

VILLAGE OF BALTIMORE
COUNCIL MEETING
February 13, 2017
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, Jim Hochradel, Tony House, Dwayne Mohler, Mike Hamilton and Bob Hankison. Also present were Mayor Bradley Nicodemus, Police Chief Mike Tussey, Solicitor Jeff Feyko, VA Teri Wise and Fiscal Officer Kathryn Jenkins.

APPROVAL OF MINUTES: Hamilton noted a couple of minor changes were needed to the minutes. He was looking at the wrong meeting minutes and he stated he would get with the VA about them. No other changes were noted. Keller moved to approve the minutes of January 23, 2016 as printed. Mohler seconded. Minutes were approved with a 6-0 roll call.

APPROVAL OF AGENDA: Keller moved to accept the agenda and Mohler seconded. The agenda was accepted with a 6-0 roll call vote.

VISITORS: Members of the Zion Pickerington Church, Mathew Deskins, Family and Friends of Officer Deskins, Greg Vannatta.

PUBLIC COMMENT: Prior to the public comments, Mayor Nicodemus swore in Officer Mathew Deskins and Chief Tussey presented him with his badge. He will serve as a part-time officer for the Village of Baltimore.

Greg Vannatta - resident on Mill Street - wanted to make sure the Council knew the situation and what is going on or happening at **206 Mill Street**. He stated the owner / occupant has moved back into the home and runs a generator at all times of the day and night. Mr. Vannatta does not like the fact the exhaust hose coming out of the garage from the generator is pointed towards his house producing a lot of noise. The noise from the generator running is making it impossible for him and his family to get a good night's sleep. He said that they are running fans in the bedrooms trying to drown out some of the noise. He was wondering if there was a noise ordinance that could help with the situation. He also is still bringing in water to the resident.

Mayor stated he had a conversation about this property with the Code Enforcement Officer and he is aware of the situation. Mayor said in order to do a public nuisance we have to have facts collected and file an action. The Mayor said that it reasonably could be argued that it was a low level disorderly conduct with the exhaust and noise.

Mr. Vannatta said that the property does not have water service and is having water hauled in. Mr. Vannatta said that there is also trash lying around the house. Mr. Vannatta said that he pays for water and sewer and trash pick-up and wonders why this person does not have to do so. He said that adding the charges to the property taxes is not a good solution as the person will never sell the house. The Mayor said that he does not like to assess taxes because you never collect on it.

The Mayor said that forcibly removing someone from their house is not an overnight process. Mr. Vannatta said that he understands that.

The Mayor said that in the near future he is going to ask Council to have an ordinance that requires trash pickup in the Village.

Councilperson Hamilton asked if he is getting a bill and was told that he was. Mr. Hamilton then asked if he is using our sewer service without paying, wouldn't that be theft of services? The Mayor said that this was the same situation with Green Gourmet. He said as soon as the village has an ordinance permitting it, sewer service could be ballooned or blocked for nonpayment.

This situation with this home has been going on for 2 -3 years now and he is really tired of the situation. The occupant puts his trash outside of his home where it collects. He also stated he knows he has the generator running because he has no utilities service to the home including no running water and that is probably water is brought into the occupant and placed in a large holding device. Even if he wanted to put his home on the market for sale he knows between the noise and trash he could never sell it.

Chief Tussey said that he needs to check with the county prosecutor but he believes once there are enough complaints compiled, a public nuisance can be declared and the owner could be cited into Mayors Court. The Chief said that he desperately needs people to call in each time there is an occurrence and file a formal complaint which would include leaving the complainant's name. He said that an anonymous complaint does not help. The Mayor said that persistent and continuous police reports need to be filed. The Chief said that one of the tripping points is that the person in question has been declared legally blind and so they have to be sure that they are not violating that section of federal law.

Mr. Vannatta reiterates he does not want to cause trouble but he wants to tell Council what is going on. Mr. Hochradel asked what number should be called and the Chief said that the sheriff's dispatch number was the number to call.

There were no other public comments.

VILLAGE ADMINISTRATOR – Report attached. Below are some highlights of the report:

- Johnson Park shelter house is now being rented.
- Eagle Scout project will be completed by March deadline
- Seasonal street worker will be coming back early to compile an inventory list of the park play equipment and also review of stop signs and identify the ones that need repaired.
- Street patching is being done from East to West in the Village. Also remember there is a request section on the website for potholes and street light outages. Streets will be completed before alleys
- Vac truck is now fixed and running with a couple of in house repairs to do yet before it is ready for use
- Hydrant replacement project has started and the first on the list will be the non-functional or not-working hydrants. We will continue until all of the identified hydrants with issues are repaired or replaced.
- Elevated water tank contract has been signed and sent off and we are waiting on start date.

