

PRESIDING OFFICER, THOMAS J. GARDNER, MAYOR

ROLL CALL:

PRESENT: Joe Bourne, Ed Steffek, Brandie Bourne, John Little, Nate Penrod

ABSENT: Steve Adams

OTHER ATTENDEES: Rick Swiger, DJ Meek

VISITORS: Nancy Bourne, Jacquie Price, Paul Harvey, Tim Kees

PLEDGE

The meeting was opened with The Pledge of Allegiance led by Mayor Gardner.

PRIOR MEETING MINUTES

Motion was made by Nate Penrod and seconded by Ed Steffek to dispense with the reading of the minutes and accept the minutes from regular meeting held August 16, 2022. All council members present were in favor.

VISITORS

*Reviewed with visitor - Tim Kees - property on High Street that is currently for sale. Kees is considering purchasing one of several lots that is currently on the market. Kees inquired whether the village would consider running utilities to the said lot. The administration indicated that a gravel roadway would be constructed once the sewage line was installed. The sewage line - and any other utilities would be the responsibility of the property owner. The village's responsibility would be constructing the roadway only. Kees was instructed to contact the Tuscarawas County Water and Sewer Dept. in determining the process and fees for sewage line installation.

PAY BILLS

***Motion made by Brandie Bourne** and seconded by John Little to pay bills from respective funds. Roll call as follows: Joe Bourne yay, Ed Steffek yay, Nate Penrod yay, Brandie Bourne yay, John Little yay.

FISCAL OFFICER

* Fiscal Officer Lute indicated that the website domain name has been changed to "portwashingtonohio.org". The website has been down for a period of time; in which Lute has been working since last spring to rectify the issue. Discussed the need to update the website and approve Joe Krocker as the website technician. Krocker will submit fees if council wishes to acquire his services. Council member Brandie Bourne inquired whether it would be an option to upload information ourselves. Lute will check into the possibility. Lute also indicated that the council minute news will be submitted to the Bargain Hunter as well as the Times Reporter.

*Heard that the 2023 budget hearing will be held at the next regular council meeting. As required by the state - the budget hearing has already been advertised in the Times Reporter 10 days prior to the hearing date.

POLICE

*No Reporting

STREET

*Street Supervisor Swiger inquired to whether gravel has been purchased for several alleys in the village. Council member Joe Bourne directed Swiger to purchase #8 limestone for the alleys that already have a base.

ZONING

*Heard that DJ Meek was contacted by Bill Kinsey concerning living out of a motor home while constructing a new home. Council took no action to waive any zoning or ordinance regulations at this time. Council requested that Kinsey discuss this issue in person at a public meeting.

*Heard that Tom Mansfield and Jason Kehl requested a zoning change from B1 to B2 in order to open a used car lot on Main Street. The zoning commission committee met on Sept. 1 with Mansfield & Kehl to discuss the request. The committee was presented with comments of disapproval from neighboring residents (Stocker & Huston) concerning the change. Once Mansfield and Kehl were made aware of the disapproval from the neighboring residents; they decided to withdraw the request out of consideration for the residents. The zoning commission committee proceeded with a recommendation of "not changing the zoning for the property in question". The zoning commission committee recommendation was brought to council for a vote.

Motion made by Joe Bourne abide with the recommendation of the zoning commission committee and no zoning changes will be made. Motion was seconded by Ed Steffek. Roll Call taken as follows: Joe Bourne yay, Nate Penrod yay, Brandie Bourne yay, John Little yay, and Ed Steffek yay.

COCHRAN-SOLICITOR

*No Reporting

INCOME TAX ADMINISTRATOR

*No Reporting-Absent

MAYOR

*Mayor Gardner recommended that changes to the planning commission be as follows: John Little, Tom Gardner, Jeff Stearns, Teresa Jones and Adrian Endlich. Alternate will be Joe Bourne.

Motion made by Joe Bourne to accept the recommended changes to the planning commission committee as stated. Motion was seconded by Ed Steffek. Roll call taken as follows: Joe Bourne yay, Nate Penrod yay, Brandie Bourne yay, John Little yay and Ed Steffek yay.

MAYOR-CONT'D

*Mayor Gardner Received a letter from Charm Enterprise offering \$500 for the property located at 113 N. High St. The property is owned by the village after acquiring it from a forced county sheriff's sale due to delinquent taxes owed. It was indicated that the state requires a property acquired through a county sheriff sale to be sold for no less than the current appraised value; which is \$16,000. The village had the property reappraised recently. The village had advertised for seal bids for the property in hopes that someone would purchase it for the required \$16,000. No bids were received. After discussing the legality of the property, the council voted and approved to enter into an agreement to demolish the vacant home for a cost of \$9200 (Lafferty Construction). All utilities have been shut off to the property and ready for demolishing.

Motion made by Joe Bourne and seconded by Ed Steffek to approve Lafferty Construction to demolish the property at 113 N. High St. at a cost of \$9200.00. Roll call taken as follows:

Joe Bourne yay, Nate Penrod yay, Brandie Bourne yay, John Little yay, Ed Steffek yay.

