

**VILLAGE OF BALTIMORE**  
**COUNCIL MEETING**  
**December 12, 2016**  
**7:30 p.m.**

Mayor Bradley Nicodemus opened the meeting at 7:30 p.m. with the Lord's Prayer and the Pledge of Allegiance.

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

APPROVAL OF MINUTES: The Mayor noted that the minutes of November 28, 2016 should be corrected to say Councilperson Hochradel in the Rules Committee report. Councilperson Hochradel notes that in the public comments that the skate park was not approved by the previous Mayor and Council; it was discussed. Hochradel moved to approve the minutes of November 28, 2016 as amended. Hamilton seconded. Minutes were approved with a 6-0 roll call vote.

APPROVAL OF AGENDA: Keller moved to accept the agenda as amended with the first reading of Ordinance 12-12-2016-2 noting Keller as the sponsor. Hankison seconded. The agenda was accepted with a 6-0 roll call vote.

VISITORS: Jerry Mock, David Donley, Rusty Mock, Greg Fisher, Jon Fisher, Jamie Mock, Ernie Mock, Jeff Shields.

PUBLIC COMMENT: **Jerry Mock** was there to discuss the shooting range. He had handouts of pictures taken at the shooting range. He said that they tolerate the conditions but what they will not tolerate is the lack of regard for safety. Mr. Mock believes that Baltimore is on a collision course to having a tragedy.

The first picture is of the pistol/rifle range. He said that he was assuming that the second page was the long rifle range. He said that the next several pages were of trees that are behind the backdrops that are to stop the bullets and that all of the trees have bullet holes which are 12 to 17 feet above the backdrop. Mr. Mock stated that this is inexcusable.

The next pictures are 12 to 17 barrels lining the range which Mr. Mock said have been shot to pieces. There are pictures of a pole barn with a hole and the bullet his son removed from it. He said that his son had addressed the Council and the police officer about this issue and has yet to hear anything.

The next pictures, Mr. Mock said, are of a black spot of a fire and barrels where there has been a fire. He pointed out a white spot in one of the pictures above a barrel. The next pictures are of a fire that burnt Mr. Donley's woods the night before Thanksgiving. The Mayor told Mr. Mock that if someone was shooting there the night before Thanksgiving, it was done illegally because the range had been closed.

The last page shows what Mr. Mock believes had caused the fire. He said that whoever was shooting there burnt their empty shell boxes and left.

Mr. Mock stated that safety should be a priority. He believes that the shooting range is far from being safe and the pictures show that. Mr. Mock said that they are trying to prevent a tragedy and that is what is going to happen. His suggestion is to shut the shooting range down because Baltimore has proven that they have no concern for public safety.

House asked Mr. Donley where the fire originated and which direction it was burning. **Mr. Donley** stated it started directly beside the range. The fire moved up the hill and burnt 30 acres of woods. House asked Rusty Mock what type the ammunition was in the charred box. House asked what time they heard them shooting at the range. He was asking because the range was to be shut down and if someone was down there shooting they were trespassing. House said that our police department might not have been in town to hear if someone was at the range shooting. They have been working on numerous felonies, week in and week out. He said that they can't even take care of normal calls half the time. House told the public that if they hear someone shooting at the range and no one responds, they

should call the sheriff's department.

**Greg Fisher** stated that he called the county twice because of the automatic weapon fire coming from the range and they said they would investigate. After the second time he called, the Chief of Police (he didn't know who it was at the time) called him. He said that the Chief told him that he had heard that he had called about the gun range. The Chief told him that everything was done according to the laws of Ohio.

Mr. Fisher said that the bank is the property line and they are shooting at his property. They pay taxes every year on this property and can't even enjoy it. Mr. Fisher said that something needs to be done. Mr. Mock said they should put a fence around the shooting range, put back drops that will stop a stray bullet, and be diligent in what we are trying to do here. The Mayor said that there is a fence around it at the public entrance. The only way to get in would be through the woods.

