

Council met in regular session Monday, October 1, 2018 at 7:00 p.m.

Council present: Karon Lane-Pres., John Hudik, John Pupos, Richard Sauerlender and Brooke Smith.

Council absent: Justin Kreisler

Others present: Mayor Ken Wysong, VFO Catherine Vorst, Village Employee Jamie VanAlstine and Village Solicitor Alan Lehenbauer

Guests: Tom & Tina Sullivan

The meeting was opened with the Pledge of Allegiance to the Flag.

Mr. Sullivan was recognized. Tom and Tina Sullivan were present to address the letter received from the village in regards to the fence at his property at 216 West Main Street. A 2016 survey the village had a survey completed after buying property behind 216 Main Street. Mr. Sullivan bought 216 W. Main Street in July of this year and had a survey completed last Saturday. His survey lined up with the 2016 village survey. Existing village pins were correct, no discrepancies noted. The survey show the fence begins on the property line at the east end of Park Street/Memorial drive and as it runs west it creeps off the line to the south about 3 to 4" so the fence does not run parallel with the survey line. Mr. Sullivan has pictures of his survey stakes for council review. Secondly, the fence is non-conforming use to current village zoning regulations, which mandates a 2 foot setback in addition the fence is over the 4' height regulation. Tom spoke to Brett Kolb, Fulton County Auditor, on the public right of way. It is recorded two different ways. Presently recorded as a 33 foot street, located behind 216 W. Main Street east to the Ten Mile Creek. The auditor said the only way you can legally vacate an alley or street is to go thru the courts and hold a public hearing. According to village zoning regulations there cannot be any encroachment to a public street or right of way, so you cannot have a fence there. The fence is embedded in the trees. Tom removed the poison oak, poison ivy and weeds along the line and restored the area. He did not remove any trees. Does not plan on putting the fence back up, not in his budget. Doesn't want a fence two feet off his property line. What the village wants to do is up to you. I will leave the village all the information I have including photos, stuff from the county, and copies of village zoning. The mayor said the village did their research to, going back to 1896. This area may have been drawn up at some time but never registered as an alley. When we purchased the property from JRS Rentals our survey pins lined up. The village property pins were on the south side of the fence row. This situation came up when you drove on the property in question and sprayed round up and killed grass that the village just planted. You could have asked the village to drive on the property to get to yours. You thought you were in the right. So we had that issue. Then when you tore down the fence we began looking into it and found the fence is on our property. We had it surveyed so we reviewed and found our pins are on the south side of the fence. The pin in the NE corner of your property has been moved, pulled out of the ground and moved one foot north. I had the surveyor out there to examine and he said it looked like the pin had been moved and his surveyor's cap was missing. All other pins still had caps on. So between Saturday and today someone pulled the pin and moved it forward. Why someone did that, we do not know. That alley does not exist and never did exist. Tom Sullivan stated it is right on the county website. The mayor stated you need to do some more homework because it is not. John Pupos said the county auditor's website has a statement at the bottom of their page that states the lines aren't official. Mayor Wysong stated to Tom, all we asked is come to council and say I'm going to do a little

