

Village of Kirkersville Council Meeting Minutes

September 7, 2022

Pro Tem Engel called the meeting to order at 7:00 p.m.

Council in attendance: Mark Davis, Dave Engel, Jim Kincaid, Carrie Slone and Nick Takach.

Absent: Mayor Ashcraft and Council member Jessica Forsthoefel

Also present: Fiscal Officer Shirley Roskoski

Agenda

It was moved by Kincaid, seconded by Takach to approve the agenda. Following vote on the motion is recorded: yea, 5; Davis, Engel, Kincaid, Slone and Takach. Nay, none.

Minutes

It was moved by Kincaid, seconded by Davis to approve the minutes of August 3, 2022. Following vote on the motion is recorded: yea, 5; Davis, Engel, Kincaid, Slone and Takach. Nay, none.

Public Poll

Andrew King said he is with the Southwest Licking Water and Sewer District. He said Rob Platte was not able to make it tonight. Andrew said that they have put their proposal in writing and it has been sent to the village solicitor for his review. We wanted to follow up with you tonight to sort of ask for action, particularly if there was going to be a community meeting to get moving on that. The reason for that is we have already begun to reach out and the hopes and the anticipation that this project would go and there are some grant deadlines coming up in the next couple of months. If there is an interest in moving forward with this, it really needs to be the next forty-five days to run through the steps, so we can get these grant applications in. I am happy to review, but basically everything Rob spoke about at your last meeting was put in writing and sent to your solicitor. As discussed, this would be providing water service to just about everyone in the village so it would be Community Drive, the Village proper, and I am pretty sure we added to it after the last meeting. The idea is, between seeking developer contributions, grants, loans, those kinds of things, that everyone would essentially be allowed to tap in for free. The tap fees would be part of what we are seeking to have paid through grants. The connection fee would be the same thing. What we propose, and I put in the document, would be that we would seek, through a bid, that anyone that wanted to connect, we would do the service line and connect it to the house as all part of the application. If no one wants to hook up, they are not going to be forced to hook up. If they want to keep their well, they can, as long as they use the backflow prevention and abide by our rules, they can do that.

Pro Tem Engel said when Rob spoke last time I thought it was very nebulous as far as where we were with all this. That floated but I had never heard and I don't think we heard it at the last meeting.

Council member Takach said we encouraged him to talk to Brian Zets but I haven't seen anything from Brian.

Council member Kincaid said we agreed for the attorneys to move forward.

Council member Takach said until our solicitor shares the information with us I don't have any opinion on it because I haven't seen the final proposal.

Council member Kincaid said didn't we talk about having some kind of community meeting outside of the council meeting about this.

Council member Takach we discussed bringing the community in to gauge their interest, but that was before we really talked through the fact that there was going to be no commitment whatsoever if they didn't want to connect.

Andrew said what I would propose to Mr. Zets is, if you guys declare it an emergency, declare it an emergency. What I had proposed to him was to have some sort of a special community meeting as the first meeting and then decide on it at your meeting in October. He may advise you differently. I followed up with him last week and he indicated that he had not gotten to it.

Council member Kincaid asked when is the deadline for the grants that you are talking about to be applied for.

Andrew said October 14, and the next one is the beginning of November. Just to recap. What the idea is, there is currently water nearby at the school. What the proposal would be, roughly, the water would come up the main street. Everyone in the town proper would have the opportunity to tap in. Community Drive the same thing. Then Loop Road to the 158 bypass we would pick up as part of this project. The rest of the folks on Loop, as the project develops in the future we think we can pick them up. It's not quite everyone but it will be nearly everyone as part of this project. What we were proposing to do was seek grants, either through different organizations, loans through the EPA, and private contributions from the developers. Those would pay to run the water lines and the tap fees. To help assist this we would also try to defray the cost of running the service line and having a plumber come into your house to connect it. The proposal was that all that would be done by the District in one sort of giant bid package. That we would find one company that could do that. Once the waterline is in front of your house we propose that you make your decision within thirty days. Once we know who wants to connect, we will get people connected that way. The idea would be to seek grants now, seek grants in the spring and get the design process started as soon as we have an agreement.

