of the 2nd half rollback to the BVFD and ZVFD. A motion was made by Joe and seconded by Gayle to suspend rules and regulations. Roll Call: All yes. Motion to pass Resolution 2019-25 as an emergency was made by Joe and seconded by Gayle. Roll Call: All yes. Judy had left the meeting early and was not a part of this vote.

Patty received a certified letter from the Ohio Division of Liquor Control concerning Kelly's Hospitality & Ventures LLC, DBA Donnies Tavern asking if the Village would like a hearing on the Liquor License permit. Council discussed

and Paul made a motion the Village sign without requesting a hearing, the motion was seconded by Gayle and all roll call vote was All Yes.

Hans suggested Patty begin recording minutes at all council meeting as was done in the past. He stated he is recording this meeting. Patty said the recording was done for the fiscal officer to use when doing minutes and that once the minutes were in hard copy form and approved by council the recording was obsolete. She expressed that several times residents demanded copies of the recording in a format to fit their wishes and this was not always easy to accommodate. Patty announced given the requests were causing a lot of time to take care of she proposed to council several years back that she did not wish to record the meetings any longer and there was no objection. She said one request took nearly 5 hours to accommodate the requestors wish that it play on their car CD player and that she was threatened by the requestor with charges if she did not comply. Scott commented that a recording of the meeting by anyone would not have any legal standing since it could be easily edited.

Hans stated he wrote a letter to the Ohio Ethics Commission in light of the recent filing by Mark Gaynor concerning the vote of Judy Meiser in favor of hiring Meiser's Mowing Service at the March 2019 minutes. Hans said he feels the minutes are wrong and that everyone missed this. Solicitor Doug Frautschy stated his notes indicate Judy did not vote on the selection of Meiser's Mowing Service at the bid opening of the March 2019 meeting. Patty agreed the minutes may be wrong as Judy always recuses herself of any vote concerning Meiser's Mowing and the Zoar Volunteer Fire Department. Scott felt the benefit of doubt has got to go in favor of Judy not voting and the minutes being incorrect because of Doug's notes. Gayle also voiced she felt the minutes are incorrect and Judy did not vote on the mowing contract.

Gayle would like Doug to have a copy of the minutes at each meeting. Patty said she would make sure Doug is given a copy.

Street Committee:

David said the truck and snow plow are ready for the winter season. He purchased a ton of rip rap and he and Scott installed it around a storm drain pipe near the entrance of Michael Lane.

David requested a motion to allow \$1000 for the purchase of salt. A motion as made by Joe and seconded by Gayle to allow the expense. Roll Call: All yes except Judy who disclosed the owner of the company the Village purchases salt from is her son-in-law and abstained from the vote.

David and Scott have finished painting all the crosswalks.

Safety Committee:

Gayle questioned Scott if he had anyone in mind to replace Kevin on the safety committee. Scott said that this will be done at the January Organizational Meeting.

The Buckeye tree was removed on the alley between 4th and 5th streets.

Planning Commission and Historic Preservation Commission:

PC approved a total of 3 permits: A sign for Design One, a covered patio for the Spillman residence on Michael Lane and the renewal of the conditional use permit (CUP) for Whitemyer advertising. Whitemyer advertising is currently in negotiations to purchase the property. There was no change in the terms and conditions of the CUP. The length of the CUP was however extended from 5 years to 10 years.

HPC will meet this Thursday, November 14, 2019. The Commission continues to monitor the exterior siding of the Zoar Tavern building and the USACE structural vibration analysis study for the levee construction work.

Cemetery Board:

None.

Solicitor Report:

None.

Mayor's Notes:

Patty advised council of the letter received from Haueter Landscaping on the new fees for grave openings and closings. She said the current rates charged the family will not support the increase Haueter is proposing to charge. She advised council to either find another less expensive grave digging company or raise the rates charged to the families. Gayle suggested going out to bid on this. Scott said he would talk with Todd Reynolds at Lawrence Township and Patty said she would talk with Ron Deal to see if either would like to bid on the burial contract. Patty and Scott will have information for the December meeting so this can be resolved prior to Haueter's price increase effective January 1st, 2020.

Patty requested Doug research the grant proposal from the Ohio Erie Canalway to make sure this would not require a full scale audit for the Village. She said she suspected this grant for \$3,250 could kick the Village into a full audit which would cost more than the grant, but after reviewing the auditing requirements under the Single Audit Act Amendments of 1996 and Revised OMB Circular A-133 "Audits of States, Local Governments, and Non-Profit Organizations", she interprets it may not. Doug said to call Jill Langler at Regional Planning for guidance.