yard work, I bought this property – different story. But you decided to do this automatically without asking to come on our property, that we just planted grass on we are trying to grow to improve our park. Then you took a bobcat and then a trailer out there without inquiring to anybody. All you had to do is be a good resident was to come up and ask or inquire. But you choose not to and killed our grass. I saw you replanted it and put the straw down. You took our fence down conforming or not it wasn't yours to take down. The fence, I do not know what year it was put in or circumstances surrounding it. Whoever put it in is probably dead. Our zoning inspector, council and our solicitor researched and found you took down property that did not belong to you and you moved the survey pin – that is against the law. Tom stated: I didn't move anything; I paid good money to have the survey done. Mayor Wysong said he spoke and met up back there with the surveyor and he said the pin had been moved and his surveyors cap missing. Mayor Wysong said you can tell it had been dug up; we also have pictures of where it was. So what happened? The village is providing facts. Tom said he also is providing facts. Just let him know how you want to handle it. The mayor said I want you to be a good neighbor and ask and work thru this. The solicitor wrote a letter saying an alley does not exist. Tom said he assumed the website was correct and he was OK to back down there. He has no intention of using that to access his back yard. He would not have gone to all the work to improve my property to back down there and rut it all up. Tom has no intention of using that as an alley. Tom said the fact is according to the survey and Fulton County it is an alley. So, if it is an imaginary line, I don't know that. So be it. I am not even questioning an alley. It is not my alley. Mayor Wysong said you thought it was an alley you could use. Tom said exactly but how would one know it's not an alley when the county map says it is. Mayor Wysong said why wouldn't you inquiry with the village prior to driving on someone's property like that, because it belongs to the village? I am just going to destroy stuff and that's fine, that's how we look at it. Tom stated: I understand where you are coming from, but how is anyone to know it's not an alley when county GIS mapping says it is. Tom said legally he cannot put a fence up without going through zoning and getting a permit. John Pupos said you can replace what was existing without a permit. Tom said: If you go down and look at the west side, the fence is clearly on my side of the property. The mayor said it is not on your property. We do not know what we are going to do with the fence either. The point is – the fence never should have come down. Right now there is nothing blocking anyone from going in the back and driving thru to the park. The whole idea is not to. Tom said: You can say that but you have roughly 3 – 4,000 linear feet of perimeter in that park and not one bit of it is fenced in except this existing fence. The mayor disagreed. Tom states: There is no perimeter fencing other than a person putting up a fence on their property. The mayor said we bought the property with the fence on it. Tom states: Why are you worried about 66 feet of fencing? The mayor said it's the principal of it. You did not come to council. You just did it on your own and expected no one to say a word. Tom said I did it on my own, I figured I was in the right and the fence was on my property. The mayor said Council will decide what they want to do. Tom said he restored up to the line and cleaned up to the line. It is hard to split poison ivy in half. There are photos showing from my front yard, look back and shows the weeds 6 feet tall. The fence is terrible and grown into the trees. If the village is that conscious of their line, why don't they maintain it, there hasn't been a weed wacker against the fence line all summer. The mayor said Tom was mistaken. We have a he said/she said on that. It will be up to council to see what they want to do.

Minutes – Richard Sauerlender motioned to approve September 24, 2018 council minutes as corrected. Second of motion by John Pupos and approved by all council.

Reading of Bills -

Bills Already Paid		
Susan Clendenin	Wages 09/13-26/18	730.00
Catherine Vorst	Wages 09/13-26/18	915.00
Steven Venia	Wages 09/13-26/18	1,620.00
Jamie VanAlstine	Wages 09/13-26/18	812.00
Bills to be paid:		
EFTPS	Village match Medicare & SS	142.60
OPERS	Village Match for OPERS	1,176.14
VISA Metamora State Bank	September Bills	331.05
Toledo Edison	Village Electric Use	1,591.85
WEX/Marathon	Fuel for mowers, truck and equipment	210.88
Derek Hein	Reimburse Zoning Permit	20.00
Advanced Sanitation	Monthly Trash Pickup	50.00
Sue Clendenin	Halloween Candy - Kroger	39.01
OH Treasurer-Josh Mandell	Fiscal Officer Training - Catherine and Sue	200.00
Treasurer of Fulton Co	October Police Protection	425.00
Trisha Gleckler	September Cleaning	40.00

John Pupos motioned to pay bills. Second of motion by John Hudik and approved by all council. Some of the bills (Visa and Toledo Edison) were paid using Bill Pay. There is no cost using this feature. This was a trial run for Bill Pay using two (2) vendors.

Solicitor’s report – Alan prepared an annexation agreement in regards to the sewer line for the church. Karon indicated we are holding off until we receive more information from the church. Alan has been involved in the real estate issue involving Mr. Sullivan. One issue to exam is if prior owner used the property and fence row beyond it for over 21 years for adverse possession. Perceived property lines are not correct a lot of times until the property is surveyed and use sometimes becomes a factor. The village purchased the property three (3) years ago. The village left the fence up. Mr. Sullivan took something down without permission. He assumed the fence was on his property. The mayor indicated that any resident can come up and inquire about property. Karon Lane said she thinks it looks like Tom did try to investigate the area. Unfortunately, he did things before the survey. The Mayor said the pin was moved, but not sure who moved it. The mayor met with the R.J. Lumbrezer the surveyor. R.J. indicated it definitely appeared the pin had been moved and is missing a survey cap. The fence was put up before zoning. Zoning did not initiate in the village until 1991.

At 7:29 p.m. Karon Lane motioned to enter into executive session to discuss pending court action with real estate. Second of motion by Richard Sauerlender and approved by council. Karon Lane moved to

leave executive session at 7:47 p.m. Second of motion by Richard Sauerlender and approved by council. No action taken while in executive session.

Richard Sauerlender made a motion to hire RJ Lumbrezer to survey and relocate pin on SW end of park property, John Pupos seconded, all voted yes. John Pupos noted the zoning inspector is to call the Sherriff's office about the survey pin being moved on our property.

