

ZOAR VILLAGE COUNCIL MEETING
June 14, 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	Absent
Tom Klingaman	Present	Kim Klingaman	Present
Gayle Potelicki	Present	Joe Potelicki	Present

A motion to approve the 5/10/22 regular meeting minutes was made by Kim and seconded by Gayle. Roll Call: All yes.

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

AEP	356.24	Street Lighting
Scott Gordon	150.00	Salary June
Patty Smith	450.00	Salary June
OPERS	108.00	June
Village of Bolivar	504.00	Police Protection May
FIA Card Services	724.61	Copies/Street Supplies/Swings
Wex Bank	65.11	Fuel Village Truck
Eddy's Mowing	825.00	Contract May 15-June 15
Auditor of State	294.00	3 rd Qtr UAN fees
Doug Frautschy	580.00	2 nd Qtr Solicitor/Ordinances
Lawrence Township	582.90	Asphalt Patching Dover/Zoar Rd

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

Public Speaks:

Jeff Stearns stated he will be leaving the Bolivar Police Department. He has accepted a position with the Village of Sugar creek. His replacement will be Eric Minor. Council thanked Jeff for all his work in the Village and wished him well.

Shawn Lynch stated the Fire/EMS contract agreement is ready for final signature with minor changes from the last draft. Council passed the former draft at the March meeting with Ordinance 2022-3. Council accepted the minor changes and will replace the draft on Ordinance 2022-3 with a motion from Tom and seconded by Joe. Roll Call: All yes.

Fiscal:

Patty requested a first reading, by title only, to amend appropriations. She said the fire levy funds will no longer flow through the Village so they will be removed from the appropriations. Also, additional ARPA funds and OHC paving money was received and will need to be appropriated. Patty said other minor changes may be needed depending on council's decision for 2022 paving.

ARPA 2nd disbursement is expected by the end of June or early July.

Patty said she completed the necessary fund balance adjustment in the PEP fund correcting the balance.

Street Committee:

David said he asked for storm water riser money at the last meeting but missed two additional which will cost approximately \$220.00.

David explained the bid received from the County Engineer's office for the paving proposed. Barbicas Construction won the bid for the Village. The total was higher than expected with a bid of \$70,356. David suggested council allow for the paving as it is not going to get any cheaper in the coming years. Patty stated the money is available and suggested council move forward stating the General, State Highway, and Street funds will remain with a very healthy carryover. She said the county engineer will need a PO from the Village to move into a contract with Barbicas. Gayle made the motion to accept the bid for Barbicas to complete 2022 paving at a cost of \$70,356, and to allow for the additional \$220 for risers. The motion was seconded by David. Roll Call: All yes. Patty will prepare a Purchase Order and send to the County Engineer.

David and Scott have been busy trimming trees, removing debris, and cleaning catch basins around the Village. A total of 11 catch basins have been cleaned.

David also requested a not to exceed expenditure of \$200 to purchase another Kiddie seat for the swing set. Motion to allow made by David and seconded by Gayle. This was a PEP insurance requirement and will use PEP funds. Roll Call: All yes.

Safety Committee:

Tom and Scott met with Josh Mathias, New Philadelphia Zoning and Street Administrator. The purpose of the meeting was to research how the city of New Philadelphia deals with deteriorating properties. Josh stated that they adopted the International Property Maintenance Code which provided them the authority to enforce code violations hence cleaning up the properties. Josh stated the city of New Philadelphia rarely finds it necessary to go to court for enforcement. He feels most owners do not want the violation to end up in court, so they fix the violation or sell the property to an owner who will. The city has a list of possible interested investors that may be interested in renovating deteriorating properties. Scott said a big difference between the City and the Village is that the city is contemplating demolition where the Village is focused on preservation and restoration of historic properties. Scott learned the Village will not need a certified building inspector to adopt the international property maintenance code. The city of New Philadelphia also teams with their Fire Department to determine if properties are safe to enter if a call was to come for them to do so. Tom will review the maintenance code and take the findings of this meeting to the Planning Commission and Zoning Officer for discussion.