Scott asked Charlie Meiser, Chief of the ZVFD to explain the warning letter received from the Ohio Department of Public Safety for the use of un-certified firefighters on ZVFD calls. Nancy Molnar, Staff Writer for The Times Reporter was also at the meeting seeking clarification from the Village and Chief Meiser concerning the warning letter. Chief Meiser explained there should not be any kind of warning given to the Zoar Volunteer Fire Department. He said he can use anyone to drag hoses, drive the truck, and assist when needed. He stated that the only restriction to using an un-certified firefighter is that this person cannot enter a burning structure. Chief Meiser stated he has never used an un-certified firefighter in a burning structure situation. Scott said he was of the understanding that the truck driver was required to have a CDL license. Chief Meiser stated this is not the case, the State of Ohio does not require a CDL to drive a fire truck. Chief Meiser emailed a copy of the department's attorney's response to the letter. Attorney David C. Comstock, Jr. stated in a response letter that he feels there has been a misinterpretation of the requirements of R.C. 3737.66 (B). This code section specifically states that: "a person who holds himself/herself out to the public as a volunteer firefighter must be either recognized as a volunteer firefighter or member of a private fire company or must have received a certificate under the Revised Code evidencing satisfactory completion of a firefighter training program". Attorney Comstock wrote: "if the legislature wanted every volunteer firefighter to be certified in the state, it would have indicated so by using the word "and" instead of "or" and that all firefighters on Zoar's roster have been duly recognized as members of the volunteer fire department".

Chief Meiser stated there were 10 call/runs last year. All calls/runs in the Village were false alarm calls. The ZVFD assisted with two runs outside the Village. The average response time was 5 minutes. Chief Meiser said this year to date there has been 13 calls, 9 false alarms in the Village, one service call, one water call, one fire call, and one motor vehicle accident outside the Zoar Tavern on SR 212. Average response time for this year to date is 5.7 minutes. Chief Meiser stated he will get a list of active firefighters to Patty as soon as he has typed the list along with each firefighter's certifications.

Patty said the Fire Contract with ZVFD will need to go out for bid as stated in Attorney Doug Frautschy's letter to council when Judy Meiser was elected on council. Chief Meiser said this is not the case as his attorney would like to see case precedence to support the bid requirement. Doug Frautschy will contact the ZVFD attorney and review the requirements. Patty stated the current contract can be extended until resolution of the bidding requirements. Scott encouraged council to extend the current contract with the ZVFD until March 31, 2020 and asked for a motion to do so. Hans made the motion to extend the Fire Contract until March 31, 2020. The motion was seconded by Joe. In a roll call vote David voted NO, Joe voted YES, Gayle voted YES, Hans voted YES, Paul voted YES, and Judy abstained from voting. The motion was passed.

Council discussed the levy issues needing to be placed on the ballot in 2020. The current expense levy of 2.3 mil and the Police Protection levy of 2.0 mil both are expiring at the end of 2020. Council discussed broadening the scope of allowed expenses in the police levy. It was decided to pass as an emergency resolutions requesting the County Auditor to certify the current tax valuations on both levies as renewals and as replacements. See Ordinance/ Resolution section of minutes. Council will discuss further when amounts are received from County Auditor.

Scott said the Zoar Market has been hired to correct the storm water flow situation on Michael Lane. They have not started work yet, but still intend to get this done this year. Scott had some concerns since grass seed will not grow when planted this late in the season.

Doug introduced easement documents for 2 properties on Michael Lane. Scott will review with the property owners and see if they agree with the documents. If they do accept the easements, council can pass an ordinance and the easements can be recorded at the County.

Scott requested Patty step out of the meeting briefly.

Council discussed Patty's salary and decided to give her \$450 per month beginning January 1, 2020. A roll call vote was taken and all present voted yes. Judy had left the meeting so she did not vote.

Ordinance 2019-14: Public Defender's Contract. 3rd and Final Reading. Motion to pass made by Gayle and seconded by Paul. Roll Call: All yes.

Ordinance 2019-16: Temporary Appropriations 2020. 2nd Reading.

Ordinance 2019-17: Fire Contract. 2nd Reading by title only.

Ordinance 2019-18: Police Contract. 2nd Reading by title only.

Ordinance 2019-19: EMS Contract. 2nd Reading by title only.

Resolution 2019-20: Auditor certification 2.3 mil general expense levy. Motion to suspend the rules and regulation made by Paul and seconded by Judy. Roll Call: All yes. Motion to pass as an emergency was made by Paul and seconded by Judy. Roll Call: All yes.

Resolution 2019-21: Auditor certification 2.0 mil police levy. Motion to suspend the rules and regulation made by Paul and seconded by Judy. Roll Call: All yes. Motion to pass as an emergency was made by Paul and seconded by Judy. Roll Call: All yes.

Resolutions proposals 2019-22 and 2019-23 no action taken/necessary until auditor certifies 2019-20 and 2019-21.

Resolution 2019-24: Authorizing the Mayor and Fiscal Officer to advertise for bids for Fire Protection Services. 1st reading.

Resolution 2019-25: Resolution re-allocating \$28.20 within the General Fund and appropriating \$531.81 additional appropriations in the Fire Fund to support current obligations and receipt of the 2nd half rollback on the Fire levy. Motion to suspend the rules and regulations made by Joe and seconded by Gayle. Roll Call: All yes. Motion to pass as an emergency was made by Joe and seconded by Gayle. Roll Call: All yes. Judy Meiser had left the meeting and was not present for this vote.

Meeting adjourned by Gayle and Joe.

Patty Smith, Fiscal Officer

Scott Gordon, Mayor

Date:_____