

RECORD OF PROCEEDINGS

Lithopolis Village Council Meeting Minutes October 8, 2019

Council Members Present: Belek, Brown, Kidwell, Long, Wynkoop, Zircher

Council Members Absent:

Present: Joe Taylor – Mayor, Ed Van Vickle - Village Administrator, W.J. Barton - Chief of Police, John Browning - Solicitor

Roll Call, Pledge of Allegiance, Moment of Silence

Meeting Minutes:

- Taylor: Meeting minutes have been put together. Suggested Council takes them with them for review. A discussion about the meeting minutes can happen next meeting.

Public Comments:

- Tyler Khun
 - Van Vickle on Khun's water bill situation:
 - Van Vickle reviews history off the account. Former resident Susan Poling left 11/2.
 - Kuhns received the first bill 5/13 for 84,000 gallons from time after Ms. Polling left the residence until the time the Village sent the Kuhns a water bill.
 - The issue is there is a Mechanical brass meter in the basement. Connects to an electronic device that is outside so the Village does not have to go inside people's homes to read their meters. However, the Village couldn't get a read on the Khun's meter since November.
 - First read was 1343 reading.
 - Village dropped the ball in getting a prompt reading to the Khuns.
 - Valid case by Kuhns if they knew about accelerated water reads, they could have solved the problem sooner.
 - If you take the average use of 5,000 gallons a month for 5 months without a bill that's 25,000 gallons. If you subtract that from the 84,000 gallons then there is 59,00 gallons that legitimately could be disputed, which amounts to \$430.30.
 - Van Vickle has a concern before council addresses this issue about a water leak by Das KaffeeHaus. Investigated and found water was leaking in the basement of a house, and was not discovered by the owners. In one month, that residence used 186,000 gallons.

- So balance to be struck by Council. Once we start saying were forgiving water bills, have to be consistent.
 - Brown: Signs agreement in December. Next contact in May. Was there contacts before may?
 - Tyler Khun: received a bill in January.
 - Brown: It's an important factor that the Khuns were trying to follow up and stay on top of their water bills.
 - Tyler:
 - Has all the water bills they have received. But none of the bills have the usage on them
 - Paid fees for 1st three months.
 - Knew that trash, water and sewage wasn't a flat \$36.00 rate.
 - Kept constant contact because they knew fees weren't enough
 - Renovated house for 2.5 months. Everything was replaced.
 - Average usage those first 5-6 months was
 - Then after that July 16,000
 - Van Vickle: In the past to solve similar situations, someone on Council should propose a resolution, stating what amount to forgive and we just go from there.
 - Belek: We need to maintain a sewer rate, because Canal is going to want their sewer fee for the sewage.
 - Belek: Lets set a number and resolve this..
 - Van Vickle: just set dollar number.
 - Belek: Sewer fees have to be paid to Canal. Suggests forgiving \$400.
 - Wynkoop: Current balance on the account?
 - Tyler Khun: \$1866.08
 - Wynkoop: Suggests waiving \$866.00 to make the balance an even \$1000, for the sewer and water.
 - Zircher: Split it in half. In terms of precedent, this case is on the village because the Village was not sending them bill. This will not become a habit because it took the Village 5 months to get a bill.
 - Belek: The Khuns were proactive and shouldn't be penalized because they got
 - Eric Sandine: Come up with gallons of usage instead of using an arbitrary dollar amount. Then let the office calculate the water and sewer portions of the bill. If you just use an arbitrary dollar amount the auditors will take issue with that.
 - Van Vickle will make a resolution and come back with the exact numbers at the next meeting.
 - Motion by Belek
 - Second by Long
 - Roll: All
- Eric Sandine

- Mayor Taylor should be given opportunity to address accusation made at the last meeting that he had promised a potential property lease to the brewery. Mayor Taylor was not given a chance to respond, and he should be given the opportunity to address the accusation for the record.
- Taylor: "I didn't make any kind of promise."
- John Stertz:
 - Received letter from village about his campaign signage
 - Brown: Indicates she received the same letter about her signs.
 - Believes there are many signs that are misplaced throughout the village
 - Understands he is a write in candidate, and is fighting an uphill battle.
 - First wants to address Ms. Kidwell: "I've never said anything about you. You're nice person." "I wouldn't say anything negative about you."
 - Apologizes if others are spreading false rumors, but denies any involvement.
 - Stertz indicates that he received threats to end his political career by a council member spouse.
 - On the accusation that Stertz stole signs. "I have no reason. He's running for school board. I'm running for mayor."
 - Stertz doesn't like it when his character gets attacked and false accusations about him are made. Prides himself on honesty.
 - Brown: "John I have a question about that. Joe says he didn't make any promises about brewery..."
 - Stertz: "I'm just telling you what the guy said to me."
 - Brown: "Ok, so you didn't hear that specifically."
 - Stertz: "No."
 - Brown: "Ok, because somebody said I was standing right there when it happened."
 - Stertz: "No, it wasn't me."
 - Stertz says he feels targeted and singled out but apologies if offended anyone
 - Van Vick: we sent letter to anybody campaigning for local village office and board of education.
 - Letter says here are the guidelines are and that you can't put signs on public right of way
 - Trying to let people to know what rules are
 - Village has not yet pulled any signs

