

**RECORD OF PROCEEDINGS**  
**Regular Council Meeting Minutes**  
**September 12, 2017 @ 7:30pm**

**Council Members Present:** Zircher, Lowery, Daily, Ertuncay, Felbaum, Tennant

**Council Members Absent:** None

**Present:** Scott Gilliland- Mayor  
Jamie Argyle – Fiscal Officer Trainee  
Brandon Roberts, Village Administrator  
Wesley Barton- Police Chief

Mayor Gilliland called the meeting to order at 7:30 p.m.; followed by roll call; led the Pledge of Allegiance to the Flag of the United States of America, and asked for a moment of silence for the US Armed Forces.

Minutes: Mayor Gilliland asked for Council to take a minute to review the minutes from 8/22/2017. Gilliland asked if there were any changes or corrections. Gilliland asked for a motion to approve the minutes; Councilman Zircher moved to approve the August 22, 2017 minutes, seconded by Councilman Felbaum. Roll call: Ayes: Tennant, Zircher, Daily, Lowery, Ertuncay, Felbaum. Nays: None

**Public Comments:** Mr. Andy Hunyady, representing the Knights of Columbus, urged the council members to pass the Ordinance to permit their organization to solicit in the Village of Lithopolis. The solicitation would help raise money for their Measure Up campaign which supports the physically and mentally handicapped.

Lori Ryan – Ms. Ryan stated that she helped with the Honeyfest this past weekend; She asked Mr. Gilliland if he was the one that took down the flags in the Village after the 4<sup>th</sup> of July; the Mayor confirmed that “they” take down the flags after the 4<sup>th</sup> of July. Ms. Ryan asked Mr. Gilliland if he was the one that personally took down the flags; Gilliland replied that he did take some of the flags down as well as Jon Abram and Brandon Roberts. Ms. Ryan stated she found in the firehouse the flags stored improperly in a trashcan and passed around photos of this to council. Mr. Gilliland asked Brandon Roberts, Village Administrator, if this was not the way the flags were stored and have been stored in the past. Roberts responded the flags should be rolled up and put away in the trash can and that the trashcan has not ever been used for trash.

Joe Taylor - Joe wanted to report that this was the nicest Honeyfest they have had. They estimated four to five thousand in attendance on Friday and fourteen to fifteen thousand on Saturday. Mr. Taylor also thanked Village employees and council members for their help with the Honeyfest. Mr. Taylor also advised that they were “tested” or “graded” by the Ohio Festival Association. The OFA walked around and stayed a couple of hours and commented to Mr. Taylor how nice the festival was. Mr. Taylor also asked if there was still a parking sign out and asked as to where so that he can get this taken down.

**Old Business:**

3rd reading of Resolution 05-17- approving the partial waiver of water fees at the Lithopolis Cemetery due to a water leak. Gilliland asked Amanda Wolin if they made their payment yet and Amanda stated not yet this month. Councilman Zircher asked that this was not an issue prior to 2017 and Gilliland advise that was correct and the leak has been fixed. Councilman Zircher asked if this was considered a “hardship”. Gilliland stated the cemetery doesn’t deny that the water was put on their property as a result of the water line break so we calculated what it costs to produce the water and the water overages above the normal we are selling the water at cost; we are not taking a loss and we are not profiting; this would be considered a “hardship”. Gilliland asked

for a motion to pass ordinance; Motion by Councilman Felbaum, seconded by Councilwoman Ertuncay. Roll Call: Ayes: Felbaum, Zircher, Daily, Ertuncay, Tennant, Lowery. Nays: None.

3<sup>rd</sup> reading of Ordinance 25-17 – an Ordinance allowing the Knights of Columbus to solicit in May 2018. Councilman Felbaum stated that their issue is not with the Knights of Columbus or with the fire department but that if we approve one we have to approve all solicitation requests. Councilwoman Tennant echoed the same comments as Felbaum. She does not want to set a precedence that this is what we do anytime someone wants to solicit within the village. Gilliland asked for a motion to pass ordinance. Motion by Councilman Felbaum, seconded by Councilwoman Tennant. Roll call: Ayes: None. Nays: Tennant, Lowery, Zircher, Daily, Felbaum, Ertuncay. Ordinance failed passage.