- Transducer went out of the elevated tank last weekend and part was shipped on Monday and it has been replaced. There was no disruption to service to the residents.
- Looking at new water and sewer software billing service.
- Radio read meter replacement addresses have been identified and we will start calling and making appointments for installation.
- The GE maintenance agreement for the WWTP is now in place and we will be identifying specific dates for 2017 in the near future
- WWTP staff has made major steps in organizing parts and items throughout the plant and have started with inventory and maintenance data bases. They will identify critical inventory parts we should have on hand.
- Draft #2 review of the zoning and planning rules and regs was completed and we will be moving to the next and final draft.
- Received the first 2 zoning requests for 2017
- The job for the Administrative Assistant was posted on website, newspaper and Ohio Means Jobs and we have received 37 applications at this time.
- OPWC project has been sent to Columbus for final approval according to Sue Spiker our regional liaison. Looks like we will probably get this grant for street resurfacing.
- Met for the second time with Fairfield Economic Development specialist to talk about what the Village has to offer
- Safety training will be in Pickerington next month for the street staff with Tim, Joey and Tyler attending.

Councilperson Keller asked about the intersection on Huntwork and the foliage blocking line of sight. The Chief said that the woman did cut everything down but now the vegetation is growing up again. We will have to send a letter to home owner stating it is in village right-of-way and it needs to be cleaned up.

Councilperson House noted that Councilperson Hochradel's name needs to be removed from the BZA committee membership list. Also Councilperson Mohler has replaced Councilperson Hochradel on the Planning and Zoning Committee. VA will revise the list and redistribute.

Councilperson Mohler asked if CMI was one of the billing software systems we will be looking at. This is the software Pickerington uses. VA will review the software and add to the list for possible new software.

FINANCE COMMITTEE: Chairperson House stated the **next meeting will be fourth Monday of this month (2/27) at 6:00 p.m.**

SERVICE COMMITTEE: Chairperson Mohler reported they met on the 23th of January and would be meeting again on February 20. It was a short meeting but they were able to review goals and established the goals for 2017. Don did a presentation on Acker's Ditch which took up most of the time. **Next meeting will be February 20th at 5:30 p.m.**

SAFETY COMMITTEE: Chairperson Hankison stated they met at 6:30 p.m. on Monday, January 30th. The Committee talked about the firing range in depth. Mr. Collins from Sheriff's department made his case of using the range when it was shut down in the winter. It will be a limited amount of rounds and

the reason is the snipers must fire each month to calibrate their sites. The Committee also would like to post the schedule on the website so everyone can view who will be shooting at the range and the days and time they will be shooting. Committee also talked about securing the range with a fence and video's (hopefully this year) which would keep people from wandering in and using it.

Lastly, they talked about Cliff Street no parking on the South side of the street from Main Street east to the Alley since it is hard to get Village trucks and plows through that area with parking on both sides. Cliff Street from the alley beyond is already no parking on the South side of the street.

The Mayor would like the Safety Committee to schedule a meeting so the Baltimore Festival committee can come and discuss their plans. Chairperson Hankison set the next **Safety Committee meeting for the 2nd Monday in March – March 13th @ 6:00 p.m.** Mayor will let the festival committee know of the next meeting date and time.

RULES COMMITTEE: Chairperson Keller stated they have not met for a month and have nothing scheduled.

The Mayor stated he has something for them in regards to the applications we are receiving for the Administrative Assistant job. Mayor stated the selection process is as follows: Missy receives applications without opening gives them to the Mayor who then redacts any names or information that could identify the applicant. The VA then reviews each numbered applicant and places them in a scoring matrix identifying the top ones that will be interviewed by Kathryn, Missy and VA.