Old Business –

Sewer Update regarding the church property – nothing to report. Council has not received any additional information.

Sewer projects – Catherine reported Steve got an estimate from Joe Eisel for sewer work at 310 Harvest of \$2,500. Steve will need stone and cold patch in addition on this job. Steve also got an estimate from Joe Eisel for sewer work at 320 E. Main Street of \$1,500. Work is in the back yard. Home owner will need to understand we are not responsible for taking out or putting back in the pavers at this location. Once pavers are moved, Steve and Joe Eisel can start this project. Refer to Fiscal Officer Report on the Ordinance 983 request. In addition, Carol Bradner of 358 W. Main Street came in today asking for an update on her sewer project that was not completed. They need the old septic tank crushed and filled and then reseeding to finish. Schedule the septic tank to be pumped at 358 West Main Street. Refer to Fiscal Officer Report on the Ordinance 983 request.

Village Sewer Scoping updates – John Pupos stated nothing has been done with regard to scoping. The vendor from Ohio Rural Water has not returned John's calls. Jamie reports there are two (2) situations with the sewer. One is a bowed bar at the pump station. Jamie presented the pictures of the bracket with the bowed bar. Need a new pipe. There are no steps to get into the well. John Pupos thinks Crown was the original vendor on the project. May have to call them to see what would be involved. Another question, is when it rains, how fast it will go up? The second situation is with the first manhole. Fluid is running constantly like a kitchen sink. There is a steady flow from Wildflower or the creek. John P thinks the catch basin may need repaired. Ken thinks Joe Eisel should look at the manhole and get an estimate of what it would cost to dig it up. John P wants to die the manhole to see if the fluid goes into the pit. That will tell you if that consistent flow is coming form that manhole or not.

Karon and Brooke had a question regarding a check written to Derek Hein for \$20 to reverse a zoning fee paid. There was no voucher and it was a hand written check. They signed off on the reverse Pay-In slip.

Park-O-Rama meeting – The decision made to have Lands and Buildings meet at 6 pm to work on 2019 Wish List on Monday, October 15, then Park-O-Rama meet at 6:30, and then go into regular meetings. Band selection deadline was October 15th.

New Business –

Sheriff called regarding a trailer parked on Shawnee – A continuous issue of a trailer on Shawnee. Mayor Wysong suggested we look at creating a parking ordinance for recreational and utility trailers, campers and RV's. The solicitor will assist us in this matter.

Karon said Curt Peebles is asking to block sidewalk in order to do demo work on his building. Council is asking Jamie to get with him and provide barriers from the village for his project.

Jamie will call Allied Paving about cost to stripe the cross walks.

Fiscal Officer's report-

Allied Paving check is still on hold. The handicap signs are not up.

Treu House of Munch check was received today. The final Park-O-Rama report is in your folders. The report on 08/29/2018 with a few estimated items reported net profit as \$9,077.70. The Final Report shows the net profit as \$9,005.97.

Asked council to approve the following appropriation changes: Increase of \$5,000 in Contractual Sewer Repairs and Maintenance in sewer account E2-5-C-239 necessary to cover sewer repair costs and increase B1-6-E-243 by \$2,000 to purchase (2) solar flashing stop signs. John Pupos motioned to suspend the rules on Ordinance 983 increasing appropriations in E2-5-C-239 sewer contractual repair & maintenance account by \$5,000 and increasing B1-6-E-243 account by \$2,000. Second of motion by Richard Sauerlender. Roll call vote taken: Hudik-yes, Sauerlender-yes, Pupos-yes, Smith-yes, and Lane-yes.

John Pupos moved to pass Ordinance 983 under emergency measure. Second of motion by Richard Sauerlender. Roll call vote taken: Hudik-yes, Pupos-yes, Sauerlender-yes, Smith-yes and Lane-yes.

Ordinance 983 passed.

Missing 1 receipt on Marathon bill – have asked T-Mart for copy. T-Mart did retrieve the missing two (2) receipts from last month.

Mayor's report –

The mayor attended the Fulton County Mayor's meeting on Tuesday, September 25. Some of the cities are talking about Regional Fire. Also talked about going to commissioners and reminding them they work for us and what does Fulton County want to do about water. The mayor was invited to a meeting November 1st in Columbus. Should not cost anything.

Adjournment- John Pupos motioned to adjourn at 8:15 p.m. Second of motion by John Hudik and approved by all council.

Mayor – Ken Wysong

VFO – Catherine Vorst