2<sup>nd</sup> reading of Resolution 06-17 - Accepting a gift from Simply Christmas in Lithopolis. Gilliland advised of a correction made to the resolution for the wording in section 2. "The Fiscal Officer is to establish a fund for receipt of the cash donation for the restricted use" and changed to "The Fiscal Officer to deposit the cash donation for the use of purchasing".

#### **New Business:**

1<sup>st</sup> reading of Ordinance 27-17- Appointing a new Fiscal Officer Jamie L. Argyle. Councilman Zircher asked if the Fiscal Officer is the point person for the Sunshine Law. Gilliland responded yes.

1<sup>st</sup> reading of Ordinance 28-17- Amend 2017 Appropriations Budget. Councilman Lowery asked if we were adding new coded lines. Gilliland stated this was just to transfer funds from General fund to these specific funds. Gilliland asked for a motion to pass ordinance. Motion by: Councilwoman Tennant and seconded by: Councilwoman Daily. Roll Call: Ayes: Felbaum, Ertuncay, Lowery, Daily, Tennant, Zircher. Nays: None.

1<sup>st</sup> reading of Ordinance 29-17- Adopting 2012 International Property Maintenance Code. Gilliland gave a brief overview stating we don't have attachment "A" yet, however Mr. Fultz and Gilliland are working on getting this to council. Gilliland stated that he has been receiving property complaints from village residents but do not wish to be identified-however; the complainant has to be identified if issuing a formal complaint. Gilliland stated as Mayor under the current ordinance he is not able to be the complainant as well as the appellate; creating an International Property Maintenance Code along with a code enforcement board and a code enforcement official this would allow the property maintenance inspector to issue citations for any code violations within the village. The appellate could then appeal to the code enforcement board and the board would decide to uphold the violation or not. Gilliland stated as soon as they get "Exhibit A" they will pass out to all council members. Councilwoman Tennant asked what are the biggest differences between ordinance 22-07 and this ordinance. Gilliland said he can get copy of that old ordinance to her if she would like. Councilman Zircher stated he received a document/ordinance from 2011 from Ed Vanvickle with some of the same code enforcements that are being requested in this new ordinance. Gilliland stated he only knows ordinance 22-07 and maybe what he has from 2011 was something they were looking to get done but did not. Councilwoman Tennant asked about "zone" areas and Gilliland advised that would be part of the "Exhibit A" that is to come. Councilman Lowery advised that Groveport has a good layout of property maintenance code as well. Councilwoman Tennant asked who currently enforces the villages code. Gilliland responded stating Amanda Wolin is to enforce the code. Gilliland also stated he spoke with the code enforcement officer for the villages of Amanda, Baltimore and Carroll. He is willing to do this for the Village of Lithopolis as well for a flat rate of \$175 per month.

1<sup>st</sup> reading of Ordinance 30-17- Emergency Pre-Annex Agreement for Stephen F. Gredicak. Amanda Wolin, in the audience attending council meeting; interjected and said there should be a correction to this ordinance. Correction should be to the property location and should say "East side" not "North side" of Winchester Southern Road as listed on the ordinance. Gilliland asked for a motion to suspend the rules; Motion by

Councilman Felbaum, seconded by Councilman Lowery. Rollcall: Ayes: Lowery, Zircher, Ertuncay, Tennant, Daily, Felbaum. Nays: None. Gilliland asked for a motion to pass ordinance. Motion by Councilman Zircher, seconded by Councilman Lowery. Rollcall: Ayes: Zircher, Ertuncay, Daily, Felbaum, Tennant, Lowery. Nays: None.

1<sup>st</sup> reading of Resolution 07-17- Accepting the rates and amounts set by the Budget Commission. Lowery questioned if this was the income tax or property tax. Gilliland clarified it to be property tax. Gilliland also stated to council that we do not receive the revenue without this resolution. Gilliland asked for a motion to pass. Motion by Councilman Felbaum, seconded by Councilwoman Tennant. Rollcall: Ayes: Ertuncay, Zircher, Daily, Tennant, Lowery, Felbaum. Nays: None.

