RECORD OF PROCEEDINGS MINUTES OF THE REGULAR MEETING OF THE SHERWOOD VILLAGE COUNCIL August 17th, 2022

The Council for the Village of Sherwood met in regular session at 6:00 p.m. on Wednesday, August 17th, 2022, in the Community Room. Mayor Jack Stantz called the meeting to order. Council President Scott Rohrs, Council Members Jim Hohenberger, Robert Valle, Mike Sudholtz, and Jamie Vogelsong, Alex Buchhop, Harvey Hyman, Esq., Administrator/Fiscal Officer Sherri Ramey, Billing Clerk Faye Escalera, Zoning Director Gilbert Montez, Dave Weaner, Larry Shock, Mary Lou Speiser, Judy Bayliss, Carol Hull, Kyle Vance, John Sillman, Jim Isaman, Leslie Isaman, Kevin Koithahn, Nicole Clary, Paula Demarest, Levi Kuhn, Luke Kuhn, Jeff Hurtig, Beth Kroust of The Crescent News, and Deputy Dan Crites were also present.

The Pledge of Allegiance was recited.

Deputy Crites stated there were 157 contacts were made in the month of July. The majority of which were business checks. There were six traffic stops with citations. No major crime to report or anything out of the ordinary.

The sheriff department will increase patrols with the start of school around the corner to help ensure the safety of students with the busses starting to roll out again.

S. Rohrs asked Crites if it is legal for a motorized scooter to run up and down Maple Street. Lt. Crites said that those are legal because they aren't considered a motorcycle or a moped because the ccs are under a certain limit. A helmet is not required. R. Valle asked if that also pertained to children. Lt. Crites said they aren't meant to have children on, and R. Valle said he saw an adult riding one with a child and Lt. Crites said that would be more than a traffic stop situation.

Citizens

Larry Shock had a question about the drainage that goes down the alley near his home whether the Village would still maintain the drain. The answer is yes, the village will maintain all its utilities even if the alleys are vacated or not.

Judy Bayliss does not mind if the grass alley between Maple and Wilmont is vacated, but the one between Maple St. and Pearl St., which is a stoned alley, is used by many people and the property owners that she has spoken to, Sharon Kline, Jamie Justice, and Cathy Bennett, are all not in favor of vacating that alley, including herself. It is the only access she has to her garage. It is the only access that S. Kline has, and the only entrance to Lavon Speiser's old garage.

She asked council how she could handle it so that alley would not be closed. S. Rohrs asked her why she would not want it closed. J. Bayliss said it is because there are too many cars that use it. S. Rohrs asked if it was just those who own property and J. Bayliss stated that no, there are a lot of people who use that alley. S. Rohrs stated that by closing it the village is not actually saying that it cannot be used, it just will no longer be maintained by the village. She reiterated that she wants the village to continue to maintain it because it is stoned. And if the village closes it, the property owners will then have to keep the stone up. She does not want to do that. If she must, she says she will consult a lawyer and have a petition written up. S. Rohrs said that if she put stone in it, that stone's cost should have been divided by all those who use it. She stated that there is a renter in one home now, so who knows if they will continue to pay for stone. She is not in favor of it because she's in the middle and she does not think it is a good idea to close it and states that her neighbors who own property feel the same. The Village's solicitor, H. Hyman, said that if the alley is closed that does not prohibit access to the adjacent property owners. That an agreement

with the other property owners can be made and that if that is done, it will become essentially a private drive. Access to the garages and things like that would not be lost by the Village vacating that and if there are vehicles driving through that alley, they would be more than free to block the alley so traffic can no longer go through there. Or it can be left open for traffic. It all depends on what the property owners want. J. Bayliss asked what would happen in the instance if she paved the alley up to her garage. S. Ramey stated that per a prior administrator, if a permit was received for a paved alley before it was built, and there was an issue with utility lines and the pavement had to be removed by the village, the village would be responsible for putting the pavement back how it was.

J. Bayliss asked the alleys would be vacated no matter what, based on the opinions of the Council members. R. Valle explained that Council was there to listen to her concerns and any other citizens concerns. That in listening to all sides of the issue, it would guide how they would vote. He pointed out that everybody else that was notified, is not here, because they are ok with it. The people who are here have a problem and the rest of her neighbors as well. She asked if she came in next month with a signed petition by all the property owners, or if this night was the one and only night. It was explained that this was only the first of three readings.

