

**VILLAGE OF BALTIMORE
COUNCIL MEETING**

**August 8, 2016
7:30 p.m.**

Mayor Bradley Nicodemus opened the meeting at 7:35 p.m. with the Lord's Prayer and Pledge of Allegiance.

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

APPROVAL OF MINUTES: House moved to approve the minutes of the special Council meeting on July 13 and the regular Council meeting of July 25; Hankison seconded. Minutes were adopted in a unanimous roll call vote, 6-0.

APPROVAL OF AGENDA: Keller moved to accept the agenda and Hankison seconded. The agenda was approved in a unanimous roll call vote. Members of the fire department have been invited to attend the August 22 meeting to provide an update on their levy request, the Mayor said.

VISITORS: Jackie Abbott, Vickie Dupler, Donald Davis

PUBLIC COMMENT: Jackie Abbott said she and other property owners met recently with the Solicitor about the letter they received from the Village stating that if they did not annex to VOB, their water would be turned off and they would need to drill wells. She wanted to know the Village's purpose. The Mayor interjected that Public Comment was an opportunity for citizens to address Council, but that it was up to Council on whether to respond. If they annexed, would they be required to tap into the Village sewer lines. Donald Davis, who has two septic tanks and pays for Village water, asked for clarification about what annexation would mean to him in terms of costs or benefits. Davis said his wife attended the meeting the Solicitor had with those who live outside the municipality but purchase Village water. Hochradel said it was hard for Council to answer their questions since Council members were not at the annexation meeting with the Solicitor and VA. House said his understanding was that if those who received the letter signed an agreement to annex to the Village if their property ever became contiguous to the VOB border, their water bill would decrease (they'd no longer pay the out-of-village up charge) and they would be required to tap into the sewer only if there was a sewer line within so many feet of their property (state law). Other benefits include police protection, service from the service department, etc. Additional expenses would include paying a 1 percent income tax on earned income. (License plate fees would be unchanged, but a portion of the fee would come to Baltimore instead of going to the County.)

Hochradel said there is no plan to put in a sewer line near Davis's property, but that Davis could come under pressure from the health department, which is trying to prevent infiltration from rural septic systems into streams and ditches. Currently, the sewer line stops at Ace Hardware or the next home. The sewer tap fee to an existing line is about \$3,000. The cost of the line itself depends on whether it's a gravity-fed or forced-main sewer. Sometimes sewers are installed with block grant funding. Property tax assessments over a 10-year period are another possibility, Hochradel said. Abbott said her water is cloudy upon dispensing; that is partially because she is on a dead-end line. All three visitors said they would be willing to annex, and provided phone numbers so that the Solicitor can call them.

VILLAGE ADMINISTRATOR'S REPORT: Beginning Thursday, the VA will meet with the pool managers to review issues that arose during the season and their suggestions for improvement. A project book that the pool manager used to keep track of daily readings and concerns will be of help. The Street Supervisor has contacted a scuba diver to check the pool next week for leaks. All of this is in preparation for meetings to be held the week of August 29 to help the Village make plans for the 2017 pool season. After that, the VA plans to do the same kind of planning for VOB parks.

The VA intends to get staff, Council, and public input before deciding which street or maintenance projects to pursue in 2017.

September 13th is the target date for cleaning out the elevated storage tank and VOB will receive a condition report from the vendor within a couple of weeks following the maintenance. Because of his experience and reputation, the contractor doing the work is in meetings this week with the Ohio EPA

and they are participating in brainstorming sessions at the University of Akron.

A localized flushing of water lines to clear out sediment in the lines will be conducted overnight Thursday for streets west of Basil Street. All homeowners in the target area have been notified. It will not be a hard flush, but it will be a long flush and four employees have been scheduled to come in at 11 p.m. and work till done, then go home for the weekend. Samples for testing will be pulled at the beginning and the end of the flush.

The VA distributed a project cost table showing start-up and recurring costs for the sludge bags project in progress at the Wastewater Treatment Plant. A start-up date of October 15 has been set. Still to come are maintenance plans, ideas for metrics to measure the effectiveness of the new system, and a timeline.

Wise said she continues to review expenses and purchase order requests at the WWTP, challenging employees to get to the root causes of any breakdowns or equipment failures so preventive measures can be put into place to help maintain equipment and lower operating costs.

The VA said both OPWC grant projects are done and she and the Engineer will closed out with the state in the next few weeks. This quick turnaround will get VOB points that could be important in the next round of competition for grants.