Council member Takach asked did your proposal include the cost per gallon or any schedule of what the cost could be.

Andrew said what we propose is that the residents of Kirkersville will be charged the same rate as everyone else in the district which for water is \$5.22 per one thousand gallons and it's a 2,000 gallon minimum, something like that. Everyone will have the same rate whether you're Harrison

Township, Etna Township, everyone will have the same rate. My thought process is if we could have a decision by November so we can get applications in would be preferred.

Council member Takach said we can do the emergency to pass it in time, that's not an issue. It's making sure that we share the proposal with the community because last time there was a lot of feedback on water coming into the community.

Council member Kincaid said they don't have to take it.

Council member Takach said that's true. The biggest point this time is take it or leave it. It's up to you. It's available, it's at no cost besides the monthly usage fee.

Council member Kincaid said that would be my thought because I am in favor of it. Why should I not get it just because someone else does not want it.

Andrew said the one thing I did forget to mention, and it is the proposal, is for the village to TIF the Red Rock property.

Judy Cast asked if we don't hook up now then we have to pay later.

Andrew said yes, you would pay all fees.

Karen Kessler said this exact conversation happened at the last meeting. The same questions were covered and the same discussion happened and we assured Southwest Licking that we would have an answer for them within thirty days. You can see it in the minutes what was covered and Mr. Kincaid said this is inevitable, this is coming. I appreciate your patience for covering this again but we told these guys that we would have an answer in thirty days. That we would have a meeting with the public within thirty days. Peoples wells are failing, I know we can declare an emergency.

Council member Kincaid said if you remember, I made the motion to allow the attorneys to talk. How can we make a decision on something we did not know until tonight?

Andrew said it was mentioned that we can take this up at the October meeting so I think that is acceptable for us for the time frame.

Karen Kessler, 152 and 160 Main Street. Her home is in Pickerington. Karen asked if anyone here tonight thinks this is a bad idea. If anyone does have an opposing viewpoint. I would love to hear it. I would like to know what the negatives to it are because I would like to hear the opposite side. I do hear a lot of good things about so is there anybody here that feels like there are negatives or drawbacks to getting the water.

Pro Tem Engel said there are a couple of things that we need to come up with. For the village website we need to come up with administrators to post the official information from the village and they would be the ones that have access for posting that information. It was suggested that perhaps Shirley and Vicki have access to post materials that need to be posted.

It was moved by Takach, seconded by Kincaid to appoint Shirley and Vicki as our administrators to upload pertinent documents to the village website.

Council member Kincaid asked what about the Chief. Is he going to be posting anything?

Council member Takach said my thought, and maybe I need to revise what I said. It would be to upload completed documents for the file sections, so that would be agendas, minutes, passed resolutions and ordinances. Not necessarily to receive communication. The Chief can be set up on the backend to receive a notification when he gets a submittal to his form. He doesn't necessarily need to upload anything. I am currently administering the site and I can set up Shirley and Vicki to have permission to upload files to the site. I don't know that we need too many hands on the back end.

Council member Engel said we can not have advertising for individual businesses on there. That is my understanding. Our solicitor has informed us that if the village is paying for it that we cannot have ties to businesses.

Following vote on the motion is recorded: yea, 5; Davis, Engel, Kincaid, Slone and Takach. Nay, none.

Vicki Coe, 9543 Loop Road, asked if there would be oversight in any way to approve or not approve anything that we may put on the website.

Pro Tem Engel said if I understand your question, what parameters are in place on the items that you would be putting on the website. Is that correct?

Vicki said the examples that they gave were all that Shirley does, nothing that I do. I can think of things that would be best to put on there but I would assume that you, as council, would want to have some oversight on what goes on the site.

Council member Takach said I agree. If you want to collect a list of things that you think are pertinent to post on the website and then we can review them and approve those particular items. That way we have a line item of things to approve.