K. Vance asked how many council members does vacating alleys affect. J. Vogelsong and S. Rohrs indicated they were, and Vance then asked if the two of them were not going to vote. J. Vogelsong said no she would be abstaining. P. Demarest asked what the purpose of vacating the alleys was and H. Hyman explained that the purpose was to restore property to the property owners and since there are plenty of options for travel, the alleys aren't necessary in that respect. With the Village's limited resources, Council must make decisions that are in the Village's best interest and that is what they are doing here today, listening to the citizens comments so the citizens can voice their concerns, but this is not a hearing, it's an opportunity for them to express their opinions.

K. Koithahn stated that one of his alleys that was slated to be vacated wasn't there originally. It was taken over to allow coal trucks access. So, obviously that wasn't needed anymore. He asked if it was ok to put up private drive signs and the answer is, yes, it would belong to you.

L. Shock said that on his original deed, his was not considered an alley, it was considered a utility right-of-way, and that was the way it was worded. H. Hyman said, yes, in fact, property owners could put up concrete barriers if they wanted to maintain them as private drives.

J. Hohenberger asked H. Hyman if he knew of any villages or municipalities that were adding alleyways, and he said that in his experience being the solicitor for seven different municipalities he has not seen any add alleys. Alleys are growing less and less popular, vacation is about all that happens. Usage of alleyways diminishes; they are no longer being used for garbage pick-up. They are losing their purpose for the villages and most villages are making the decision to cut alleys.

J. Bayliss stated that according to her plat map Pearl St. is an alley. H. Hyman stated that he does not have that information but would investigate it. J. Hurtig stated that is a twelve-foot right-of-way, and that is why it is marked as an alleyway, but it has been paved. She also said that she has a lot of foot traffic down her stoned alley, which upsets her dogs, her neighbors, and herself. S. Rohrs clarified again that if that were her alley, her property, she would have the right to tell them to leave. As it is now the village's property, people are allowed to use it.

K. Koithahn asked if there would be fresh stone laid before the village vacates the alley. M. Sudholtz told him that it would have fresh stone and would be graded before it is turned over to the property owners

John Sillman asked why his chicken permit was declined. J. Stantz directed the question to G. Montez and then J. Sillman asked if he were an elected official. To which the mayor stated he is the Zoning Inspector, yes. J. Sillman then told council that G. Montez was told he trespassed on his property. Deputy Crites told J. Sillman that this is the first time he is hearing of this and asked if there was a formal complaint filed. J. Sillman told Crites that the last time Montez was there, he told him not to come back. J. Vogelsong asked why he told G. Montez to leave initially. J. Sillman stated that the last time he come on his property he was rude. J. Vogelsong asked if he was there for a nuisance violation. J. Sillman said that he was, but that shouldn't matter, he doesn't want him on his property again. And he wants to know what the village's rationale was behind denying the permit. M. Sudholtz stated that council listens to the zoning inspector in these instances. J. Sillman asked that if Montez has an issue with him and if he is the one who makes the decision as to whether he can have the permit, is that not a conflict? The solicitor said that he believed G. Montez had rationale he was ready to present.

Zoning

Montez stated that there was a car blocking the sidewalk at 110 W Elm St., that he left a note on the door again at 310 W. Maple. The nuisance truck from S. Rock is gone and Montez believes he knows who the guy who owns it is and will talk to him. He stated that he brought a trailer for the girl on Pearl St to use so she could pick up the pile of garbage and she just threw a few bags on it even though it was there for about a month.

