

**ZOAR VILLAGE COUNCIL MEETING**  
**April 12, 2022**

The Zoar Village regular Council meeting was called to order by Mayor Scott Gordon at 6:00 pm.

Roll Call:

David Irwin	Present	Mark Gaynor	Present
Tom Klingaman	Present	Kim Klingaman	Present
Gayle Potelicki	Present	Joe Potelicki	Present

A motion to approve the 3/8/22 regular meeting minutes was made by Gayle and seconded by Kim. Roll Call: All yes except Joe who abstained. A motion to approve the council work session minutes for 3/22/22 was made by Gayle and seconded by Mark. Roll Call: All yes.

The following bills were presented for signature to be paid in April 2022:

AEP	370.89	Street Lighting
Scott Gordon	150.00	Salary April
Patty Smith	450.00	Salary April
OPERS	108.00	April
Village of Bolivar	721.00	Police Protection March
Copley Newspaper	34.31	Financial Legal Ad
Sedgwick	65.00	Group Rate Fee
Brinkman Excavating	300.00	Gravel Cemetery 2021
Auditor of State	294.00	2 <sup>nd</sup> Quarter UAN Fees
State of Ohio	8.70	1 <sup>st</sup> Quarter State Taxes
FIA Card Services	504.25	Salt/stamps/copies

Motion to acknowledge receipt of financial statements and pay the monthly bills for April was made by Gayle and seconded by Mark. Roll Call: All yes.

**Public Speaks:**

Gail Garbrandt, Sandy Worley, and Jeff Stearns were present with no comments.

Alisha and Justin Wallace introduced themselves as the real estate agents for the Coffee House property. They stated an offer is pending and the buyers do want to continue the business as a coffee house and expand the patio area. They do understand the drive-up window may not be permitted in the future. Alisha asked for guidance on the procedure to apply for the conditional use permit for the coffee business. Alisha also said the proposed buyers may want to offer the 2<sup>nd</sup> floor of the property as an AirB&B. Scott explained that two conditional use permits would be required, one for the coffee business and one for the AirB&B. Alisha was given the information on where to obtain the permit applications, the permit process, and a was told that David Hayes, Zoning Officer, may be able to give her an approximate timeframe for issuance when the permits were submitted. Alisha stated the offer will be written as contingent on obtaining the two conditional use permits.

**Fiscal:**

Patty said she will begin to create a document in Excel listing all of the Village ordinances. She hopes it will make the research process easier and will send the file to Mark for the website. She said this will take some time.

### **Street Committee:**

David presented a spreadsheet detailing the bids he has received so far for the catch basin repairs/replacements. They are:

Post Office \$2,180  
Park & Welty alley \$2,140  
East 3<sup>rd</sup> & Main Street \$5,730  
Michael Lane 2 catch basins \$8,860

The quote for the catch basin at 5<sup>th</sup> and Park has not been received. All of these bids were provided by Brinkman Excavating. David has walked through with another contractor, Riddle Excavating, and will receive additional bids from him.

Patty said with the quotes received, this will likely use all of the ARPA money. She asked if this is the intent of council. Council discussed and Gayle stated the work needs to be done and this is an allowable and good use for the funds. The catch basin on 3<sup>rd</sup> and Main will be supported with state highway funds.

David briefed council on the accident that destroyed 3 of the trees along SR212 across from his house. He has obtained the police report and will pursue to see if the driver has insurance that can pay for the loss to the Village. The police report states the driver did have insurance. Scott said the destruction of those 3 trees is approximately \$1000.

David requested the following funding:

\$400 for flags and flag hardware  
\$980 for gravel for Park Alley at 212, Alley between East 2<sup>nd</sup> & 3<sup>rd</sup>, and the alley behind Donnie's  
\$400 to replace the swing seats, kiddie seat, and possible chains for the playground swing—this was recommended when PEP did a safety walk through of the Village.  
\$300 for signs that are missing on 2<sup>nd</sup> street. David and Scott assume the entire pole was clipped off and do not know where the signs and pole are. David will talk with ODOT to replace the pole and corporation limit sign. The Village is responsible for the speed limit and weight limit signs.  
\$800 for signs needing replaced around the Village. This was approved last year.

A motion to allow for a not to exceed of \$2,900 for the above items was made by Gayle and seconded by Mark. Roll Call: All yes.

David provided council with a spreadsheet detailing the bids he obtained for the possible purchase of a new Village truck fully equipped. The truck selected will be a 2023 Chevrolet 3500. It is his intent to submit a grant proposal to the Reeves Foundation which is due on May 25, 2022. He explained the Village share on the spreadsheet would be partially or possibly all supported from the sale of the current truck. Patty explained deals.gov saying it is a good site to obtain competitive bids on the sale of municipal items. Doug said an ordinance would have to be done to dispose of the truck. David said if the grant is secured, the truck will not arrive until September or later.

