BALLVILLE TOWNSHIP TRUSTEES – REGULAR MEETING

SEPTEMBER 20, 2022 5:30PM

The meeting was called to order at 5:30 p.m. With Chairperson Rick Geyer leading the Pledge of Allegiance. Also, present were Trustees Bob Kusmer and Mary Ann Reser.

Moved by Mrs. Reser, seconded by Mr. Kusmer, that the minutes of the September 6, 2022 meeting minutes be accepted with grammar corrections, Upon a vote, Mr. Geyer – Yes; Mrs. Reser – Yes Mr. Kusmer –Yes.

Moved by Mrs. Reser, seconded by Mr. Kusmer, that the minutes of the September 14, 2022 special- meeting minutes be accepted. Upon a vote, Mr. Geyer – Yes; Mrs. Reser – Yes Mr. Kusmer –Yes.

FINANCIAL REPORT – Tom Ackerman

Tom Ackerman passed out appropriation report to the trustees along with fund status. Fund status and estimated revenue were sent to Jerri Miller (County Auditor). Tom went over the estimated revenues for the trustees to approve.

Moved by Mr. Kusmer, seconded by Mr. Geyer, to accept Tom Ackerman's estimated revenues to send to Jerri Miller, Upon a vote, Mr. Geyer – Yes; Mrs. Reser – Yes Mr. Kusmer –Yes.

PUBLIC COMMENT – John Olalve from Oakwood Street updated us on the situation about the abandoned building on Oakwood with the cat problem. Once again, this building has a cat and rodent problem. John said he heard there was a grant to have the building torn down; they came in and took out the windows which have made this a problem again with animals. Bob Kusmer asked if the owner had come in to remove stuff yet. John said not that he knows. Bob said he was told once the owner gets his stuff out the contractors are suppose to come in and take the building out which is being done through the land bank. Mary Ann is wondering if he we could contact the land bank and find if it is on the schedule to be taken down.

Barb Caudill who works for the land bank said as far as she knows the state of Ohio is dragging their feet on these issues. They have information and said they are 83rd on the list of 188 counties to have their information reviewed..

Everything is supposed to be done by next February but the state said with the delay they will probably give an extension on these projects to be completed.

CEMETERY BOARD REPORT –

Mary Ann asked Bill "We said something about getting Chad a new phone" at the last meeting. Do we need to vote on it? Bill said" he will go to Verizon and asked about getting the phone switched out so he can have a new one and update us at the next meeting.

We just got the Oakwood truck back which had multiple repairs done to it to get it running properly.

Rick had said Tim Grabenstetter was going to take over payment. He said he was responsible for that at the cemetery. Jack Ferguson said he thinks what Rick was talking about taking a credit card for payment. Jack said, the cemetery board should consider this first before bringing it to the trustees. Mary Ann said she is going to a conference and will bring back information to the cemetery board.

ZONING INSPECTOR REPORT - David Bain, Zoning Inspector

Dave passed out his reports ending September 20, 2022. Dave went over his report.

Bob Kusmer brought up the Kayak business and stated that a letter was being sent regarding all the extra stuff going on at the property and that they are in violation of their special use permit. It also talked about cleaning the area up.

Mary Ann asked about the new building. Dave said he is supposed to be in tonight to get a permit for that building in particular. Bob asked if he will need a special permit cause that whole operation is special permit. Bob asked Dave to check zoning regulations on this, because all that was under special permit and anything new would have to have be a special permit.

Mary Ann said Jim Barney is following up on the Ms. Serrick case and Bob said he currently doing a lien search.

Discussion took place about the CR 198 properties and the chickens running loose. Dave said the property owners said there was an agreement with the neighbors about their chickens and would not bother the township about the problem. Mary Ann asked if this ok to have chickens in that area? Dave said it is zoned agricultural. Mary Ann said if they don't have the right amount of acreage for chickens then we cannot allow this. Dave said he would send them all letters.

Jack Ferguson asked in regards to Mr. Turner, that we have to get permits before we put building up and why can he get a permit after he already has put a building up. Doesn't the property owner have to get the permit? The property is owned by the city. Bob Kusmer said a letter was sent to them and the city with the violations and he is coming in now because he got caught? Mr. Geyer went out there and told him everything was fine. He is currently removing his campers and other games he was offering. Jack says he seems to do whatever he wants. It is very unusual. Mary Ann said she is still confused about the new building. She said if it's in violation then why we are not taking it to the next step. Bob said he sent letter and he has until this Friday to get this corrected. If this does not happen he will get fined.

The Trustees had a special meeting about hiring a zoning inspector. Bob explained, we had two applicants and one person dropped out. It understandable it does happen. We asked Mr.Geyer who dropped out and needless to say he has still not told us what is going on or what happened. We did find out it was Mr. Wilson a day and half later when we asked Mr. Geyer what was going on and he did not have the courtesy to come back and let us know.
This has been a constant problem, especially with the Ghoul Running business Mr. Turner is starting to remove stuff and we asked Mr. Geyer to go down there and he said everything is fine I have no problem with it when it's in violation of our zoning. Same thing happened when the Mrs. Pitts was in with the chickens. He has no problem with chickens running around in a residential area. That's Ohio Revised Code that says you cannot have chickens in a residential area that is sub divided. He has been a constant problem and he needs to support zoning. Rick said let's just go on here.