Then he spoke about his encounter with J. Sillman. He said that he went to the door to talk about the chickens. He knocked on the door and saw the kids call for Sillman, who came running and slammed the door open, stuck his finger in his face and said, "You're trespassing! Get the F off my property now!" He said he then told Sillman, "Okay, no chickens for now." He said he does not feel like he is out of compliance by knocking on his door to ask Sillman about wanting chickens. G. Montez also stated that there is junk on the porch, and a vehicle that is not plated needs to be taken care of as well. At this point in the meeting, J. Sillman asked council what the vehicle on his property has to do with him getting chickens. J. Stantz said that if G. Montez walked up to his door and was told to leave his property, how does he expect the Zoning Inspector do his job? J. Sillman said he does not need to talk to G. Montez, and it was reiterated that it is his job, that the council sent him to his home. J Sillman said that G. Montez had been told previously that he is not to be on his property and claimed that G. Montez should have told council this before. But certainly, before coming out to make this inspection because he was told not to trespass on the property previously. J. Vogelsong asked when that was and J. Sillman said it was six months to a year ago. H. Harvey said that G. Montez has authority as an agent of the village to make a visit as required to the property. The regulation regarding chickens requires a visit to inspect and to talk. If an application is filed, it is part of the Zoning inspector's job to do that, and you cannot expect to have chickens without him doing that. J. Sillman asked how it was expected that beings that G. Montez and himself have a conflict, that he will get a fair assessment during an inspection. J. Vogelsong asked if he had gone to the Village office to say that G. Montez was told he was trespassing. J. Sillman stated that the incident was only two hours ago. J. Vogelsong said that beings that is the case, now Council knows that he was told to stay off his property. And while G. Montez will not be on his property, the nuisances that were mentioned will need to be cleaned up. J. Sillman asked if that has something to do with him getting chickens. J. Vogelsong said no, but the nuisance needs

cleaned up and if G. Montez is not welcome, who will do the inspection for the chickens. The council said that the Sheriff can handle that duty, and that once the nuisance violation is cleaned up, the permit for chickens will be reevaluated.

L. Shock asked if the flagpole that was at the CFA had been moved to another location. S. Ramey stated that it hasn't been there in years and that when the Village added more stone to the center area is when it was removed. J. Hurtig said that it was shortly after the original Park Board was dissolved. L. Shock asked what happened to it, and J. Hurtig said he believes it was scrapped. It was not a manufactured pole; it was home-built and was not in good condition.

L. Shock also wanted to ask if there was anything that could be done about the drainage issue. S. Ramey said that the Village has Tressler's coming in to get that vacuumed out. J. Hurtig said that they vacuumed it out two years ago. It had been jetted out, but the village's jetter went kaput and it was clogged back to the rim full within a year's time. Tressler's will come vacuum it out again and it will be jetted at that time, too, to make sure that it gets done in case there are any more problems with our jetter. Because our jetter isn't at all reliable, even in an emergency type situation.

L. Shock also asked about the weeds along the curb. J. Hurtig said that they had been sprayed, but some of the curb wasn't able to be sprayed or weed whacked because of vehicles parked there.

Levi Kuhn described the small area of land behind the back portion of the building that they bought on the Northeast corner of Harrison and Vine. He said that he and the Straley's have agreed to split the land so that they will each own the section of land behind their respective buildings. So, as it requires the parcel to be split, he asked council to sign off on the paperwork from the attorney.

Motion to approve the parcel split	J. Vogelsong
Seconded	R. Valle
Scott Rohrs	Y
Alex Buchhop	Y
Jim Hohenberger	Y
Mike Sudholtz	Y

- S. Ramey told Levi Kuhn that she could draft a letter on the Village letterhead and have the mayor sign it tomorrow.
- S. Rohrs asked how the building was coming along and Levi said they are hoping to have it open some time in September. J. Vogelsong asked about CFA whether they were at a stand still and Levi said, yes. They are currently waiting for the insurance companies to get it figured out.
- K. Koithahn asked if vehicles that are not movable are considered nuisance. S. Ramey said that notices were put out today as G. Montez just returned from vacation.
- K. Vance stated that he had a lot to discuss. Firstly, he asked if the village has the ability to maintain potholes. J. Hurtig said yes and asked which pothole he was referring to. K. Vance said it was the one on at the corner of Taylor and Lawrence behind Iron Horse. J. Hurtig said that they have been using cold patch on potholes but keep running out and more will need to be ordered.
- K. Vance asked why he was removed from council. H. Hyman stated that the Ohio Revised Code gives the procedure and requirements for removal. Section 731.45 is where it is basically says that the legislative authority to punish or expel a member for disorderly