Currently our Village rules and regulations state that anyone related to an elected official cannot apply for a Village job. He would like to have this rule changed especially since this position reports to the VA or Mayor or Fiscal Officer and other elected officials will not be directing or have oversight over the position. This situation is different than having a family member report directly to a family member who is already employed with the Village. VS Feyko stated it is common for relatives of elected officials to work for an entity they are elected to. The Village will need an ordinance to amend the Rules and Regs to eliminate this rule. VS stated a motion to remove it can come from Council tonight and bypass Committee so we can proceed with this selection. VS has no issue with this direction tonight in Council but asked for wording for the ordinance for next meeting. This item will be brought up later in tonight's agenda under motions. Nothing more at this time for Rules and **next meeting to be determined as needed.**

FIRE BOARD REPORT: See attached report. Mohler reported they had their organizational meeting for the year. One of the biggest issues going on right now was the replacement of one of the team members. They are in process of going out to bid for a new medic but no final numbers yet as to cost of a new vehicle. They also discussed a mobile undercarriage wash unit. This would help remove the salt brines, beet juice, calcium, etc they are placing on the roads that are eating or destroying the frames gas lines, break lines, etc. Price is around \$10,000 for these units. It is basically vinegar water which is used as a dilution agent. This would help alleviate this issue. Maybe the village could trade in-kind work such as the Village plowing the fire department lot in exchange for the police cars and village trucks driving through the undercarriage wash unit. **Next meeting will be Thursday, February 16th at 6:30 p.m. at station 610.**

PLANNING COMMISSION: The Mayor said that they are on to the 3rd draft of the overhaul of the Zoning Rules and Regs and hopefully the Village will have a more workable and enforceable code for future use. The **next meeting will be Thursday, March 9th at 6:30.**

SOLICITOR: The solicitor said that there was one new piece of legislation on the agenda for the evening for an appropriation changes ordinance.

VS said we did pass an ordinance earlier this year on November 28, 2017 regarding the ability to disconnect the sewer for those not paying. Councilperson House asked if we can charge them with theft and what would it take to be able to do it. House stated after talking to Tim the only way to do it is to just dig it up since a balloon plug will not work. VS stated we are obligated to give written notice 15 days before date of disconnection and a copy must also be sent to the Fairfield County Health Department. Councilperson Mohler stated there are numerous ways to disconnect service without digging up anything but it is going to cost. He stated you could have a vendor video the sewer and watch the use coming out of it. The push camera we have will not work because it needs to be lateral launched. Council agreed we need to do something as it has been going on too long. Councilperson Hochradel said he would rather pursue disconnection of services instead of theft of services since even if he goes to court he may just get a slap on the wrist and the issue would not be resolved. Mayor is not opposed to digging up and removing his connection and he believes our crew can handle it in a day's time. Next step is to send the letter to the property owner and Fairfield County Health Department notifying them of our intent to disconnect services to the property.

POLICE: The Chief distributed the Activity Report and the Calls for Service Report. Highlights of the report:

- Officers completed taser training which will be used for 4 hours of the state mandated CPT training
- Subway owner wants to sponsor a gun safety day / course for youths. Two levels are being considered: younger children in the school through the Eddie Eagle program and older children 11 and up would have a classroom component during the summer with the final component allowing them to fire rifles down on the range.
- Several ongoing felony investigations should be coming to a completion soon.
- Looking at sponsoring a women's self-defense class focusing on girls who are currently in the senior class at school. There will be a focus on how to stay safe and a hands-on section on how to defend yourself.
- Late items that just came in note on the report:
 - 80 feet of 8 foot tall fence is being donated by the contractor currently working on the jail in Lancaster for installation at the range.
 - The range closed sign is in and will be posted this week
 - The radar unit Pleasantville gave us has now quit working so we will be approaching them for a new one.
 - Trying to find someone to donate a video system that can be remotely seen in the cruisers or here at Village Hall. This would be about an \$1100 dollar unit.
 - Harget's payout for vacation and comp time needs to be resolved since he is now part-time and no longer full-time here at the Village.

MAYOR: The Mayor stated that he met with the Superintendent briefly to discuss some items.

The first production of the Children's Theater - High School Musical was on February 10th and 11th. It was well attended.

Next Friday he will be attending the Ohio Economic Seminar and the following week he will be a part of Ohio Digital Engagement Day. He says he is still reviewing the 48,000 utility billing records and it is frustrating because of the fluctuating data. Councilperson Mohler asked is this something that was originally set up by the programmer and the Mayor responded we are not sure but more investigation is needed. The other problem he is having some of the accounts are zeros all the way across and we need to understand if these are active or non-active accounts. We will need a total re-do instead of transferring information from the old system to the new system. We need a more stable and reliable process so the replacement of the software has been given a higher priority.