Rick said he cancelled that appointment cause this gentleman here on Jerri Millers website that Mark Wilson lived 22625 Highland Ave. Birmingham Alabama and he has Alabama license plates and he has door lock out front. He stopped there and said there is a problem and you get it on your license plate and I did call our attorney. This is what I got right now. He has to be from Ballville Township. Bob said he has to be a resident from the area. Does he live here in town? Rick said I don't know because someone told me he lives over on Japack in Fremont area. Bob said

Japack is in Ballville Township. Rick said No, no, no not Japack, Jackson which is in Fremont. I stopped by to tell him. Bob asked he lives here now? Rick said he lives in Alabama. I asked him to come today and show his license and he is not here today. Mr. Wilson did drop off a letter Friday. Tom Ackerman read the letter which address was 1528 Tiffin Road. The letter saying, he was not interested in the zoning position anymore. Rick said he stopped by and it looks like he is from Alabama and we need to make sure he is from this area. Bob said all he was asking is that he share this information. Rick said he can't share this online. We can't share anything online. Mary Ann is looking at job description and nowhere has it said you need to be from Ballville. You should have had the, courtesy to talk to him, Rick said I went up and talked to him to find what was going on and it seemed fishy. Mary Ann asked why you didn't do that at the special meeting. Rick said he cancelled it and he was not going to come in. Mary Ann said we advertised the meeting. Rick said nobody was going to be here. Mary Ann said it doesn't matter. It doesn't matter if anyone shows, we have to have the meeting. We can meet and say no one showed up, that's basically what we did and shows in the minutes. We basically said no one showed and you cant not have the meeting. Rick said maybe you shouldn't make me power of attorney. Mary Ann asked Rick me what? Power of Attorney? Rick no, no that's my other job. Mary asked we shouldn't make you what? I'm confused now. Rick answered chairman. Mary Ann said whether your chairman or not you should know the rules of special meeting, you have been a trustee for? Rick said nobody was going to be here so I cancelled that meeting. Mary Ann said it doesn't matter if anybody is going to be here you still have to show up. Rick said I don't agree with you. Mary Ann said that's in Ohio Revised Code. You are not agreeing or disagreeing with me go to the yellow book and see what it says. That's our bible. Rick asked anything else. Bob asked what happened to other guy. Rick said he just quit and he found another job at that time during the day and he said he quit. Mary Ann asked when you got that. Rick, I have no idea. Mary Ann said before or after the special meeting? Rick said before your special meeting. Mary Ann said "our" special meeting. Rick said our special meeting. Mary Ann said we agreed to it and voted at our last meeting to have the special meeting. Bob said you told us the meeting was cancelled but didn't tell us who bowed out or what was going on. Rick said I thought I sent you an email. Bob said we kept asking you who cancelled. Rick said I was not going say that online. Rick was asked from the public when you want to talk to the gentleman that lived in Alabama where did you talk with him at? Rick said down here? Rick was asked Is there any assumption he might be moving down there? Rick said his mom died and he had a door lock on front door and he is just staying there. Rick was asked if he has the qualifications to do the job then let him do the job, Rick said it says here he wants to cancel.

Tom Ackerman asked that the zoning inspector does not have to be from the township? The answer was no because they are an employee of the township and not an elected official. Mary Ann said if that the case and if we are going to restrict then we all need to look over the job description. If we are having a special meeting and we picked a date and time and we do not show up is a just neglect of our duties. Rick said he said he sent them an email saying the meeting is cancelled. Mary Ann said you can't cancel it. Rick said cause nobody was showing up. Mary Ann said you can't do that. That is illegal. You have to come to the meeting and say nobody showed up. Rick said I sent them an email saying the meeting was cancelled. Mary Ann said Right but you still have to have a special meeting. If you under an assumption there is a Special Meeting or if it advertised that's there a Special Meeting. We have to show up. Brent Brinkley asked if you going have people reapply for this job. Rick said we have to because nobody has applied for the job. Brent said that you're not following rules anyway. You didn't put up a sign that public meeting was cancelled? You probably didn't, did you? Rick said no. Brent are you going to ask people to reapply legally or just do it? Just take names? Rick said we have to send it out. We have to send it out and set a date. Brent said out on the board, did you put the public meeting was cancelled? Rick no I don't do that. Brent asked what if people walked and wanted to come to public meeting? Rick

said I didn't think you were allowed in here because it was just us three that were to interview them. Mary Ann said that's not true because we always start as an open meeting and then when we go to interview we go into executive session. Every meeting we have is open to the public, always. Brent said there has to be some accountability and its starts with you as chairman. Rick said I sent an email. Brent said that email didn't mean crap because the public didn't see it.

PARKS BOARD – Kerry Wood and Bill Lagrou

Next park board meeting is Monday and then another on September 26th at 7pm to finalize the bicentennial celebration.