Planning Commission and Historic Preservation Commission:

Gayle said the Planning Commission would like to appoint Melissa Dials as a new member. She asked for a motion from Council for the appointment. Gayle made the motion and it was seconded by Kim. Roll Call: All yes. Welcome Melissa Dials to the Planning Commission.

Gayle stated the number of properties that are up for sale with potential buyers interested in using the property as an Airbnb. The Village currently has 2 Airbnb's, operating with a conditional use permit. Gayle said the Village Council might want to consider limiting the number of Airbnb's allowed in the Village. Scott and Doug commented on the possible passage of HB536 that would not allow the local

municipality to limit this. Doug said if it passes, he expects strong opposition and that it would likely be overturned. Doug also stated the Village will have to be very specific on its limitations. Setting a specific number that would be allowed is somewhat arbitrary and could easily be challenged. It may be possible to limit the number in a specific district of the Village. Scott said the Historic District comprises 80% of the Village so if it were limited there it would have a great effect on the number in the Village as a whole.

The lack of revenue for the Village with the Airbnb's not having bed tax was discussed.

Gayle stated the current Village Ordinance requires that the owner of an Airbnb reside at the property and obtain a conditional use permit to operate.

Doug stated the Village can forbid Airbnb's all together, but the existing ones would be grandfathered. Joe asked if this would be a permanent grandfathering within the terms of the conditional use permit which is usually indefinite. Scott said the conditional use permit can be revoked with cause. Doug said the Village cannot retroactively regulate through the zoning code. The existing Airbnb's would have to be grandfathered and suggested the Village be very strict when issuing the conditional use permits. Tom said the two existing ones are very compliant.

Everyone agreed the negative impacts on the Village of multiple Airbnb (short term rentals) outweighs the positive and that more research needs to be done. Scott said the zoning ordinance would have to be amended if Village Council deemed to restrict Airbnb's in the Historic District. Doug warned that the definition will need to be very clear. Gayle will write a draft of the proposed changes and have Doug critique.

Historic Preservation Commission has no new permits applications.

Cemetery Board:

None.

Solicitor Report:

Updated the draft Weed and Litter Ordinance to allow for Conservation/Wetland areas that will exceed the height limit as they are not mowed. Also updated the Street and Alley Ordinance.

Mayor's Notes:

Scott presented an advisory letter he drafted to be mailed to each resident explaining the USACE construction status on the levy. Council agreed to send the letter to each resident. The work will begin to pickup soon, Scott said. The USACE will be adding an additional flag person and signage. 1st Street has a layer of dirt accumulating on it causing a lot of dust. Scott will speak with them to see if they will clean the street more frequently, and possibly power wash buildings that accumulate a lot of the dust. Scott said the noise of backup beepers, tailgate slams, and heavy equipment will continue to pickup as well. The Corps plans to begin working longer days and some Saturdays in the near future.

David contacted Joe Bachman, County Engineer to determine if Dover Zoar Road would be paved. Scott thought the road was scheduled for paving. The County Engineer confirmed it will not be paved so the Village will move ahead with the detachment.

Ordinance 2022-5: An ordinance for a revision of Zoning Ordinance 2020-05. 2nd Reading.

Ordinance 2022-7: Confirming the Village's unopened alley's Village policy. 2nd reading.

Ordinance 2022-8: Weeds & Litter. Motion to suspend rules and regulations was made by Gayle and seconded by Tom. Roll Call: All yes. Motion to pass as an emergency for the public safety was made by Gayle and seconded by Kim. Roll Call: All yes. Ordinance passed.

Ordinance 2022-9: Amend Appropriations. 1st Reading.

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

Patty Smith, Fiscal Officer

Scott Gordon, Mayor

Date: _____