### **Reports:**

Village Administrator - Brandon stated they are continuing to work on the list of projects from before Ed had left. One was storm water from east side, causing blockages to pipes. Also started on water line connect at Walnut Street that will come out of the TIF fund. Trying to build a loop so that it will help with the supply and demand and not create an emergency situation with people being without water; quoting a cost of approx. \$26,000 and should be done by end of week. Roberts also stated that communications has been an issue between the plant and the lift stations. He contacted an engineer and was given a quote of \$16,000 to put in all new radios. Roberts also stated he hired a contractor to address some of the drainage issues in town. Roberts also stated John is training Kevin and getting a lot of stuff done. They have been getting a lot less sewer calls now so they are getting better with that. Councilman Zircher asked Brandon what he thought about the work done on the East side athletics. Brandon stated it was quick and are still doing clean-up work. Zircher asked about the timing of it all and Brandon said that it was untimely and apologized that is was during the Honeyfest. Councilman Lowery asked about the Stoney Bluff condo update. Brandon responded that him and John have been taking samples testing for chlorine in the water which was found and stated there was a water leak under the buildings. Brandon encouraged the condo association to get the water pumped out quickly. Lowery asked if we could check the water output. Roberts stated since he was hired they have kept very defined records of how much water is produced and how much goes out. He has not seen much of a change at all but found it has been a problem since last winter. They need to get more data back to see if they have had a spike since last year. Councilwoman Daily stated she had a compliment for Brandon, that some of the vendors from the Honeyfest stated Brandon was very pleasant to work with.

Chief Barton: On August 23<sup>rd</sup> there was a shoplifter at one of the local business. He also shared they had training at the end of last month for Taser certification for their newest officer and pepper spray re-certification. Barton also stated they are having an issue with the Baltimore gun range and local residents having issues with the noise and safety. He is trying to find another gun range to use until this can be resolved. Barton advised that Officer Kocher last day was Saturday September 9<sup>th</sup> with the village.

Fiscal Officer: Jamie Argyle stated she had the bank reconciliation for August and passed around for council signatures; also noted the August books balanced.

Mayor: Gilliland stated a few months ago he asked council to spend money on the RITA audit. A RITA audit was done and they found 268 residents that were delinquent on their taxes. RITA sent letters out to each resident. They received only 80 replies to the letters therefore 188 subpoenas will be sent. Gilliland inadvertently stated these were for 2017 taxes and Councilman Lowery interjected stating 2016 not 2017. Councilman Felbaum asked if these residents have not filed their returns and Gilliland responded stating yes and or not paid their taxes. Gilliland also stated this was a two-year audit.

### **Round Robin:**

Zircher- Stated he has mentioned a having park sub-committee and that he has a few residents that are interested. However, he stated he found in council rules that there was a Public Works Committee and do we need a separate park sub-committee or should it be under the umbrella of the Public Works Committee? Scott asked Mr. Fultz to advise on this issue. Mr. Fultz advised to go ahead with the meeting but it needs to be decided to have a parks commission or parks board and there are certain laws for each. Zircher asked Fultz to send him the rules for both. Zircher also asked if the Mayor and Council Clerk were to attend this meeting. Gilliland advised yes that the Mayor and Council Clerk are to attend all meetings. Zircher asked if Scott and Jamie could attend a meeting Wednesday September 20<sup>th</sup> at 5:00pm. Both stated yes they could attend. Zircher also would like to establish special committee to investigate and make recommendations to allow the Mayor to have full-time or part-time hours as well as full-time or part-time job outside of office as well as compensation for the Mayor. Fultz stated you can have a special meeting of the council; stating if you have this meeting after the election it would not go in to effect for two years after\_election.

Lowery- nothing

Felbaum- stated he will not be at next council meeting

Ertuncay-nothing

Daily- nothing

Tennant- nothing

Gilliland then asked for a motion to adjourn. Councilwoman Tennant moved, seconded by Councilman Lowery. Rollcall: Ayes: Felbaum, Zircher, Daily, Tennant, Ertuncay, Lowery. Nays: None. **Meeting adjourned @ 8:34p.m.**



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**Grant Felbaum**  
President



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**Jamie L. Argyle**  
Clerk, Village of Lithopolis