

VILLAGE OF BALTIMORE
COUNCIL MEETING
October 10, 2016
7:30 p.m.

Mayor Bradley Nicodemus opened the meeting at 7:33 p.m. with the Lord's Prayer and Pledge of Allegiance.

ROLL CALL: Members of Council present were Chuck Keller, Mike Hamilton, Bob Hankison, Jim Hochradel, Tony House, and Dwayne Mohler. Also present were Mayor Bradley Nicodemus, Fiscal Officer Kathryn Jenkins, Village Administrator Teri Wise, Solicitor Jeff Feyko, and Police Chief Mike Tussey.

APPROVAL OF MINUTES: Teri Wise asked that "scorer" be replaced with "District 17 representative Sue Spiker." Keller moved to approve the minutes with the requested change; Hamilton seconded. Minutes were adopted in a roll call vote, 4-0, with Hochradel and House abstaining. Keller moved to accept the minutes of the special meeting October 3, 2016, as written. Hochradel seconded. Minutes were adopted in a roll call vote, 5-0, with Mohler abstaining.

APPROVAL OF AGENDA: Keller noted that sponsors were not indicated for legislation on the agenda. Sponsors were added and, in the case of the tabled ordinance, corrected from Keller to House. Keller moved to accept the agenda as amended. Hankison seconded. Motion affirmed in a 6-0 vote.

VISITORS: Steve Kenney

PUBLIC COMMENT: None

VILLAGE ADMINISTRATOR (see report): On Tuesday, the VA, Engineer and Street Supervisor will attend a training session in Zanesville. During the session, the Ohio Department of Transportation will share their 2017 (and beyond) plans for state highways.

The Ohio Public Works Commission application was turned in at 2:30 p.m. Friday.

VOB has received a cancellation notice of commercial building inspection services from Lancaster Building Department. Holly Mattei of Fairfield County Regional Planning has suggested that VOB become a sub-department of the Fairfield County Building Department, adopt their process and then receive services from Toole & Associates. Toole & Associates representatives are willing to come to speak with Council and answer questions about the commercial process. The VA said she doesn't know what being a sub-department entails. The Mayor suggested asking Mattei how that would work; Mattei will be in town Thursday. Hochradel said Baltimore would be the first Village to come under the county building department's umbrella. Fairfield County townships are currently being served. Hochradel said that according to what he hears at Regional Planning meetings, contractors and townships are much happier with commercial inspections now. Hochradel said Regional Planning had some hesitation in taking on the county's villages because of what the additional workload may mean for staffing. The VA said she likes that the county building department is organized and thinks it would be good for VOB to be part of it.

FINANCE COMMITTEE: The next meeting will be at 6:15 p.m. October 24.

SERVICE COMMITTEE: House described a one-day project the Committee approved to alleviate slow storm water drainage in the first half-block west of Main Street, between West Market and Mulberry streets (across from Village Hall).

The Committee reviewed and recommended an ordinance that the Solicitor wrote for the Village of Carroll giving it the right to plug sanitary service lines in cases of nonpayment. House asked the Solicitor if he was comfortable with the ordinance and its notification requirements. Feyko said he was and that he had encountered no resistance within Carroll. The ordinance has not been tested yet. Some other communities have adopted similar legislation. House asked the Solicitor to prepare legislation for VOB. The Mayor asked if VOB can charge the customer for the cost of plugging and unplugging the line; the Solicitor said those costs could be assessed.

The Committee instructed the VA to send registered letters to the owners of homes known (by the

Village) to have sewer taps installed the wrong way. The letter will make clear that any damage that results from the Village jetting a line is the responsibility of the homeowner. It also will provide some information about solutions (digging up the lateral or installing a backflow prevention device). The Solicitor will review the letter to homeowners before it's sent.

The water tower report from the recent inspection is expected in the next few days. The tank was rated 4 on a 10-point scale.

The next meeting will be held at 6 p.m. November 14.

SAFETY COMMITTEE: The Committee met September 26. The Police Chief would like to change the configuration of the public entrance to Village Hall offices so that it is more secure for workers and has a better place for customers to wait for service. Hankison described the proposed changes. Because of cost, push-button access is more likely than key-card access.

The Street Supervisor will order the correct no-parking signs for Oak Street.

A code enforcement officer will start work November 1, the Mayor said.

RULES COMMITTEE: The Committee met October 3 to discuss the Village Engineer position. Wise said the Committee agreed that as long as Don Morrison is the Engineer, he will report jointly to the Village Administrator and to Council, as was his understanding at the time he was hired. After he relinquishes his position, the Engineer would report directly to the VA.

A draft of Water and Sewer Rules and Regulations is ready for Committee review. Hochradel asked for a copy of the water and sewer rules. The next meeting has not been set.

FIRE BOARD REPORT: The next meeting will be held at 6:30 p.m. October 20 at Station 610. Hamilton asked again about current fire levies and millage and Mohler said that he would get the information.