conduct, a violation of rules, and/or declare a seat vacant without valid excuse where such absence has continued for two months. K. Vance stated that in other words he was removed for missing meetings without a valid excuse. K. Vance said that the administrator knew he was going to be missing meetings. That he told her a long time ago that he was going to be babysitting and would probably would not be able to make the meetings. He said that her response was that he should bring them along, that there would be plenty of help to watch them. S. Ramey said that no one was informed on any of the meetings that he would not be attending. The mayor spoke to him and directly invited him to the last meeting he missed. K. Vance said that any member of council could have called him at anytime and nobody called. S. Rohrs stated that if a member is going to miss a meeting it is their responsibility to notify council not the other way around. K. Vance said that council had a "witch hunt" meeting on June 10th, Friday morning at eleven. No one from council knew what meeting he was referring to. R. Valle asked if K. Vance was asking if there was a specific meeting regarding K. Vance. K. Vance said yes, and R. Valle said that no, there was no such meeting. J. Hurtig said K. Vance may be referring to a meeting for the Ball Association.

R. Valle asked K. Vance what he hoped to accomplish by asking these questions, and K. Vance said that it was to prove that he did have a valid excuse to miss the meetings and that his family comes before council. R. Valle said that the reason it was an issue is because while family should come first, that council members know when they sign up for council that there is a meeting once a month. And at these once monthly meetings is where decisions are made and vote. If a council member does not show up to vote, it does not do anybody any good. J. Vogelsong agreed that it is acceptable to miss a meeting here or there, but the rest of the council members all notify by text or call when they will be absent from the meeting. K. Vance said that he told the mayor that anyone can call to check up on him anytime they want. J. Vogelsong said that council gave him three months to tell them what was going on and he did not. R. Valle said that while he saw K. Vance out in public there was nothing that indicated there was a cause for concern or a reason that he would not be able to come to the meetings. A council members purpose is to come to the meetings and make decisions.

K. Vance said there was an instance in February where he and the mayor told J. Hurtig to move some snow from the end of a road and the Village Administrator said in no uncertain terms that they are not supposed to give him work orders. K. Vance was confused as to why he should not be allowed as he saw himself and the mayor as supervisors of the Administrator. R. Valle clarified that the Council is, yes, but not its members individually. M. Sudholtz stated that work orders are required for everything now. K. Vance asked why that should be if something "needs" done now. S. Ramey stated that not everything has to go through a full council, but when it is something out of the ordinary or something that shows favoritism, it certainly should. J. Hurtig said that it would be breaking protocol and asking him to do something that breaks protocol should only be done in certain circumstances. J. Hurtig stated that he does not need a reason to follow the Administrator's directives. He said he was told a long time ago when there were issues with multiple people coming to him and needing things done and he was getting directives from too many people, the solicitor at the time told them that all the directives that come from council members should be addressed at the council meeting and work directives should only be followed if they go through the proper channels, which is through his direct supervisor, the village administrator, S. Ramey. J. Hurtig said that if a council member did approach him and ask him to do something, he would go to S. Ramey to verify that it was something he should do.

J. Bayliss said that she had another problem to address. She stated that she paid her water bill. On her next bill she noted that there were two charges each for water and sewer and so

she called the office to ask why. She was informed that it was a late payment fee. She said that when she said she placed it in the drop box, she was informed that if the payment was placed in the box after the billing clerk's office hours on the due date that it was considered late. She stated that it is not noted as a late charge on her bill. She wondered if the 15th of the month happens to fall on the billing clerks non-working days either Tuesday, Thursday, Saturday, or Sunday or holidays, how is the late fee processed. She said she spoke to Bryan utilities, and they said if it is in the drop box by 10am the next business day it is not considered late. She said she called Defiance's water which has a drop box and they said that if it is dropped in before they open the next morning it is not considered late. And she said Hicksville said the same. She called Sherwood Telephone and the said if it is in their box in the morning it is considered on time. She called the Defiance Co. taxes and treasurer's office and they told her if payments are dropped off the day taxes are due after business hours, if it is in there before the start of business hours the next day, it is considered on time. She said she thinks it needs to be clarified by notice on the bills. F. Escalera read the Utility Billing Policy where it states that bills are due on or before the 15th of the following month by the end of the business day. J. Bayliss stated that was not written on the bill. H. Hyman stated that it did not need to be as it was written in the policy. R. Valle said that he can see where the current policy could use some updating and J. Hohenberger agreed. It will be reviewed at the next utility committee meeting.