VOB has received a public records request for a report and recommendations prepared by Ohio State University Extension for the Improvements Committee in 2006. The VA asked if any Council members knew what report this was and where it could be found. Later in the meeting, the Mayor said that, because of its age, the report may have been destroyed and be listed on a records destruction report.

A beautification committee in VOB wanted to know how to go about changing signs at Village entry points. Police Chief Mike Tussey said Rotary researched this issue and found that the Lion's Club erected the fence panels at entry points and to make a change in what's there, written permission from the Club is needed. Hochradel said that Rick Miller is the president.

Wise continues to be concerned about the security of back yard swimming pools after residents who received letters insisted that their (above ground) pools had walls and did not need fences. She is hoping that Holly Mattei of Fairfield County Regional Planning will have some clarification for her when the Planning & Zoning Commission meets Thursday night.

Kasey Farmer of the Basil Fire Department and the VA will begin to receive an email communication from Toole & Associates (a Columbus firm that does work for the City of Lancaster's commercial building inspection department) each time Toole goes out to do an inspection so that Farmer can go with them.

The intersection of Huntwork and Romulus was reported as hazardous because of 8-foot tall vegetation on one of the corners. Much of the foliage is in the Village's right-of-way, so the VA plans to send the Village out to trim it back if the owners (who have received a letter) don't.

Budget discussions with Village departments will continue this week with Wastewater, Water, and Parks/Pool. The VA will keep working to help department heads understand the content of the financial reports and how they impact each department.

The VA and office staff have created procedures and guidelines for the timely creation and storage of minutes and handouts from public meetings so that when public record requests are made, the requester gets everything they should get including the handouts which makes sure the VOB complies with the Ohio Sunshine laws. Minutes are to be created within five working days after a meeting and, once approved; they will be saved as unalterable .pdf files. The goal is to get paperwork into Council members' boxes by Friday. File folders have been created for Council members to use and reuse.

The last of the 2015 salt was delivered so that VOB could avoid paying storage.

The VA provided an updated copy of Action Items related to the ongoing water problems.

Hamilton asked if the VA had received any water complaint reports from North High Street over the last three weeks. Answer: Yes. They will be in our target flush area.

Hochradel asked about the status of follow-ups on 222 Oak Street – trash in the back yard, high weeds, trash in the alley; the house on the north boundary of Basil Park; and 808 W. Market Street. All have received letters and at least one problem has been addressed. The VA said she maintains a spreadsheet of complaints that she shares with the Police Chief. The Chief makes a copy of every “courtesy” letter he sends, in accordance with VOB’s procedures of dealing with cases of suspected zoning violations; these will be put in the address folders maintained in VOB offices. Bob Mapes (the Solicitor’s law partner) recommended that a photo of the alleged violation accompany the letter and be put in the file.

Hamilton said the former Domino’s Pizza location (North Main) has tall weeds and should receive a letter.

FINANCE COMMITTEE: No report or minutes. The next meeting will be held at 6:15 p.m. August 22 and minutes will be distributed by the end of this week.

SERVICE COMMITTEE: House said the Water Treatment Plant hosted the Service Committee meeting before Council. The place was “spic-and-span” and “looked fantastic.” A representative from Rumpke answered questions in responded to concerns from Council and residents including explaining the process for having upholstered items taken away (the procedure will be posted in the Village website). He had no answer for some questions but he will look into it and let us know. The Service Department will replace the transmission in the red service truck which will get us another three years out of it. The CDBG sidewalk project will begin next week. Minutes should be ready by the end of the week.

SAFETY COMMITTEE: Safety did not meet in July. The next regular meeting is scheduled for August 22.

RULES COMMITTEE: Another meeting is needed to discuss the workplace drug policy. The VA said it’s not a pressing issue and it was agreed to set a date at the next Council meeting.

FIRE BOARD REPORT: Nothing new to report except that the medic is back in service. Rob Cooley and Kasey Farmer will be on the agenda August 22 to talk about the levy request on the November ballot.

PLANNING COMMISSION: Regional Planning began its review of the VOB Zoning Code at the July 28th meeting. The Mayor said they covered a lot of ground. Required parking for businesses ended up being the hot topic and some areas of expected contention turned out not to be. One well-received proposal was to list specific usages in a table that shows which districts allow that use as C (Conditional) or P (Permitted), so it’s easier to understand, reference, and update. Regional Planning will continue its code review with the Planning Commission at the 7 p.m. August 11th.

SOLICITOR: No report, the Solicitor was on vacation and Bob Mapes attended meeting for Solicitor Feyko.