**Jeff Shields** said that he lives on Leonard Road approximately 1000 yards southeast of the shooting range. His house has been hit and they have called the Sheriff Department. They told him that if he didn't see the shooter they couldn't prove anything. The last time his wife and child were in the family room and a bullet came through the window frame and lodged somewhere in the wall of the house. The Mayor told Mr. Shields that Sgt. Collins wants to come out to look at the bullet.

**Rusty Mock** stated that ODNR says that a lot of outdoor ranges are closing because of issues of this sort. Most of them are building pole barns and shooting inside. His concern is safety and he hasn't heard anything since the last time he was here. Mr. Mock said that there have been three stray bullets hit residents' homes. One home was hit this past summer, one the day before Thanksgiving (and a fire was started) and one hit the barn of Rusty Mock.

VILLAGE ADMINISTRATOR (see documents): absent due to family emergency. The VA's report was given to all Council members.

A council member asked about the \$43,000 that was brought up at the last meeting. He didn't see it on the report and wanted to know if it had been taken care of. The Fiscal Officer said that it had been paid. Council member then asked if it came from last year or where did it come from. The Fiscal Officer said that she had written a purchase order in November of last year. Purchase orders get closed out at the end of the year and there had been no activity on the purchase order. Then in November of this year, we received an invoice for the total amount. Council member asked if we knew all along where it came from. The Fiscal Officer said that she hadn't known all along. She said that last year everything was confusion due to the change to a different accounting system and year end. Also, Conda was gone and we had two subs that weren't familiar with our old software or the new software. Council member asked when they close out purchase orders at the end of the year and you don't hear anything back how do you verify that they have all been paid then. She replied that if purchase orders aren't closed at the end of the year, there would be a problem because you can't spend money that is tied up in a purchase order. Many purchase orders are written and never used. Weeding them out at the end of the year is the easiest way to ensure that you have not restricted money in error. Companies usually don't do a years' worth of work and then bill you for it at the end. Usually you get incremental invoices, so this was an unusual case. The Fiscal Officer does purchase orders that are good for that fiscal year. The company didn't bill us or ask for payment until a full year after the purchase order had been written.

FINANCE COMMITTEE: The December meeting has been cancelled. The next meeting will be in January of 2017. The Fiscal Officer said that most of the usual reports for the end of the month have been passed out or were available at the meeting.

SERVICE COMMITTEE: The following was discussed in Service tonight:

- 5-year improvement budget, next step income.
- Next meeting will be in January 2017

SAFETY COMMITTEE: Minutes have been distributed. The Chief has recommended that "No Thru Traffic" signs be put at the alley on Oak Street. The Chief talked to Wagner and Sgt. Collins about the

round that went through the building and in the door. They felt it came from the Smeck Farm area. The Chief is going to offer a concealed carry class for the employees in April or May. The Mayor and Mohler said that we should set up cameras at the range. Hamilton said that the year before last there were 17 deer stands on village property by the wastewater. Feyko said to pull the deer stands down and lock them up. If they want them they will come asking for them. Feyko said that at the very least the area should be posted. It was suggested that signs be posted (that violators/trespassers will be prosecuted) around the area because it is believed they are sneaking in through the woods. It was also suggested that the police department be told that the range should be fenced in and the backdrops beefed up or the range will be shut down. House suggested that the Chief post on our website when any of the departments that are under contract will be at the range shooting. If you hear shooting call the police department or sheriff's department.

RULES COMMITTEE: At the last meeting they went over all of Hochradel's questions in the final draft of the Water/Wastewater rules and regulations. The question of giving vacation to other employees has not yet been addressed. The next meeting will be as needed.

FIRE BOARD REPORT: The next meeting will be December 15, 2016 at 6:30 at station 610.

PLANNING COMMISSION: Met Thursday December 8. They are in between drafts of the total zoning code rewrite. They discussed development standards. The Commission shied away from it because of the burden it would place on residents. We do not have a historic district so they decided to do what they could within our zoning code for now and revisit it if we ever get a historic district or have a need for it. The next meeting will be Thursday, January 12, 2017. We should have our rough draft number 2 for the zoning code rewrite.