PLANNING COMMISSION: The Board of Zoning Appeals will consider two variance requests on Thursday, and the Planning Commission will begin its review of Fairfield County Regional Planning Commission's proposed changes to the VOB Zoning Code. An electronic version of the 160-page draft of zoning code revisions is available upon request.

SOLICITOR: Two new pieces of legislation are on for first readings, including the standard amendment to appropriations. The other authorizes VOB to enter a purchase agreement (\$1 each) with the Fairfield County land bank for two adjacent parcels on Market Street; and formally accepts the transfer of those lands to the Village. The property had been owned by Ted Castor and went through foreclosure. Feyko asked that the emergency language be removed so that the measure isn't adopted until the October 15 deadline has passed for the federal government to assert its right to any taxes.

Hochradel asked if there were any further legal action taken on the Begue property (South Company Street). The Begues have filed a notice of dismissal of their legal action against the Village. They had been waiting to see if anyone filed an appeal of Council's action rescinding its own action on an appeal of a BZA decision. The Solicitor said that based on Begue's records request from the Village, he believes Begue still intends to build on the lot.

Hochradel asked if the Solicitor has heard anything more about the intentions of Max Baer (Canal Road) to annex to VOB. The end of the annexation deadline's second extension is October 14; Feyko hasn't heard from him.

POLICE (see report): The Chief urged participation in the "community opiate forum" to be held from 6 to 8 p.m. October 19 at Christ United Methodist Church.

The department has some surveillance footage of youth getting into some general nuisance mischief in

the early hours of the morning. He reminds parents that they are responsible for damage done by underage children, and that children found out after curfew will be taken to the police department, where parents will have to collect them.

Phone scams have been way up over the last few weeks.

The Chief modeled a \$74 ballistic vest “carrier” that allows a ballistic vest to be worn over instead of under the shirt, thus extending the life of the vest and making it easily removable when not needed. He has ordered them for all officers.

The Mayor asked if problems involving juveniles were happening all over town or in isolated areas. The Chief said that most of the issues have been west of Main Street (Liberty, Company, Basil Park, Oak). In all but one case, problems were not reported till the next day, making it hard to catch the perpetrators.

Mohler said that scammers impersonating the IRS and Microsoft are incredibly demanding and threatening, and would be likely to bully an older person into giving up information. Mohler also asked for school-day morning patrolling in an alley off West Market near the high school.

Hochradel said he received calls following the last Fifth Quarter about several kids dressed in dark clothes on bicycles that had no lights or reflectors, and asked if VOB had an ordinance requiring illumination on bicycles. The Chief will check. Hochradel also said he gets complaints about police not being seen enough in some neighborhoods. As a rule, officers are supposed to be on “every street, every day” unless there is an incident that keeps them from patrol, the Chief said. Calls are up but staffing is down. The Chief volunteered to talk with residents who feel they aren’t seeing enough police presence.

MAYOR: October 15 is the last day to buy tickets for the murder mystery children’s theater fundraiser set for October 22 at the VFW.

The Mayor hasn’t heard from Tom Lilly personally but did see that Lilly paid enough back taxes to keep it off of the prosecutor’s foreclosure radar.

The water has been shut off at Baltimore Grill. A liquor license request still will appear on the ballot.

FISCAL OFFICER: In the two appropriations ordinances, only values within funds are changing.

MOTIONS: None

ORDINANCES and RESOLUTIONS:

FIRST READINGS:

ORDINANCE 10-10-2016-1

“AN ORDINANCE TO AMEND THE 2016 APPROPRIATIONS
ORDINANCE” – SPONSOR: KELLER

Keller moved to bypass the three-reading rule. Hankison seconded. Motion passed 6-0 in a roll call vote. Keller moved to adopt. Hankison seconded. Ordinance adopted 6-0 in a roll call vote.

ORDINANCE 10-10-2016-2

“AN ORDINANCE TO APPROVE A PROPERTY PURCHASE AGREEMENT
AND TO ACCEPT A DEED FROM THE FAIRFIELD COUNTY LAND
REUTILIZATION CORPORATION FOR THE TRANSFER AND
DEDICATION OF REAL PROPERTY TO THE VILLAGE OF BALTIMORE
FOR AN EXTENSION OF THE VILLAGE’S CANAL LANDS AND PARKS
AND OTHER MUNICIPAL NEEDS, AND A DECLARATION OF AN
EMERGENCY” – SPONSOR: HOCHRADEL

(FIRST READINGS, CONT'D)

Hochradel said the hope for the land the Village is acquiring is to help create a walkway to Smeck Farm. The Village has been mowing it weekly. The property is in the flood plain and can't be built upon. The Solicitor said that once the sale takes place, VOB will apply to have the property be tax exempt. The ordinance was held for a second reading.

SECOND READINGS:

ORDINANCE 9-26-2016-1

“AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES IN CONFLICT THEREWITH; AND THE DECLARATION OF AN EMERGENCY” – SPONSOR: KELLER

This cleanup ordinance is overdue, so the Solicitor asked it be passed. Keller moved to suspend the three-reading rule. Hamilton seconded, and it was affirmed in a 6-0 roll call vote. Keller moved to adopt; Hamilton seconded. A roll call vote yielded 6 yays, 0 nays. Motion carried.