He reminded Council there is a spot on the website for pothole and street light repairs or call the VA since the team is doing a good job scheduling their work so they are not jumping all over the village. Councilperson Mohler stated his streetlight and the light next to him to the east is out. He will supply the pole numbers to the VA so they can be reported.

The Mayor read an email from village resident Rose Witham who praised Tim and the street department for the clean up around her area that was damaged from the water break. She was pleasantly pleased with the quality of work they did and a copy of the email will be placed in the crew's personnel file for this year's evaluation.

The Mayor asked Council to go into executive session for personnel matters after regular business.

FISCAL OFFICER: The Fiscal Officer shared the fact that almost \$40,000 was paid by credit card last year for water and sewer billing, so people are using cards to pay their bills. She then reviewed the transfer of funds request that the ordinance on the meeting agenda covers.

MOTIONS: Motion to approve the financials is not supposed to be on the agenda because it is for next time. It was removed.

VS Feyko read the verbiage he had written for the purpose of a motion to reflect Council's intent to amend the portion of the employee manual found in Section VI, Appointments item 6.2, Basis for Selection that is problematic and needs to be revised. The following portion of that section is acceptable as written.

- "No immediate family member shall be the direct or indirect supervisor of another immediate family member."
- "An elected official of the Village of Baltimore is not permitted to use the authority or influence of his position to secure employment of any immediate family member."

The portion that will be revised now reads:

- "With respect to new employees hired after August 8, 2005, the Village of Baltimore will not hire as full-time or part-time employee any immediate family member of an elected official. Seasonal or temporary employees are excluded from this restriction."

The VS is suggesting based on Council discussion that it read with the addition of the following “except that this provision shall not apply if immediate family member does not directly report to any elected official.” The portion stating: “Seasonal or temporary employees are excluded from this restriction.” shall remain. Councilperson Hochradel asked what the definition of “immediate” family was. VS said while it is not defined in the hand book, spouse, child, parent would be his interpretation of an immediate family. This verbiage would cure the issue.

VS stated this needs to be a motion by Village Council that indicates its intent to amend, by legislation, the Village’s Personnel Rules & Regulations to add the verbiage to this section that states “... With respect to new employee hired after August 8, 2005, The Village of Baltimore will not hire as full-time or part-time employee any immediate family member of an elected official., *except that this provision shall not apply if the immediate family member does not directly report to any elected official.* Seasonal or temporary employees are exclude from this restriction.” The motion should also instruct the VS to prepare legislation for the next Council meeting.

Keller made the above motion and Hamilton seconded the motion. No further discussion. Motion passed by 5-0 with House abstaining. Hamilton will be sponsor of ordinance.

Hankinson made a motion to go into Executive Session to discuss personnel matters and Keller seconded. No discussion. Motion passed by 6-0 vote.

ORDINANCES and RESOLUTIONS:

FIRST READINGS:

ORDINANCE 2-13-2017-1

“AN ORDINANCE TO AMEND THE 2017 APPROPRIATIONS
ORDINANCE” - Sponsor – House

Motion was made by House to bypass Committee. Second was made by Hankinson. No discussion. Roll call vote was 6-0 and motion was approved.

Motion was made by House to suspend the three reading rule. Second was made by Hankinson. No discussion. Roll call vote was 6-0 and motion was approved.

Motion was made by Keller to adopt Ordinance 2-23-2017-1. Second was made by Hankinson. No discussion. Roll call vote was 6-0. Ordinance 2-23-2017-1 adopted February 13, 2017.

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**

Need to review status of this ordinance to see if everything has been reviewed. VS will send to VA and she will distribute to Council for review.

OLD BUSINESS:

- **Eagle Scout Project** – VFW did give him a donation and he will be going to other places to ask for donations. He is still on track to complete his project by March.
- **Evan Schaffner payments for concession stand.** VA stated she left 2 messages and she will follow up with him by sending him a letter.

NEW BUSINESS: None

VISITOR COMMENTS: None

The Mayor called for a short recess at 9:27 p.m. and then Council will go into Executive Session at 9:32 p.m.

LAST CALL: None

ADJOURNMENT: Council came out of Executive Session at 10:16 p.m. and went back into regular session. There was no further discussion so Hankinson made a motion to dismiss and Hamilton seconded. A voice vote unanimously called for adjournment.

The Mayor adjourned the meeting at 10:19 p.m.

Kathryn Jenkins, Fiscal Officer

Bradley Nicodemus, Mayor