Mayors Comments:

- A) Dental Insurance renewal rate will increase by 3%= \$1.02 month each
- B) A motion for the Mayor, Council, Solicitor, Village Administrator to move into executive session to discuss the possibility of a lease of village owned land.

- Motion: Wynkoop
- Second: Kidwell
- Roll: All

- C) A motion back from Executive Session to Council Meeting
- Motion: Wynkoop
 - Second: Zircher
 - Roll: All

Old Business:

- A) Third, Reading an Ordinance adopting a New Policy and Procedures Manual for the Village of Lithopolis and repealing Ordinance 16-19
- Wynkoop: Inquires about what changes were made from previous version.
 - Van Vickle: The village manual says you have to work 40 hours a week to get insurance, while the insurance policy only actually requires 30 hours a week so we're changing our policy to align with the policy of the insurance company.
 - Motion to approve: Long
 - Second: Kidwell
 - Roll: All
- B) Third, Second Reading an Ordinance Providing Group Health Insurance for Village employees and repealing 19-18
- Wynkoop sponsoring
 - Motion to accept: Long
 - Second: Kidwell
 - Roll: All
- C) Third, Second Reading an Ordinance Providing Group Health Insurance for Village employees and repealing Ordinance 19-18
- Taylor: This was changed because the Village did not have student worker in the past.
 - Motion: Belek.
 - Second: Kidwell
 - Roll: All
- D) Third, Reading An Ordinance creating standard benefits and pay-grades for employees in the Village of Lithopolis and repealing Ordinance 11-18.
- Motion: Wynkoop.
 - Second: Long
 - Roll: All
- E) Second, a Reading an Ordinance authorizing the Village Administrator to enter into a contract with Fairfield County Soil and Water Conservation District to provide services related to compliance with the Village SWPPP plans and MS4 requirements.
- F) Second, reading a resolution requiring that ordinances and resolutions presented to council, be numbered prior to be voted upon and if passed by council be declared as an emergency
- Zircher: Inquires on if emergency language was added.
 - Browning: This can be considered a first reading of a resolution with emergency language

- Sandine: how are you going to number them?
- Wynkoop: numbering in consecutive versions of each ordinance/resolution so when we look at one we know which version of the document we are looking at.
- Sandine: If you just give it a regular number, it won't help when you have multiple version of each ordinance.
- Browning: Proposal would be to enact ordinance for volume one. Then enact an ordinance for volume two, etc. Then people would eventually get lost
- Sandine: We need to have a way to know what each change was. Unless every time you make a change you are going to make a new version. You don't want to leave it to the interpretation of the staff to create a policy to implement a resolution.
- Browning: We could number them at some point 2.1, 2.2, 2.3, etc. We're seeking to avoid problems that we've had in the past with the Polices and Procedurals manual. Presumes the numbering would be done the way the Village has done it the past 15 years.
- Sandine: Because the ordinance allows it to be done that way? Because we're essentially changing the way its been done for 15 years.
- Wynkoop: Points out that an index was kept of all ordinances and resolutions with title and their number. When a resolution did not pass, it was written that "resolution not passed."
- Browning: The one thing we can't have is missing numbers.
- Sandine: Codified ordinances is only the ones that passed. Shouldn't have ordinances that didn't pass in the codified ordinances.
- Brown: Other municipalities scan in even the ones that failed or were tabled on their website. They were marked at the top "failed" or "tabled." They were given a sequential number but there was some mark that indicated that it did not pass.
- Sandine: how are you going to do multiple versions of the ordinance?
- Wynkoop: Provision one, provision two, etc.
- Sandine: That needs to be in the resolution telling executive staff how to do it, or allow them to create a policy on how to do it.
- Taylor: So we need to add another section spelling that out.
- Sandine: yes, explaining how it's going be done.
- Van Vickle: Only weakness in having the administrative staff do it is that in doing it that way, any future administration can change policy. But not a resolution without Council action.
- Taylor: So we should have this edited for reading in 2 weeks.