POLICE: The on-again, off-again nature of this year’s festival resulted in some staffing problems with Saturday’s parade, and will lead to some recommendations by the Chief to the Mayor and VA.

The portable digital radios have resolved communication issues for the time being, and the Chief has received a sample of an external ballistic vest.

The Chief provided figures showing how a crashed Crown Victoria ended up (through the talents of a reserve office and some dealing with the insurance company) providing the Village with both a repaired #752 and another 2008 Crown Victoria to be used by the School Resource Officer, both for a total of

\$872.04.

MAYOR: The festival pageant was held in the Opera House on August 4, its first public event after receiving its occupancy permit. Another event is planned for September 18.

Hiring of a Code Enforcement Officer has been delayed to make sure all costs associate for this position are account for so we stay within the budgeted amount for this position. The Mayor had set aside \$7,500 for the work, money which came from splitting out the zoning duties from the job description of the Village Administrator. If the Code Enforcement Officer is a part-time employee, then the Village may have to pay health insurance benefits at a cost of over \$400 a month. Going the independent contractor route means that health insurance doesn't need to be provided but Workers Compensation coverage should be. The Mayor said that while the current workaround of code enforcement (using the VA and Police Chief) may not be ideal, it is working. He wants more time to go through the numbers so that he can be fiscally responsible and make sure VOB doesn't spend more than half of the money budgeted for the position for insurance costs. It may need to wait until next year. Meanwhile, the Solicitor has been asked to look at the Village's responsibilities under new Department of Labor guidelines and the Affordable Care Act.

FISCAL OFFICER: Was excused from the meeting. No report other than the appropriations ordinance on the agenda.

MOTIONS: Keller moved to go into executive session with only Council members for "personnel reasons." Mohler seconded. The motion carried 6-0 in a roll call vote.

ORDINANCES and RESOLUTIONS:

FIRST READINGS:

ORDINANCE 8-8-2016-1

"AN ORDINANCE TO AMEND THE 2016 APPROPRIATIONS
ORDINANCE" – SPONSOR:

Exhibit A was not included and, in absence of the Fiscal Officer or any paperwork, it was left as a first reading.

THIRD READINGS:

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

Hochradel suggested that the ordinance go back to committee. In reading it, he came up with two pages of items that need to be looked at, from very minor to very major.

Hochradel said the ordinance does not address Council's desire to have documentation on customers who want to be disconnected because they have a vacant lot, have lost a house, and don't want to pay a water bill.

He advised removing the section on temporary termination, making the following points:

- In some cases, one shut-off serves multiple housing units.
- It will reduce water and sewer operating revenue by an unknown amount.
- It will create more work for water and sewer departments – work that the \$37.50 fee charged for turn-offs and turn-ons may or may not completely cover.

- What is the true cost of operating the water (and distribution) departments for each of the 1,363 units served? What is the true cost of operating the sewer department for 1,361 units served? Hochradel said he thinks the true cost is going to be over \$100 when the minimum bill is about \$75. The sewer plant is operating in the red and VOB can't find a way to put aside money to replace the four membranes, so how can the Village give up \$16.50 a month anytime a unit is unoccupied?
- The new equipment in the water plant hasn't been operating long enough for VOB to know the true cost of operation. VOB does not yet have a plan to pay for the new equipment, and the elevated water storage tank could need extensive work. Of the \$10 a month water debt charge that customers pay, about \$4.75 goes to pay the debt on the ground tank. The remaining \$5.25 (or \$7,155.75 a month for all customers) goes toward a \$10,915.29 monthly WTP debt payment to Peoples Bank. The \$3,759.54 balance each month comes from the operations budget, leading Hochradel to conclude that the Village can't afford to give up any income. Can VOB tell year-round utility customers that they may have to pay more each month to keep the plants operating so that people in the rental business can pay less but still have services available for renters when needed, Hochradel asked.
- Some rental units sat vacant and in disrepair for months or years until landlords were required to pay water and sewer every month on unoccupied units.

Other items also need corrected, Hochradel said. The Mayor said typos could be easily fixed. He asked why Hochradel was bringing up these issues now instead of after the first or second readings. Hochradel said the VA asked for his input after the second reading, so he read it. Hankison pointed out that the reason for three readings is to provide more opportunity for comment. House said it sounded like Hochradel has some legitimate concerns that he had not identified when he read the ordinance.

House said he thinks the proposed legislation is better than the current rules and regulations. The question is whether to pass it and then start the process again, through the Rules Committee, to address Hochradel's concerns; or to send it back to Rules now. Either way, House said, it should return to Rules. He favored waiting to pass an improved ordinance.