Pro Tem Engel said just as a point of interest. We had talked last time about zoning and the comprehensive plan. My understanding is that item cannot be found anywhere. We may have way more work ahead of us than we initially planned on doing the zoning book.

Council member Takach said I have a recommendation on the zoning book and a possible temporary path forward. I know Jack talked about Hebron having a pretty comprehensive zoning package as well as, I know Pataskala's is pretty robust. Could we, in the meantime, adopt one of those two and then work to redact anything that needs to be brought out of it that maybe doesn't apply or have a different definition than we like to see. That way we have something that is more robust in place for the clients that are coming into town to build now. I don't know that we have another year to wait for some of these clients. That's my recommendation.

Council member Kincaid said I don't think it would be a wise idea to use Pataskala because they are a city of 30,000 people which is a lot different than our 520.

Council member Takach said the two are very similar in wording. They still have the districts laid out. It still falls under the more robust definitions of each district that we want to see. The way their book is written it could be for a village of two or a city of twenty thousand. It's not really numbered based which is a benefit. It also helps us if we want to try to grow in the future because there is no reason we have to stay a village of 500 for now. We can work on that expansion and try to take our village to the next step and really try to pull more people into the community to try to allow them to see the benefit of being part of the village. I don't care what book it is but I think adopting somebody's else's zoning which is currently revamped to be robust, is a here and now solution to the problem and then as you work through issues that arise with the book, things can be modified at a later date. Other people have done the work for us in very close proximity in the recent past and it really alleviates a lot of planning and zoning committee's work. It's a lot of work to try to rewrite it from the ground up.

Pro Tem Engel said on the one hand I agree with you whole heartedly, Nick and Jim, about getting something in place so that we have legislation as these people come in. At the same time as we found out when we did Chapter 12 which is the PUD, we found out that there were items in there that were applicable it carte bl to Shawnee Hills that didn't apply to Kirkersville. If we adopt it carte blanche to make things smoother, we may adopt things that come back to bite us.

Council member Takach said it still needs reviewed. I wouldn't just approve to approve but a more expeditious may be in order to allow someone coming in, like Red Rock, that has interest in the community to proceed quicker.

Pro Tem Engel said the other thing we haven't talked about is this Comprehensive Plan, which is a long-range view of the village. We should follow that as we are working the zoning so you don't get it topsy turvy. That may be two things that we have to work on in tandem.

Council member Takach said a comprehensive plan doesn't necessarily have to be a thirty-page document. It can be a simple mission statement for the zoning committee to temporarily put something in place that leads us to a more current form of zoning and a current set of definitions for a zoning district and move forward from there.

Pro Tem Engel said we have one seat open on planning and zoning which we need to fill.

Police Chief

Chief DeLawder gave his monthly report.

He said in regards to junk vehicles, according to 452.05 A and G, my authority runs out if the vehicle is in the yard, not in the right-of-way. My authority is only for vehicles in the right-of-way.

BPA

Randy Stoll, Village Engineer, said Carl Wheeler pumped out the EQ tank and it has been put back into service. There was a lot of grit and trash in the EQ tank.

There have been no violations from the EPA in the past thirty days.

The automatic sampler came in. The sampler takes a composite sample throughout the 24-hour period. The sample goes to the lab and that is how we are supposed to be doing it. The operators, technically, are only supposed to be onsite three days a week for a half hour each day. This is pretty much impossible on our plant.

We filed the WPCLF funding for the major projects.

Randy said permanent flow meters are required for the plant. Right now, we only have a run time meters on the pumps. It's not an accurate way to do it. As part of the improvement a flow meter was going to be put in. At the same time we also wanted a temporary flow meter to see what the flows are coming into the plant, especially if there are questions about future development in the area.

Council member Davis asked what is the capacity at the treatment plant.

Randy said the capacity of the plant is rated at 100,000 gallons per day. Based off the run time meters the average is about 50,000 gallons per day. When it rains it goes up, roughly half.

Streets

Pro Tem Engel said we are still working on the radar signs. We are looking at getting a slightly smaller sign so we can move it around the village. Possibly a thirteen-inch sign that can be moveable.