New Business:

- A) Ordinance giving consent of the Village to the plowing of snow under the supervision of The Fairfield County Engineer. *Note:* This ordinance shall pass either upon 3 readings or suspension of the Rules. *ORC §731.17*

- Motion to suspend the Rules: Long
- Second: Wynkoop
- Roll: All
- Motion to Accept: Long
- Second: Zircher
- Roll: All

Officer Reports:

Fiscal Officer:

- Wolin not present
- Brown on Wolin's behalf: the zoning issue is set for the next Tuesday October 22, 2019 22nd at 7:00 pm.
- Application was not complete so Village did not meet the advertising deadlines so the meeting had to get pushed back.

Village Administrator:

- A) Possible Appropriation of additional money for paving project.
- No date yet. Reconstruction done everywhere. Guesses it is 2-3 day job. Email sent to try to do it October 10-11. Email considered, but no commitments.
- B) Pump at Rolling Acres
- Skimmed the top of the tank. Every time that is done the Village incurs a cost of \$165/hr to get the truck to skim off the top of the tank. Takes 3-4 hours by the time the truck does it and dumps it in Canal.
 - Going to incur additional costs because the Village is dumping on Canal Winchester's drying pad. Canal needs their drying pad so Van Vickle has spoken to Steve from Canal to get him quote for a reasonable charge.
 - Only other option is to dump in Columbus. Van Vickle's thinks that is cheaper in Canal, but won't know for certain until he gets a quote.
- C) Hawks Nest
- Van Vickle went out. Cat tails were 8 feet tall, and he went out with tractor and mowed. There was a lot of green vegetation that has to dry out before he can get it out of the ditch and know for certain what needs to be done. Will figure out best option.
 - There was also a broken field tile. Must back fill the tile. There was water in the tile.
- D) Building
- 39 lots in Phase Five at Wagnalls Run.
 - 3 or 4 more basements to dig.
 - Have completed about 32 houses since March
 - Village has been installing water meters frequently.

- Results: barricade on the road has to be removed because people are living on the other side of the barricade.

E) Lead and copper tests.

- Must be taken from individual residences.
- Containers not being filled correctly and results from testing lab returning invalid.
- Documents that have to be filed with EPA are burdensome. Takes at least 8 hours. But this has to be done correctly because it is important to keep the Village's right to pump water.
- The results came back with no detectable lead in the water.

F) Charges for West Port

- Spread sheet- calculate week after the Village repaired the water leak and used it as a baseline.
- Then went back 4 consecutive weeks before the water line was repaired.
- Average water loss
- 1 week before the repair: 327,887 gallons of water lost. (Dollars Lost: \$2,393)
- 2 weeks before the repair: 352,415 gallons lost. (Dollars Lost: \$2,569)
- 3 weeks before the repair: 125,293 gallons lost. (Dollars Lost:\$913)
- Total money lost: \$5,872.79
- Brown: inquired about what caused the water leak
 - Van Vickle: It was a stainless steel saddle that wraps around the pipe, where they tap for each individual house. The saddle has a rubber gasket that ripped and blew out. Village could not find it because none of the water came to the surface.
- There will be other fees for excavation and other costs like employee time spent that Van Vickle will calculate and report back with.
- Browning asks that Van Vickle's document, "Council Notes October 8th 2019" from 10/08/19 be stricken from the record as being improper campaigning nature.
 - Motion to Strike: Zircher.
 - Second: Wynkoop.
 - Roll: All

NOTE: Browning collected all copies of the document, placed them in a sealed envelope and will look into the matter for thoroughly to ensure he is correct to call the document political in nature.

Village Solicitor – N/A

Chief Barton

A) Agencies meet to discuss traffic safety issues.

- Sends Officer Rodrick to Fairfield County safety committee meetings
- Pushing for 674 Elder lane intersection safety issues

- Surveyors and engineers working together to come up with solutions to improve safety there.
- Biggest issue: sight line issues with vegetation or the way the road was made.
- Improved signage including LED stop signs might be the best solution.

B) Weapons Range

- Officers went for annual gun training.

Round Robin:

- Wynkoop: Regarding pictures from Van Vickle: Suggests the Village should look into doing assessments because this is a recurring problem that cannot be deterred without financial sanctions.
 - Van Vickle: That requires Council action because the administration cannot impose fees or fines without Counsel action.
 - Brown: How often does the Village have to do this?
 - Ed: Should be about every 6 months. Does not have the invoice to know exactly how much it costs but Van Vickle will calculate estimates for how much it costs to pull the pump, and to skim and dump.
 - Sandine: Canal has same problem. How do they deal with it?
 - Van Vickle: Yeah, they send the letter to the subdivisions that are causing the problem. No individual assessments but will double check.

Motion to adjourn: Wynkoop

Second: Kidwell

Roll: All

Meeting adjourned at 08:56 PM EST.