*Passed Ordinance # 2022-04 authorizing the use of under speed vehicles on village streets. This ordinance has been discussed at the last two council meetings (Aug 2 & Aug 16). After passage with a roll call vote and unanimously "yay" votes; a heated discussion transpired between council, mayor, solicitor, fiscal officer and a village resident. The ordinance was passed as an emergency measure and to be enacted immediately. Resident Jacquie Price had not signed in to speak at the meeting; however, she requested to speak and Mayor Gardner granted her the opportunity to speak. She questioned why the ordinance was being passed as an emergency measure verses having three readings in which it would give the community an opportunity to address any concerns of the said ordinance. Fiscal Officer indicated this ordinance had been previously discussed on Aug 2 & Aug 16. And the minute notes from both meetings were submitted to the Times Reporter and also to Ms. Price herself. Lute indicated that she assumed that the Times Reporter published the minutes as submitted. Lute indicated the Price was aware of the proposed ordinance for over 30 days prior to the meeting; as Price posted the council minute notes from both the Aug 2 & Aug 16 meeting onto her personal facebook page. Lute indicated that the community was made aware of the proposed ordinance over 30 days prior to passage and no one has contacted the village with any concerns. Price requested a copy of the ordinance to review; in which councilmember Nate Penrod distributed her a copy. During the discussion; council member Nate Penrod reviewed the ordinance, and it was determined that the ordinance had a number of errors in which the Gnadenhutten Police Dept. were mentioned. This ordinance was a duplicate of an ordinance from Gnadenhutten and some changes were inadvertently missed. Council Member Nate Penrod made a motion to rescind the passage of Ordinance 2022-04 until corrections could be made. There was no second to the motion. Words were exchanged between council member Nate Penrod and council member Joe Bourne concerning the incorrect information on the ordinance. Penrod requested to be excused from the meeting; in which Mayor Gardner approved. Solicitor Cochran stated that the ordinance could be left as is and an amendment to the ordinance would be handled at the next meeting. Price continued to question the communication and the procedures of how the village council handles resolutions & ordinances. Solicitor Cochran addressed Price in stating that the village council are voted to their position and can handle matters such as resolutions and ordinances in either method (3 readings or emergency passage) Price continued on with her opinions until Mayor Gardner stated that her time for speaking had expired and council moved onto other business.

JOE BOURNE

*Bourne reported that the crosswalks have been painted.

*Heard that Bourne capped the sewer at 113 N. High Street at a cost of \$17.

STEVE ADAMS

*Absent from the meeting

NATE PENROD

*No reporting – Penrod left the meeting during discussion of Ordinance # 2022-04.

JOHN LITTLE

*No Reporting

BRANDIE BOURNE

*No Reporting

ED STEFFEK

*Heard that the Tusc Cty Love Project meeting has been changed to the 18th.

TREASURER’S REPORT

* **Motion made by Brandie Bourne** and seconded by John Little to accept the August 2022 Treasurer’s Report with the following: \$486,104.45 General Fund, \$51,765.73 Street Construction, \$2,642.08 State Highway, \$2785.24 Cemetery Fund, \$14,516.90 Permissive Vehicle Tax, 31,893.34 American Relief Fund, \$3,012.63 Capital Project, \$0 Mayor’s Court. With a total of all funds \$592,720.37. Reports included the Bank Reconciliation Report, bank statements, detailed receipt report, fund report, appropriation status report and payment listing. Roll call taken as follows: Joe Bourne yay, Brandie Bourne yay, John Little yay and Ed Steffek yay.

Meeting adjourned

Next meeting will be September 20, 2022 at 7:00pm.

Thomas J. Gardner, Mayor

Date

Darissa R. Lute, Fiscal Officer

Date

RESOLUTIONS & ORDINANCES

Motion made by Joe Bourne and seconded by Brandie Bourne to suspend the rules and pass on emergency basis **Resolution 14-2022** to amend the permanent appropriations. Roll call taken as follows: Joe Bourne yay, Nate Penrod yay, Brandie Bourne yay, John Little yay, Ed Steffek yay.

Motion made by Joe Bourne and seconded by Ed Steffek to enact the said **Resolution 14-2022** as stated. Roll call taken as follows: Joe Bourne yay, Nate Penrod yay, Brandie Bourne yay, John Little yay, Ed Steffek yay.

Motion made by Joe Bourne and seconded by Ed Steffek to suspend the rules and pass on emergency basis **Resolution 15-2022** to adopt the Tuscarawas County Hazard Plan. Roll call taken as follows: Joe Bourne yay, Nate Penrod yay, Brandie Bourne yay, John Little yay, Ed Steffek yay.

Motion made by Brandie Bourne and seconded by Nate Penrod to enact the said **Resolution 15-2022** as stated. Roll call taken as follows: Joe Bourne yay, Nate Penrod yay, Brandie Bourne yay, John Little yay, Ed Steffek yay.

Motion made by Joe Bourne and seconded by Brandie Bourne to suspend the rules and pass on emergency basis **Resolution 16-2022** to enter into an agreement for Indigent Defense Services. Roll call taken as follows: Joe Bourne yay, Nate Penrod yay, Brandie Bourne yay, John Little yay, Ed Steffek yay.

Motion made by Joe Bourne and seconded by Nate Penrod to enact the said **Resolution 16-2022** as stated. Roll call taken as follows: Joe Bourne yay, Nate Penrod yay, Brandie Bourne yay, John Little yay, Ed Steffek yay.

Motion made by Brandie Bourne and seconded by Joe Bourne to suspend the rules and pass on emergency basis **Ordinance # 2022-04** to authorize under speed vehicles on village streets. Roll call taken as follows: Joe Bourne yay, Nate Penrod yay, Brandie Bourne yay, John Little yay and Ed Steffek yay.

Motion made by Brandie Bourne and seconded by Nate Penrod to enact the said **Ordinance #2022-04** as stated. Roll call taken as follows: Joe Bourne yay, Nate Penrod yay, Brandie Bourne yay, John Little yay and Ed Steffek yay.