ORDINANCE 9-26-2016-3

“AN ORDINANCE TO AMEND THE 2016 APPROPRIATIONS ORDINANCE” – SPONSOR: HANKISON

Hankison moved to suspend the three-reading rule; Keller seconded. The motion was affirmed in a 6-0 roll call vote. Hankison moved to adopt; Keller seconded; all six voted to approve.

THIRD READINGS:

ORDINANCE 9-12-2016-1

“AN ORDINANCE AMENDING CHAPTER 452 OF THE BALTIMORE CODIFIED ORDINANCES (PARKING) TO LIMIT TRAVEL TRAILER AND RECREATIONAL EQUIPMENT PARKING, AND THE DECLARATION OF AN EMERGENCY” – SPONSOR: HANKISON

The biggest change is the time limit for on-street parking, from 72 hours to 12. Hankison moved to adopt. Keller seconded. Motion carried 5-1 in a roll call vote, with Mohler dissenting.

RESOLUTION 9-12-2016-2

“A RESOLUTION EXPRESSING THE VILLAGE'S INTENT TO SELL SURPLUS VILLAGE PROPERTY BY INTERNET AUCTION, AND THE DECLARATION OF AN EMERGENCY” – SPONSOR: HOCHRADEL

Hochradel moved to adopt. Mohler seconded. Resolution adopted in a 6-0 roll call vote.

TABLED ORDINANCE:

ORDINANCE 6-27-2016-2

“AN ORDINANCE TO AMEND CHAPTER 1276 (PLANNING & ZONING CODE – SPECIAL REGULATIONS) OF THE BALTIMORE CODIFIED ORDINANCES TO ADOPT A SIDEWALK INSTALLATION POLICY AND THE DECLARATION OF AN EMERGENCY” – SPONSOR: HOUSE

No action taken.

(ORDINANCES, CONT'D)

SUSPENDED ORDINANCE:

ORDINANCE 7-11-2016-1

"AN ORDINANCE AMENDING CHAPTER 1026 OF THE BALTIMORE CODIFIED ORDINANCES (WATER AND WASTEWATER RULES AND REGULATIONS) IN ORDER TO UPDATE AND CLARIFY VARIOUS PROVISIONS" – SPONSOR: KELLER

No action taken.

OLD BUSINESS: Hochradel reported two property maintenance issues: a collapsing storage unit behind 626 W. Market St., and a collapsing roof in a garage housing a repair business at the corner of Oak and Kumler streets. Mohler said a garage behind a house near him also has a hole in the roof. All of these will be on the list for the new code enforcement officer, the Mayor said.

NEW BUSINESS: Council will consider a sewer shutoff ordinance at the next meeting, House said.

Hamilton asked if VOB wanted to take any action to limit where a medical marijuana business can locate. The Mayor said that banning it could expose the Village to a lawsuit, but restricting it to a certain area is fine. The Solicitor agreed that VOB should not prohibit it. Hochradel asked for more information about medical marijuana. The Mayor said that it consists of oils or edibles that are prescribed by a physician. Dispensaries must jump through a number of regulatory hoops. Hochradel suggested asking Holly Mattei for recommendations on how to zone it.

Hochradel said he received a complaint about 906 Bigerton, which is in bad shape. The lawn is now being kept in check, but there have been no utilities in the house for two or three years, and animals seem to be living under it. It is making the house across the street hard to sell. The Mayor put the house on the property maintenance list and asked the VA to send a letter.

Hochradel said that traffic at Kid Zone on Oak Street may require a change in traffic patterns in that area. The Mayor has also received complaints. The matter will be added to the Safety Committee agenda.

A house on the east side of Buchanan Street between Kumler and Bigerton has a tent in the front yard, a recreational vehicle beside the driveway, and "stuff all the way around the house." It needs a letter, Hochradel said.

Trees in the tree lawn on the north side at the intersection of West Market and Walnut need to be trimmed by the Village to improve visibility.

Hochradel also suggested that the Village find a location where the Post Office could place a mail drop that's easily accessible from a car. The Mayor said that the former VA asked the Post Office move the one they used to have, which was not in a good location. Some sites along Water Street or Tower Street (one way) were suggested as possibilities. The Mayor will talk with the Postmaster.

Mohler said that one-way signs on Kumler Street from Brown to Yencer aren't being observed. The Mayor will ask the Police Chief for more enforcement.

VISITOR COMMENTS: None

LAST CALL: House announced that it is his 46th wedding anniversary. It is also his daughter's

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24th wedding anniversary and his son's 18th anniversary (and somehow, he will get stuck with the dinner bill for all three couples).

ADJOURNMENT: The Mayor adjourned the meeting at 9:10 p.m.

Kathryn Jenkins, Fiscal Officer

Bradley Nicodemus, Mayor