Keller was concerned about passing it with the temporary shut-off provision, then turning around and eliminating it. Hamilton agreed that the details should be straightened out before the legislation is passed. The VA said the Village needs the Solicitor's help on determining what to do on Section 7 (temporary shut-off) since, as is, the Village is charging a person for services they aren't using, a circumstance that residents are challenging.

Hochradel asked if water and wastewater employees were given a chance to provide input. Missy (office) was; Brad (wastewater) and DJ (water) weren't. He also suggested that a section be added outlining who is responsible for paying to test the accuracy of meters.

Mohler said that Pickerington does a handful of shut-offs for snow birds and does not charge for shutting off and turning on. Hankison observed that costs in Pickerington are spread across many more customers.

Hochradel asked what is to stop the landlord of a building with one shut-off from saying that a unit is unoccupied and then not reporting it when the unit is rented. New construction must have shut-off valves and meters for each rental unit, but older units often have a single meter and shut-off.

House asked to table action on the ordinance. The Mayor said that the proper procedure is to move to adopt the ordinance, and then to amend the motion to suspend it and send it back to committee. He said it's not possible to send it back to committee on a third reading. Another option is to vote it down and start again. Mapes affirmed that the procedure the Mayor outlined is correct.

Keller moved to adopt ordinance 7-11-2016-1. House seconded. Hochradel moved to amend the motion to suspend the ordinance and send it back to committee. Mohler seconded the amended motion. The amended motion carried 6-0 in a roll call vote.

ORDINANCE 7-11-2016-2

“AN ORDINANCE AMENDING CHAPTER 240 (EMPLOYEE MANUAL OF PERSONNEL POLICIES AND REGULATIONS) OF THE BALTIMORE CODIFIED ORDINANCES, IN ORDER TO UPDATE THE CELL PHONE USAGE PROVISIONS” – SPONSOR: KELLER

Keller moved to adopt. Hamilton seconded. No discussion. The motion carried 6-0 in a roll call vote.

ORDINANCE 7-11-2016-3

“AN ORDINANCE AMENDING CHAPTER 280 (ETHICS) OF THE BALTIMORE CODIFIED ORDINANCES IN ORDER TO PROVIDE FOR ETHICS TRAINING FOR VILLAGE EMPLOYEES” – SPONSOR: MOHLER

Mohler moved to adopt. Hochradel seconded. No discussion. The motion carried 6-0 in a roll call vote.

ORDINANCE 7-11-2016-4

“AN ORDINANCE TO AMEND CHAPTER 1042 (CEMETERIES) OF THE BALTIMORE CODIFIED ORDINANCES, IN ORDER TO UPDATE VARIOUS FEES” – SPONSOR: HOUSE

House moved to adopt. Keller seconded. House affirmed that the Solicitor said that former Baltimore residents who left the community to enter an assisted living facility would qualify for the discount in the same way as residents who move to nursing homes. The motion carried 6-0 in a roll call vote.

TABLED ORDINANCES:

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.

OLD BUSINESS: Hamilton asked for an update on the fence next to the Baltimore Grill. Bernie is in a 30-day period to complete the work, members stated.

House said that VOB has been very patient with a recreational vehicle situation on Hansbarger. Part of the promised work has been done but, despite favorable weather, a drive hasn't been finished and the RV hasn't been moved to the back of the homeowner's lot. House requested that a letter be sent outlining options: finish the work and move the RV or find another place to put it.

NEW BUSINESS: Wise asked Council members to take a look at the website since we have begun posting updates on the water situation, projects and other communications for the residents viewing.

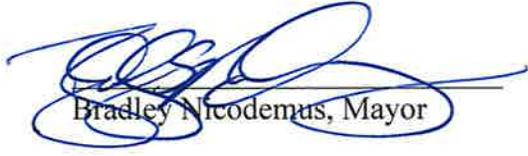
LAST CALL: The Mayor said he did not think he could legally be excluded from the Executive Session since, as the presiding officer of Council, he is a member of the Public Body. Mapes said he thought the Mayor was correct. Council agreed to include the Mayor

EXECUTIVE SESSION: Council recessed into Executive Session at 10:10 p.m. Council returned to regular session at 11:14 p.m.

ADJOURNMENT: House moved to adjourn; Hankinson seconded. All present agreed in a voice vote at 11:14 p.m. The motion carried 6-0 in a voice vote.



Kathryn Jenkins, Fiscal Officer



Bradley Nicodemus, Mayor