A motion to support the submittal of the Reeves grant for a new Village truck was made by Joe and seconded by Mark. Roll Call: All yes.

David updated council on the progress of the paving bids stating this will be the biggest year ever for the Village with paving. OHC will also be providing a total of \$7,600 for this year's paving. He will begin measuring for the risers that will be needed which he anticipates will cost between \$125 and \$150 each. The Village will need a total of 8.

## **Safety Committee:**

Tom stated PEP was in for a walk through of the Village preparing for the insurance renewal. They suggested the Village repair/replace the swing seats at the schoolhouse. David is working on this. The fire extinguisher also needed to be re-certified/inspected. David had this done. PEP would like to see the camera's at the Town Hall either repaired or removed. The camera's currently do not work. Scott said their primary concern with the inoperable camera's is that it could give someone a false sense of security if they thought the camera's were operational. ZCA will address the camera issue. The Village has 60 days to respond with corrections to PEP.

Tom presented council with pictures of possible zoning or nuisance violations at the Silk house. He said the Village has sent letters to the owners of the property in the past. Simple repairs that do not last was all that was done. Tom would like to issue violation with fines to see if this would prompt the owner to make lasting repairs. Scott agreed that the Village is beyond just sending letters and a new course of action is needed. Scott said this is not the only property in the Village with violations. He said the only enforcement he has seen that has worked is if the Village were to adopt the Universal Building Code. Scott feels this would give the Village the strength to enforce and remedy these problems. Tom asked Doug for guidance on what could be done. Doug said he will need to review the Zoning Code and see what procedures are defined. Doug stated that it will be necessary to determine if the violation is a nuisance or zoning violation. He further stated if the owner does not comply with the repairs, the issue will end up in a courtroom. Tom will draft specific current violations of the current zoning ordinance. Scott and David Hayes will work with Tom and submit to Doug for review. Doug stated that if the Village adopts a building code, violation are then enforceable.

Jeff Stearns stated the Bolivar Police Department staffing is down one officer as Alex Thomas resigned. He said they have stepped up presence on 2<sup>nd</sup> street and issued some citations and tickets. Jeff said the speed of most vehicles entering the Village on 2<sup>nd</sup> street is between 43mph or less. He believes the police presence is slowing the vehicles down and will continue to monitor.

David went to the County 911 Center to obtain information about the reverse 911 system and emergency sirens. He said the current system links only to land lines. If a resident only has a cell phone, they will need to register with the system to get notifications. David will place brochures at the post office for anyone who wants to know the process.

## **Planning Commission and Historic Preservation Commission:**

Scott handed out the revision of the Zoning Ordinance (2022-6) for council to review. Scott highlighted the changes of the Zoning Inspector that will now be named the Zoning Officer and will be given additional status in a new more officially recognized position with authority. He also said a flowchart is added for better clarification of permit process. This will allow the Zoning Officer to better recognize when a permit application is complete and either issue a permit or forward the request on to the Planning Commission or Historic Preservation Commission. This revision ordinance will have a first reading tonight.

Scott said there are some changes on the Planning Commission and Historic Preservation Commission. Mark Gaynor will move from the Planning Commission to be chair of the Historic Preservation Commission. Gayle Potelicki will become the Planning Commission chair. David Hayes will not be a member of either the Planning Commission or the Historic Preservation Commission so that he can remain impartial as the Zoning Officer.

There is a need for one person for the Planning Commission and one person for the Historic Preservation Commission. Scott ask that Barb state in her article that anyone interested in serving on either the Planning Commission or the Historic Preservation Commission to please submit a letter of interest to the Mayor at PO Box 544, Zoar Ohio 44697 or send to [village.zoar@gmail.com](mailto:village.zoar@gmail.com).

Scott requested a motion to appoint Mark Gaynor to chair the Historic Preservation Commission. A motion was made by Gayle and seconded by David. Roll Call: All yes.

A motion is not needed for Gayle to assume the chair position on the Planning Commission as she is a member.

Scott said the requirement for the Mayor to be on the Planning Commission is set by the ORC. There is no requirement for the Mayor to be on the Historic Preservation Commission.

#### **Cemetery Board:**

None.

#### **Solicitor Report:**

Doug said he felt the hearing today went well and expects a favorable outcome for the Village.

Doug reviewed some of zoning ordinance as requested at the March meeting. He will submit his comments to Scott.

#### **Mayor's Notes:**

Council discussed Ordinance 2022-5 hiring Eric Jones, Jones Elite Excavating to open/close graves in the Zoar Cemetery. Mr. Jones signed the ordinance/contract but stated he will need a 3 day notice to provide the services. Mr. Jones expressed concern that if his equipment was out of town, he may not be able to re-locate the equipment easily. Scott suggested that he may be able to rent the track hoe at the Zoar Market if this situation arises and Mr. Jones thought this could be a solution. Scott, Mark, and David will work to see if an alternate could be secured if needed.