Fire

Council member Kincaid we did not meet in August. The Hebron transition went smoothly. Of the Hebron employees, seven of the nine were rehired. Two of the nine decided they did not want to continue on.

Engineer

Randy said you have OPWC funding from the last round to pave Fifth Street from U.S. 40 up to the elementary school. Two things, I wanted to keep the engineering portion of it separate from the village engineer, for accounting and everything. The cost for engineering is \$4,824.00 and the cost for construction administration/inspection is \$7,235.00. Those costs are exactly right out of the funding application. Between construction and engineering OPWC is paying about 93% of the cost.

Council member Takach asked what is the project timeline.

Randy said it must be completed by July 2, 2023. Striping is also included.

It was moved by Takach, seconded by Slone to authorize IBI Group to handle the engineering services of the Fifth Street paving project. Following vote on the motion is recorded: yea, 5; Davis, Engel, Kincaid, Slone and Takach. Nay, none.

Planning and Zoning

Randy said in the past month I have been approached about four different development projects. With that much activity I thought it would be good to bring it to council's attention. I believe

there is a zoning meeting scheduled for September 28 at 6:00 p.m. I do need to confirm that because the parties of interest I believe all want to attend. Just an overview of the four projects. One is for 205 W. Main Street. Green Acres Alliance is proposing a property lot split. Next, at the northwest corner of Outville Road and 158 bypass there is a proposed 7-11/Speedway at that corner. Third is the Red Rock development. There have been several rounds of correspondence about zoning requirements for that development as well as utility capacities. I have concerns all the way around on that. I really won't have an answer until we get the flow study done. This is on 40, Main Street west, all the way to the corporation limit. Randy said I believe all three of those have submitted preliminary concept things so we have an idea of what they are doing. the next step would be they want to present that to the zoning board. Then we have to determine what the next step is after that. For the lot split, that may be pretty straight forward. The other two, one is a PUD. Brian will need to be involved in that. That goes to Council. The other one, I am not sure what avenues they are trying to go with yet.

Shirley said I am confused. Why are they going to planning and zoning if they haven't submitted applications? Is this just preliminary, this is what we are thinking we want to do.

Randy said preliminary. I believe the zoning has to review it, then give a recommendation to council.

Shirley said that is for a PUD. The other ones, there is no application, there's nothing. No fees have been paid. It seems like this process is backwards. They should be submitting everything then going to zoning. The zoning board has to be careful that they don't agree to something without the proper application.

Randy said the fourth one is Anthony Farrell. He contacted me a couple of times about the property on East Main. There's a vacant lot and the house with the room addition that was taken off. The last I heard he is not going to move forward with replacing the room addition. As far as the vacant lot a decision should be made as to how to move forward on that. We can get into details at the zoning meeting with this but as I read the current zoning ordinance it looks to me like a rezoning will be needed. I mentioned to Anthony that I would make council aware of this. I will make Anthony aware of the zoning meeting on the 28th.

Council member Takach said Anthony tore the addition off because it was in such bad shape. He wanted to put the addition on the other side of the house but it was taking so long to get an answer in any reasonable amount of time. He is also running into the issue of the property previously being a two-unit rental even though it's in the business district and he has been told he can't. It's been a nightmare for him and he is working hard to improve our Main Street. I feel like we are doing him a disservice not getting these answers to him quickly.

Randy said I did mention to him that it would help if he put a sketch together to show what he was wanting to do. So far, I do not have a sketch. It doesn't show here's the property line, here's the setbacks. There's a page in the zoning code that has a list of what all should be included in the initial submittals so we can figure out how to even address it. It would be nice if we had that ahead of time, before the zoning meeting.

Council member Takach said if I talk to him I will let him know that again. The thing I think he has been running into is not even being able to get into contact very easily to find those things out to get it to move forward. He has been to a couple of zoning meetings and was never told that. I was at one of them and that wasn't brought up.