Legislation

Ordinance No. 22-06-01

AN ORDINANCE AMENDING RESOLUTION 20-06-03. A RESOLUTION TO ENFORCE GRASS AND WEED CONTROL WITHIN THE VILLAGE OF SHERWOOD, DEFIANCE COUNTY, OHIO.

Motion to accept final reading <u>0 22-06-01</u>	S. Rohrs
Seconded	J. Hohenberger
Robert Valle	Y
Mike Sudholtz	Y
Jamie Vogelsong	Y
Alex Buchhop	Y

Ordinance No. 22-08-01

AN ORDINANCE TO VACATE CERTAIN ALLEYS LOCATED WITHIN THE VILLAGE OF SHERWOOD, OHIO

Motion to accept first reading <u>0 22-08-01</u>	R. Valle
Seconded	M. Sudholtz
Scott Rohrs	Abstained
Jim Hohenberger	Y
Jamie Vogelsong	Abstained
Alex Buchhop	Y

Ordinance No. 22-08-02

AN ORDINANCE GOVERNING THE CONSTRUCTION, INSTALLATION, AND PLACEMENT OF MOBILE/MANUFACTURED HOUSING IN THE VILLAGE OF SHERWOOD, DEFIANCE COUNTY, OHIO. REPEALING ALL ORDINANCES AND ZONING AND PARTS THEREOF IN CONFLICT HEREWITH AND DECLARING THE SAME AN EMERGENCY.

J. Hohenberger had a question for the solicitor about Sec. 6 where it references campers. He wondered if under that regulation does it mean that someone could be in the camper temporarily. If it means that after twenty days, they are no longer allowed to reside within. H. Hyman said yes that the intended purpose of that is to prevent people from making

permanent residence or long-term residence within a camper because of sanitary concerns and other issues that can arise where there are campers with long-term residence within a village. No more than twenty days for each six-month period. J. Hohenberger said he saw somewhere that they must be parallel with the road. Most of the lots in town being sixty-six foot wide if there were a trailer that was seventy feet long it would not fit on that lot.

Campgrounds that are seasonal are allowed for a variance with council's permission.

Motion to accept <u>O 22-08-02</u> by Emergency	J. Hohenberger
Seconded	R. Valle
Scott Rohrs	Y
Mike Sudholtz	Y
Jamie Vogelsong	Y
Alex Buchhop	Y

Administrator's report-

Buildings

Library Signage is still being readied by Dave and he will let the village know when it's ready to be hung up.

The garage door will be arriving soon. The circuit board went out on bay 1 and Nofziger came and fixed it today.

Equipment

The door for the 550 will not be in until the end of August.

Parks

Fall Ball is starting in September for five weeks on Sundays only. The Village received the schedule and as of now there are still openings for people to work the concessions for all five weeks.

Five more bulbs were broken around Memorial Pond by someone throwing rocks at them and they will need to be replaced. They were around \$300 a piece after shipping, so the village is looking to finding less expensive replacements that may be studier, too. The wiring has issues still, as well.

The tire swing was broken at the Little Reservation Station. It was taken down and will need to be replaced. There is no information on how it was broken.

Water & Sewer

There were nineteen disconnect notices delivered. There was one that was shut off and then paid later.

Sewer responsibilities were tabled at the last council meeting. The bill was received for 536 N Harrison. It was revealed that there was failed joint at around 8-9 feet. The village reimbursed the homeowner for \$2029.50, \$900 Cam-tech, and to \$6333.63 All Purpose Contractors: for a total of \$9233.19.

Regarding setting up an alert system, more information was retrieved. It is a twelve-month contract. It can be set up online or though phone call or through the village office. It's a fast way to instantly alert any registered citizen to any notice. It's a flat fee, the first year is less expensive, but renewal is optional after the first year. First year's cost is \$375 and the next is \$750. S. Rohrs said that is something the village should try. R. Valle said that basically everyone that lives in the village needs to register, and S, Ramey said yes, and they can do it themselves at the Reach alert website, their 800 number, or come into the village office for assistance. Reach will be able to tell how many people have registered.

Motion to start the Reach alert trial	S. Rohrs

Seconded	R. Valle
Jim Hohenberger	Y
Mike Sudholtz	Y
Jamie Vogelsong	Y
Alex Buchhop	Y

MISC

Mark Moats offered a donation towards the parks and the library, but before his donation he would like to know where the council would like to see the funds used.