The radio station will run twelve slots a day to advertise the bicentennial celebration going forward to the event.

Kim got the signs from McMillan today and put signs out on main roads and at houses.

Moved by Mr. Kusmer, seconded by Mr. Geyer, to allow the parks board to spend up to $10,000 for upcoming expenses for the bicentennial celebration. Upon a vote, Mr. Geyer – Yes; Mrs. Reser – Yes Mr. Kusmer –Yes.

ROADS SUPERINTENDENT – Bill Lagrou

We are working on list of drainage jobs to work on this winter as well as dipping ditches.

The paving job is done and they are working on the berm right now. In front of the houses dirt will added in to make it look better.

Bill met with Hawk tree service today and we have ten trees around the area that need to be done as well as fifteen trees at Oakwood that need taken care of, as well as some trees at Connor park that need to be taken care of.

Bob Kusmer brought that we got finalize application from B-Hillz for the work they did and it was $84,411.50 which Bob will take that to the county commissioners to get them to pay for. It.The first phase is done and now second phase will begin once the crops are off the fields.

Trustees Comments –

Rick Geyer – No comment.

Bob Kusmer – .No comment.

Mary Ann Reser – Mary Ann said the regional planning meeting on September 12th got cancelled so nothing to report there.

I want to touch on few things. We talked about the appreciation dinner for our board members and we probably need to set something up soon because the end of year is coming quick. Bob said in the past we had a Christmas party, maybe we should now make that our appreciation dinner for our boards. Once it gets a little closer we can set something up.

The next thing I want to bring up was the Special Meeting. We were under the presumption there was advertisement for that Special Meeting. I was under that presumption, Bob was under that

presumption and Rick I would assume you were under the presumption. Rick said on what day? She said on the day we were going to interview. Tom was supposed to advertise for Special Meeting. When all this came about and Rick sent his text cancelling the meeting it made me scratch my head, because we needed to have that Special Meeting. It prompted to me to go to newspaper and look for a notice and there was no notice, so that prompted me to send a text to Jim Barney to ask what happens if ,you assume everything was advertise and you show and conduct a meeting and you call meeting to order that you thought was advertised and find out it was not. I talked to county prosecutor today and asked this question and she asked if we made any financial decisions. I said no because that wasn't the purpose of the Special Meeting. She went on to say that if we went on the presumption that meeting was advertised then we technically didn't do anything wrong. What she said is we need to make sure when we set up these meeting that they get advertised. Tom and I talked and he said it didn't get done. He thought he advertised it but it didn't get done. I think it is important to go and have respect for the Ohio Sunshine Laws and not get accused of meeting illegally because I believe in law and order. I work for the court and that's a passion of mine. I think moving forward we need to make sure that are advertising and that we do it. If it comes up that we didn't we are allowed to cancel in text if that's that reason we are doing it. If there is no advertising then there is no reason to show up, but we were under the presumption there was an advertisement then we need to show and have the meeting like we said. I think it's important that moving forward we need to have our ducks in a row. I hope moving forward there are some checks and balances so we can't be accused of having illegal meetings.

Tom Ackerman commented on this situation that he did type it up and it's my fault and I just didn't send it. I am going to ask and maybe my thought when we are in a meeting like this that when we decide on a meeting that we type it right then and send before we leave. Rick said that's a good idea. Tom said it was brought up by the parks board about an upcoming meeting and we can get that typed up now. Mary Ann said that is a wonderful idea. Sometimes when stuff like this happens it helps you perfect your process. It brings us to a better level.

Mary Ann asked again about the Dave Stotz Memorial. As courtesy to the family that we get a date set up. Bill said he will find out when we can get this project done so we can set up a day. We are probably looking at late spring and the we can let the family know.

Bill asked Tom about legal notice for the parks board meeting and he said he will write this up tonight as well as the cemetery board meeting.

Old Business – Bob Kusmer said we have re-advertise for the zoning inspector and set the rate at $650 per month and we get this out on the website and leave this open for now.

Tom Ackerman asked about Timpe Road project. Bob said he has not heard from Carlos but will ask for an update at next meeting.

New Business – No New business

There being no further business, Mrs. Reser made motion, seconded by Mr. Geyer, moved it to adjourn the meeting. Upon a vote, Mr. Geyer – Yes; - Mr. Kusmer – Yes; Mrs. Reser – Yes, the motion passed and the meeting was adjourned.

Respectfully submitted,

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Thomas Ackerman, Fiscal Officer

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Rick Geyer, Chairperson

Ballville Township

Board of Trustees

Dear Board Members:

On behalf of the Ballville Township Zoning Board of Appeals we would like to may a request. At one time the Zoning Appeal members received compensation for each hearing we conducted. We, as members of the Zoning Appeals Board, do not take our decisions lightly and do put time and mileage in viewing the actual location in questions, discussing the requested issues, both pros and cons), and take our times in making decisions.

We therefore are requesting the Ballville Township Trustees reinstate the paying of Zoning Appeal Members for each hearing we have to attend.

Thank You for taking the time to review this request and for consideration in honoring the same.

Thank You

Richard L Hoffman, Chairman