Randy said I did not approve the initial application because it had three units on it. That's because that whole strip along Main Street is zoned business. When you read down the list of approved businesses, multi-family or three are not on that list. I didn't feel, as an interim zoning inspector, that I should approve that. I thought that should be a village decision whether you wanted an apartment building right there on Main Street in the business district.

Council member Takach asked is the Lily Pad considered being in the business district because it has a five unit.

Randy said it is the whole strip.

Council member Takach asked do they have a variance on file. Did they file for a zoning change?

Randy said I do not know the answer to that.

Council member Engel said I think that was a grandfathered issue, that was there prior to the zoning code.

Finance

Council member Davis gave the following fund balances:

General Fund	\$141,322.56	Street Fund	49,646.23
State Highway	19,952.28	Drug Law Enfct.	3,964.11
Indigent Drivers	400.00	Am. Rescue Plan	58,053.42
Enfct. & Education	80.00	Court Computer	1,064.00
Sewer Operating	364,164.43		

Legislative Actions

First Reading- Ordinance 07-202 – A Ordinance to reappropriate funds for current expenses and other expenditures of the Village of Kirkersville, State of Ohio, during the fiscal year ending December 31, 2022 and declaring an emergency. It was moved by Takach, seconded by Kincaid to suspend with the rules. Following vote on the motion is recorded: yea, 5; Davis, Engel, Kincaid, Slone and Takach. Nay, none. It was moved by Takach, seconded by Kincaid to adopt Ordinance 07-2022 as an emergency. Following vote on the motion is recorded: yea, 5; Davis, Engel, Kincaid, Slone and Takach. Nay, none.

First Reading – Ordinance 08-2022 – An Ordinance to authorize the Mayor and the Engineer to issue a competitive bid package related to the Fifth Street paving project for the Village of Kirkersville, Ohio, and declaring an emergency.

Council member Takach said shouldn't it say IBI Group instead of the Engineer.

Council member Engel said we can say, Engineer/IBI Group.

It was moved by Kincaid, seconded by Takach to suspend with the rules. Following vote on the motion is recorded: yea, 5; Davis, Engel, Kincaid, Slone and Takach. Nay, none.

It was moved by Kincaid, seconded by Takach to adopt Ordinance 08-2022 as an emergency with the mentioned change. Following vote on the motion is recorded: yea, 5; Davis, Engel, Kincaid, Slone and Takach. Nay, none.

First Reading – Ordinance 09-2022 – An Ordinance authorizing the payment of the invoice received from Carl Wheeler and declaring an emergency.

It was moved by Kincaid, seconded by Slone to suspend with the rules. Following vote on the motion is recorded: yea, 5; Davis, Engel, Kincaid, Slone and Takach. Nay, none.

It was moved by Takach, seconded by Slone to adopt Ordinance 09-2022 as an emergency. Following vote on the motion is recorded: yea, 5; Davis, Engel, Kincaid, Slone and Takach. Nay, none.

First Reading – Ordinance 10-2022 – An Ordinance authorizing the payment of the invoice received from Jess Howard Electric and declaring an emergency.

It was moved by Takach, seconded by Kincaid to suspend with the rules. Following vote on the motion is recorded: yea, 5; Davis, Engel, Kincaid, Slone and Takach. Nay, none.

It was moved by Takach, seconded by Davis to adopt Ordinance 10-2022 as an emergency. Following vote on the motion is recorded: yea, 5; Davis, Engel, Kincaid, Slone and Takach. Nay, none.

First Reading – Resolution 05-2022 – A Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor and declaring an emergency. It was moved by Takach, seconded by Kincaid to suspend with the rules. Following vote on the motion is recorded: yea, 5; Davis, Engel, Kincaid, Slone and Takach. Nay, none. It was moved by Takach, seconded by Davis to adopt Resolution 05-2022 as an emergency. Following vote on the motion is recorded: yea, 5; Davis, Engel, Kincaid, Slone and Takach. Nay, none.

Bills

It was moved by Takach, seconded by Davis to pay the bills in the amount of \$24,722.84. Following vote on the motion is recorded: yea, 5; Davis, Engel, Kincaid, Slone and Takach. Nay, none.