SOLICITOR: Two new pieces of legislation are on the agenda for the evening. The Fiscal Officer would like to have both of them considered for passage this evening so that the books can be cleaned up. The solicitor would like to have a brief executive session after regular business to discuss some litigation matters.

POLICE: The Chief was absent.

MAYOR: The holiday tree lighting and Santa at the Griley House were well attended although a little wet. The Mayor reminded everyone that the village holiday party is December 23, 6:00 p.m. at Shades and to RSVP soon. He also asked that everyone look at calendar to set a date for the organizational meeting in January to get everything rolling for next year. **After discussion it was decided to hold the meeting on Wednesday, January 4 at 6:30p.m.**

FISCAL OFFICER: The Fiscal Officer explained the 2017 budget summary. She explained that the village does not have the revenue stream to do everything that the staff and Council would like to do. Hochradel asked about money transferred to the Water and Sewer Funds from the General Fund. The Clerk said not very much money, if any, has been moved from the General fund to the Water and Sewer Funds.

They are buying a new pump for the pool next year. The first half has been paid for.

MOTIONS: Keller moved to approve the November financials. Second was made by Hankison. Roll call vote was 6-0 with no discussion.

Keller moved to go into Executive session to discuss potential litigation and personnel matters with the Mayor, Solicitor and Council. Second was made by Mohler. Roll call vote was 6-0.

ORDINANCES and RESOLUTIONS:

FIRST READINGS:

ORDINANCE 12-12-2016-1

"AN ORDINANCE TO AMEND THE 2016 APPROPRIATIONS

ORDINANCES and RESOLUTIONS (CONT.):

FIRST READINGS (CONT.):

ORDINANCE" - SPONSOR - KELLER.

Motion was made by Keller to bypass committee. Second was made by Hankison. Roll call vote was 6-0.

Motion was made by Keller to suspend the three reading rule. Second was made by Hankison. Roll call vote was 6-0.

Motion was made by Keller to adopt Ordinance 12-12-2016-1. Second was made by Hankison. Roll call vote was 6-0. Ordinance 12-12-2016-1 adopted December 12, 2016.

ORDINANCE 12-12-2016-2  
"AN ORDINANCE TO APPROVE A FUND BALANCE  
ADJUSTMENT AND THE DECLARATION OF AN EMERGENCY"  
SPONSOR - KELLER

Motion was made by Keller to suspend the three reading rule. Second was made by Hankison. Roll call vote was 6-0.

Motion was made by Keller to adopt Ordinance 12-12-2016-2. Second was made by Hankison. Roll call vote was 6-0. Ordinance 12-12-2016-2 adopted December 12, 2016.

THIRD READINGS:

ORDINANCE 11-14-2016-4  
"AN ORDINANCE TO APPROVE THE 2017 BUDGET" – SPONSOR -  
KELLER

Motion was made by Keller to adopt Ordinance 11-14-2016-4. Second was made by Hankison. Roll call vote was 6-0. Ordinance 11-14-2016-4 was adopted December 12, 2016

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

Motion was made by Keller to put Ordinance 7-11-2016-1 back on the table for the 3rd reading at the next meeting. Second was made by Mohler. Roll call vote was 6-0.

OLD BUSINESS:

**Patio Railings on Downtown Business** – This matter will be discussed later in executive session said the Village Solicitor.

NEW BUSINESS:

**LIQUOR PERMIT HEARING? P TS BEVERAGE STATION, 522 N. MAIN STREET**  
(12/12/16) - This is a C1, C2, D6 permit. Council members decided that no hearing was needed.

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VISITOR COMMENTS: None

LAST CALL: Ugly Joes Fine Dining will hold interviews on Thursday.

The Mayor called for a five minute recess before going into executive session. Council came out of executive session at 9:40p.m.

ADJOURNMENT: House made a motion to dismiss and Hankinson seconded. A voice vote unanimously called for adjournment.

The Mayor adjourned the meeting at 9:40 p.m.

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Kathryn Jenkins, Fiscal Officer

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Bradley Nicodemus, Mayor