Scott requested a motion to allow Doug to draft an ordinance that will define the status of Village roadways, and define the Village responsibility and the resident responsibility concerning the roadways. This is the recommendation from the council work session held on March 22, 2022. David made the motion and it was seconded by Mark. Roll Call: All yes.

Scott presented council with a detailed map of the trail connection. He explained the process and current obstacles with solutions the engineers have determined. Joe stated the USACE project may affect the alignment of this trail. Scott said a USACE representative has walked the alignment and with the team of engineers and voiced his concerns about the project. The project also has a planning installation of up to 10 new parking spaces near the levee. David ask who will maintain the new trail and Scott responded that he believes it will be County Parks and Recreation. Scott requested a motion to allow for the appropriated amount of \$3,200 for Zoar's share in the cost for the detailed engineering study. Gayle wanted to know how much ZCA would contribute but the amount is not yet known. Scott reminded council that Zoar is the biggest beneficiary in the project and the chief sponsor. A motion to allow \$3,200 to support the cost of the trail design was made by Gayle and seconded by Mark. Roll Call: All yes.

Scott would like to create a Parks and Recreation Committee in the Village. He asked Kim to take the lead on this and she accepted. The Committee will organize activities for the 15 kids currently living in the Village. Scott said the idea is to organize some educational and fun activities for the kids. Some suggestions were to have the kids plant milk weed to create a butterfly garden in the Zoar garden and organize the trick or treat event. Marilyn Gordon is also wanting to help.

Scott talked with the map office who suggested the Village work out an agreement with the county engineer to maintain the problems on Dover/Zoar road at SR 212 and the levee rather than taking action

to detach the section of the road. David said he talked with Joe Bachman, County Engineer, and that Joe stated he wants the Village to detach the road. David said the USACE can perform the survey and platting that will be required for the detachment and encouraged Scott to simply request the USACE to absorb the cost and do the work. Scott does not feel the USACE will provide any funding for the detachment or send personnel to survey and plat the detachment. David is certain they will and wants Scott to make the request. Scott said he would talk with the USACE. Mr. Lowery, resident of Zoar, proposed that the Village either use their money to fix the road or simply close the road so some agency would find the funding for repair. Scott explained that the Village would allow the road to become a dirt road before trying any repairs as the cost cannot be supported with Village funding. Mr. Lowery stated again to close the road and funding will be found. The discussion ended with Scott agreeing to request the USACE to survey and plat the area to prepare for a detachment. Doug will handle the detachment.

Scott continues work to access the Treasury department for ARPA reporting through SAM.gov and Login.gov. He has submitted emails requesting assistance to correct the problem.

USACE continues with work on the new test trench. This will require a 21-day cure before sampling can be done.

County Health has secured grant monies for this year's mosquito control. The Village of Zoar is registered.

The Preservation Committee recommends Council's approval for two properties that meet all the requirements to be designated Local Historic Landmarks. The required 10-day public notice was completed with no objections received. The properties are: (1) House and Wash House accessory building at 171 E. 3<sup>rd</sup> St. (Eddy), and (2) House at 254 E. 4<sup>th</sup> St. (Klingaman). A motion to accept these 2 properties as historic landmarks was made by Mark and seconded by Joe. Roll Call: All yes.

Scott is keeping a close watch on HB563. This bill could override local communities control of B & B's making it so they cannot be regulated. Doug said he feels if it passes it will be overturned.

Scott wrote a letter of support to the County Sewer District for a federal grant to upgrade the waste water treatment plant allowing for the use of UV light instead of chlorine. He also set a letter of support to the MWCD in support of the Ohio & Erie Canalway Coalitions grant request for the Zoar Trail Connectivity Plan.

The following date information was presented:

Area Garage Sale Days -May 5,6, & 7. (Zoar & Wilkshire)  
Zoar Pretzel Day – April 15, 2022, 11am – 4pm  
Arbor Day – (also Earth Day) –April 22, 2022

**Ordinance 2022-3:** Fire/EMS contract between Lawrence Township and the Villages of Zoar and Bolivar. 3<sup>rd</sup> and final reading. Motion to pass was made by Mark and seconded by Gayle. Roll Call: All yes.

**Ordinance passed.**

**Ordinance 2022-5:** An ordinance for a revision of Zoning Ordinance 2020-05. 1<sup>st</sup> Reading.

Motion to adjourn the meeting was made by Kim and seconded by Joe.

\_\_\_\_\_  
Patty Smith, Fiscal Officer

\_\_\_\_\_  
Scott Gordon, Mayor

Date: \_\_\_\_\_