No members of council have looked at the condition of the sidewalks yet. Only the ones that do not have approaches will need to be looked at as those with approaches will be being replaced by default.

Solar Project- Cliff Scher met with the Commissioner. J. Stantz and S. Ramey attended. The timeline was discussed and the money the project would bring in. The Ohio Siting Board's decision could come by October, but most likely not until the end of the year. Cliff Scher was asked what they would do if the application was denied by the OSB, and he stated that he would appeal it through the siting board and the Supreme Court if needed.

The next food pantry is on Wednesday September 21st from 8am-10am.

The Fireman's Appreciation Dinner is slated for October 1st. Hopefully it can be at the new Fire Station. If not, it will take place at the Little Reservation Station. The cost for the gifts will be below the \$25 a piece that was approved by council. Recognition pins are always given, and there are a lot that will be coming up in the next few years. With the price of pins going up significantly, S. Ramey asked if she could stock up to save money in the long run. Going out five years for now was agreed upon.

There were no committee meetings since the last council meeting and the mayor informed council that the Fire Chief said he did not have anything to report regarding Fire or EMS.

Financial reports-

Motion to approve the Finances	J. Hohenberger	
Seconded	S. Rohrs	
Robert Valle	Y	
Mike Sudholtz	Y	
Jamie Vogelsong	Y	
Alex Buchhop	Y	

Minutes-

Motion to approve the Minutes	J. Hohenberger	
Seconded	R. Valle	
Scott Rohrs	Y	
Mike Sudholtz	Y	
Jamie Vogelsong	Y	
Alex Buchhop	Y	

Old Business-

Council Bylaws recommendations were offered for consideration.

Motion to table the Council by-laws	M. Sudholtz
Seconded	R. Valle
J. Hohenberger	Y
Scott Rohrs	Y
Jamie Vogelsong	Y
Alex Buchhop	Y

After the water main break there will need to be repairs done. J. Hurtig said that the area by the stone yard there is a repair clamp that was joined and needed to be replaced. It was originally thought that there was just a six-foot line of ductile that needed to be replaced, but upon digging it up, it was discovered that it is not known how far the ductile line goes. What is left of it, that is near valves, should be replaced. The main issue is making sure that citizens will not have to go without water for an extended period while the repairs are being made. It would be nearly impossible to have the repair made within a day. S. Rohrs asked how much it would cost to have the job contracted out and J. Hurtig guessed probably \$15,000 on the low end and that it is unknown how much it would be on the high end, because it would all depend on if they ran into any additional problems and how much line would be replaced. S. Rohrs asked if they would be able to get it done more quickly. J. Hurtig said yes because they would have a crew of workers and an excavator. J. Hurtig reiterated that the unknown in this situation is exactly how much water line and valves will also need to be replaced once the digging begins. J. Hurtig told council that it would be a very large task for him to attempt on his own. He said that there are six to eight valves to be considered and if one fails during the repair, the water tower would be drained within a matter of twenty minutes and there would not be any way to stop it. R. Valle asked if he was going to be looking into get quotes and J. Hurtig said that in these situations the village has done better not getting quotes because the contractors that the village has worked with in the past have been very fair and usually come in under the estimate. Council asked him to get ahold of the contractors to get on their schedule to make the needed repairs.

J. Hohenberger asked if it was decided already that the 1% of the village's income tax should go into the park fund annually or if it still needed to be approved quarterly. H. Hyman clarified that if was decided that it would renew every January for the entire year and then it would stay on that regular schedule. And recommended that council vote to authorize the transfer to the Park Funds the balance for the remainder of the year and then stay on an annual schedule starting in January.

Motion to move the 1% to Parks for the	J. Hohenberger
3 rd and 4 th quarter	
Seconded	S. Rohrs
Robert Valle	Y
Mike Sudholtz	Y
Jamie Vogelsong	Y
Alex Buchhop	Y

Motion to pay the Bills	R. Valle	
Seconded	J. Vogelsong	
Scott Rohrs	Y	
Jim Hohenberger	Y	
Mike Sudholtz	Y	
Alex Buchhop	Y	

Motion to Adjourn	J. Vogelsong
Seconded	R. Valle
Scott Rohrs	Y
Jim Hohenberger	Y
Mike Sudholtz	Y
Alex Buchhop	Y