Old Business

Pro Tem Engel said we had a quote from Gro-Green in the amount of \$550.00 to spray the alleys and the curbs along Main Street. They use a herbicide that they buy out here from Harold Barton's seed farm to do that.

Council member Takach asked if that included South Alley and the stuff that has grown up down there or is it just the main gravel alleys?

Pro Tem Engel said Terry said just to spray the alleys so I would assume all the alleys.

Council member Takach said I would prefer to see the other option that we had discussed.

Pro Tem Engel said your option will need to go to the street committee. You will need to get that information to them.

Council member Takach said for clarification, it's the option to have the alleys scarified and brought back up, clean up any big chunks of asphalt that were in the alleys and regrade them. They will look fresh. All the weeds will get killed during that. It would bring the base up to a nice fluffy layer and it would help with the crowning of the alleys and some of the issues with people bottoming out. It would help with a lot of holes and stuff. The idea is to just do that rather than spend money on weed killer, that's what I am proposing.

Pro Tem Engel said to me the two would work in conjunction with one another if we can get Gro-Green to spray and kill the weeds then if the street committee so decides to have that work done, we don't have those weeds growing back up.

Council member Takach said Gary and I always take care of our alley. If you look up and down our alley it is usually pretty weed free. I always thought that was a general property maintenance task.

Pro Tem Engel said I think the two of them kind of complement each other.

Council member Takach said the only reason I brought it up was if we do the scarification process there will be no need for the weed spray because it will be close enough to winter that we are done with weeds and then it could be sprayed in the spring. It seems like a waste of \$550.00 if we end up moving forward with that next month and we just put down \$550.00 worth of weed killer.

Pro Tem Engel said it's a decision Council has to make. Right now, with the information we have it is either spend \$550.00 to spray for weeds along the alleys and along Main Street curbing. The other thing to think about in conjunction with that is to do the complete renovation of the alleyways in the village, use the scarified blade to dig up the alleys and turn that gravel. I think part of that has to do, long term, when we apply gravel to the alleys we have to get the gravel in the tire tracks and not in the middle.

Council member Takach said hiring a company that can not only put it down and drag but before the do that going through and doing like a box drive to tame down the crown and then putting down the gravel as one surface so we don't run into that issue again.

Pro Tem Engel said he just received the speed study for Outville Road. The speed limit is posted as 55 and the average speed was 50. They are not going to change the speed because there was only a 5-mph speed limit difference.

New Business

Council Member Takach said Jessica asked me to bring this forth. We are proposing October 27 from 6:00p.m. to 8:00p.m. as our trick-or-treat day. If we agree to that then I will put it on our website. If somebody lives out on Loop or Community and want to do trick-or-treat within the village that we could offer for them to be able to sit out here in front of village hall to do it.

Council agreed to this.

Public Poll

Judy Casto, 107 W. Main St. said in July I called the Mayor and asked about the Tattoo Shop. Then August third here at the meeting we talked about it again and the Mayor said I have your number written down and I will give it to him and he will call you on Monday. Do we have a new zoning inspector? He has never called me. The Mayor then called me and said that he called the Health Department and asked them to send a packet to Randy. Now Randy is not supposed to be our Health Inspector. Why he requested that I don't know. The town doesn't need a packet from the Health Department. The people get the packet from the Health Department and the Health Department approves them. All the people need from the town is a permit. I don't know why this is getting so complicated. It's not the first time I've done it. There's been a barber shop, a beauty shop, a nail shop, this is no different. The mayor shouldn't have done, that in my estimation, so Randy has the packet.

Randy said I think the question came up was which one comes first, the zoning permit or the Health Department permit. I thought Terry talked to the Health Department and they said get the Health Department permit first. The zoning permit can come after that.

Judy said okay it's going to happen, it's just the sequence.

Randy said I think the question is for zoning to approve the Tattoo Parlor to go in, there's a question if it's even suitable.

Judy said they better not after the fact because it's already been done. They made improvements, see what I am saying, the imbalance there.

