

Crooksville Council Meeting Minutes Monday, March 18, 2019

**ROLL CALL:** Mayor Redfern called the meeting to order with the following members present Mr. Rice, Mr. Locke, Mr. Hampton, Ms. Smith, Mr. Mohler, and Mr. Loomis. Tom Collins was present. Jan Baughman was absent.

Grant Schooley with Jobes Henderson was present to give Council an update on the Waterline Project. He stated that on contract #1 for waterline installation Freedom Construction got through Buckeye and Main Street for the main line. They are currently working on Snake Hollow and Keystone Street. There are some tie-ins remaining that need finished. South Buckeye up the hill and Cherry Lane are remaining as well as the school up on the hill for main line left to be put in. Everyone on Vaughn Street should be reconnected and are working their way South. The Clinic, Ruff's, and The Hangout are reconnected as well. Clean up and paving will be done once asphalt plants reopen middle of April and cleanup based off of weather. Mayor Redfern asked Grant if he spoke with Freedom regarding dust control because he has been receiving a lot of complaints. Grant stated that he talked to them, they are aware, and were working on this today.

Bryan Pontious was present and Mayor Redfern asked him if he had any questions regarding this waterline project for the engineer. He is requesting that the lines cease and desist until papers are signed. He explained there are no easements or right of ways there. These are on Snake Hollow. Grant explained that they are in the road right of way for the main line so the only thing that can be stopped is the service reconnection. Mr. Pontious objects to this being in the road right of way because he is stating they are in the middle of his field. Grant will drive out and take a look and get back to the Village about this.

Motion to approve Pay App #14 for Freedom Construction totaling \$288,468.31 was made by Mr. Locke and seconded by Mr. Hampton. Motion carried.

Grant explained that regarding Contract #2, the new tank is in service and is operating correctly. They started to remove the old fence and were planning on starting to drain the old tank this week. After this is drained, they will be able to start demolition. They are going to try and drain as low as possible and once it is at that minimum level they will shut the tank off and pump what is left in it. They do not have a pay app tonight because they just started the work again this week due to weather.

The Park Restroom project was awarded to Flecto Construction out of Zanesville. There was a pre-construction meeting held at the Municipal Building last Friday. They should be starting construction within the next month. There is a proposed completion date of August 12<sup>th</sup>. HAPCAP gives this 150 days for completion.

**MINUTES:** Motion to approve Clerk's Minutes was made by Mr. Rice and seconded by Mr. Mohler. Motion carried.

**APPROVAL OF REPORTS:** Motion to approve March Revenue Adjustments to the 2019 Budget was made by Mr. Mohler and seconded by Mr. Rice. Motion carried.

Motion to approve Clerk's Reports for February was made by Mr. Mohler and seconded by Ms. Smith. Motion carried.

**PAID BILLS:** A motion to approve Resolution 2019-19 paid bills and payroll was made by Mr. Mohler and seconded by Mr. Locke Motion carried.

**TO BE PAID BILLS:** A motion to approve Resolution 2019-20 to be paid bills was made by Mr. Mohler and seconded by Ms. Smith. Motion carried.

**TRANSFER:** A motion to approve Resolution 2019-21 transferring funds was made by Mr. Mohler and seconded by Mr. Locke. Motion carried.

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**LEGISLATIVE:** Motion to suspend the Rules for Ordinance 2644, an Ordinance Establishing the Stormwater Utility Program Enterprise Fund as an Emergency was made by Mr. Rice and seconded by Mr. Loomis. Brittany explained that this is for all fees collected and has to be separate from the Storm Water Loan fund created and is just like the water and sewer fund. Motion carried.

Motion to accept Ordinance 2644, an Ordinance Establishing the Stormwater Utility Program Enterprise Fund as an Emergency was made by Mr. Mohler and seconded by Mr. Hampton. Motion carried.

Motion to suspend the Rules for Ordinance 2645, an Ordinance Amending the 2019 Budget and Appropriations as an Emergency was made by Mr. Mohler and seconded by Mr. Locke. Motion carried.

Motion to accept Ordinance 2645, an Ordinance Amending the 2019 Budget and Appropriations as an Emergency was made by Mr. Mohler and seconded by Mr. Loomis. Motion carried.

**OLD BUSINESS:** Nothing.

**NEW BUSINESS:** Nothing.

**EXECUTIVE SESSION:** Motion to go into Executive Session per ORC 121.22 (G) (3) for Possible Litigation was made by Mr. Rice and seconded by Mr. Loomis. Motion carried.

Council is out of Executive Session with no decisions made.

Mayor Redfern asked if Council had anything else to come before Council.

Mayor Redfern stated that there are two things he would like to address. The Cherry Lane issue that Mayor Redfern recommended that the property owners regarding the Cherry Lane right of way contact their attorneys as well as our Solicitors and let them research and figure this out. In his research, he spent hours checking the Village's records and he cannot find any showing that the Village owns any part of Cherry Lane/ properties in question including the Brown property, Saffell property, and the Hutchins property for the supposed alley, street, or lane to work this out. Ms. Brown stated that she would take care of the property issues. One question she had was discussed the last time where she says Council stated that they said it was a public road and has been as far as anyone can remember. Mayor Redfern stated that he has no documentation on that part in question. Ms. Brown asked if this dispute is now being changed and is not resolved and that she feels the Village is going back on this. Mayor Redfern explained that her deed has an easement of 20 feet for ingress/egress and the Saffell property has two easements for egress on it with one being 12 foot and the other 10 foot. The deeds are the only thing to go by and he cannot authenticate her survey with the dotted area that this belongs to the Village. This is why he wants the attorneys to solve this problem. Ms. Brown is explaining that another issue is her being trapped in her home and is being blocked partially. Mayor Redfern explained that this becomes the dispute about it being a public road. Mr. Lucas asked if public safety matters, because this becomes the issue and she is trapped there. Mayor Redfern explained that our Police and Fire can get up to the house. Ms. Brown asked for citation purposes, when there is a public road, the Village has to have emergency access to all members of the Village? Mayor Redfern replied that it is. She asked if this was not a public road, this would not apply to her or Saffell's. Mayor Redfern explained that this is not Village property. Ms. Brown explained that this was paved three times in the past by the Village. Mayor Redfern explained that he has not seen any documentation of when this was paved and asked if she has photos to give to her attorney and discuss with our Solicitor.

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Jerry Marks explained that on the 26<sup>th</sup>, there will workers to clean up 93 and wanted to know if Council wanted to have any HAPCAP workers this year. Mayor Redfern let him know that this will be discussed in workshop and he will let him know.

Tom explained that the Propagation study is tomorrow at 10am.

**ADJOURNMENT:** A motion to adjourn was made by Mr. Rice and seconded by Mr. Mohler. Motion carried.

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BRITTANY ROSS  
Fiscal Officer

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FRED REDFERN  
Mayor