Judy said the other thing is I think you were rude to Mrs. Kessler, in my estimation. I have owned this property here since 1986. I didn't live here then, I lived in Buckeye Lake. I also lived in New Albany. I come to these meetings not because of the property where I live, where I put my head down at night, it's because of what I own in this village. That's why she is here.

Council member Takach said I think it's just a verbiage change we need for that. I think it's just what interest do you have in the village. If you have an address in the village, you have an interest to be at the meeting. If you want to know where they live, just for the record, so you know where they live but I would explain that it's not to say that you don't live in the village but just to have a record of who you are and where you are from.

Council member Engel said people have to follow the rules of the meeting. It was getting out of hand. I am sorry if I hurt your feelings. We have a right to know where she lives. Yes, she owns

the two properties over here. We have the right to know her name. We have the right to know her address. If you call your State Representative, the first question they are going to ask you is where do you live. So, we are putting that into the minutes. So that is why it was done.

Judy said okay but your tone of voice could have been a little bit nicer.

Pro Tem Engel said the reason I did that was because it was getting out of control and I felt I wanted to get the meeting back under control of me.

Karen Kessler, 103988 Stonehedge Circle, Pickerington Ohio 43147 is where I am registered to vote. I am noticing that several people spoke before I spoke Mr. Engel and I was the only one that you A. yelled at, and B. asked where I voted. I am wondering, number 1, if you would have yelled at any man in this room, and I am also wondering if you have asked anyone else where they voted. You didn't hurt my feelings, but you did offend me. I am not looking for an apology but I am wanting to make sure that everyone understands the women are told to shut up all the time and I was told to shut up in this room by the Mayor repeatedly. He doesn't like it when I told him to stop and you didn't like it when I told you to stop either. Just a reminder, women are allowed to talk, and women are allowed to talk even when men don't like it. That's the first thing. The second thing is I am really confused about this zoning thing too. I am confused about why you hired a zoning inspector, under all that weird controversy, and then anybody who still needs some zoning questions answered are still talking to Randy or talking to Mr. Engel or giving Vicki stuff. I finally got him on the phone at a number he didn't want me to call him back at and he told me that he would eventually get an email address that I might be able to give to the attorneys and he would let me know when that happens. That was a while back. It's the same thing he told Anthony Farrell. Anthony doesn't have it. I don't have it. I was glad to see he wasn't paid anything on the budget because everyone else seems to be doing the work. I am really confused about why zoning stuff is happening at this meeting. When Shirley was like why is this ass backyards. She said it so much nicer than that. She was right. You guys aren't supposed to be getting those papers. That's not supposed to be coming from the Engineer to you. That's a zoning meeting thing. Those plans are supposed to go to zoning first. That's really confusing and it's confusing for anybody who is trying to do any development here. Not just me. Not just Anthony. It doesn't seem to be confusing for Red Rock. They seem to be sliding right through. For anybody else it's really confusing. Regarding Anthony, it was really hard to hear him get talked about tonight because he is not here. Anthony has been fighting this same fight for almost three years and never in my life, I've done 28 properties in the past few years and I have never seen anybody get the run around like Anthony Farrell. Anthony is doing really good work and he is getting the run around because of personality conflicts. He is getting pushed from the engineer to the imaginary zoning inspector to Mr. Engel back to the Mayor who he doesn't get along with back to Mr. Engel, back to imaginary zoning inspector. It's ridiculous. It's infuriating. He has lost tens of thousands of dollars and he has been very clear. He was told last month that he had three minutes to speak and he was cut off after thirty-eight seconds. The Mayor cut him off and said talk to the zoning inspector. Who we don't have any way to talk to or contact him. It's very frustrating and it feels very much like people are being targeted and being singled out. It feels like that type development is not being encouraged and that is the type of development that is going to make this village work. Finally, I am just going to go ahead and say this, speaking of being targeted, I was made aware, this month, that Mayor Ashcraft contacted

someone at the County and indicated that there were illegal activities happening in my two buildings and he would like those buildings to be inspected and he would like to be searched ASAP. It's pretty funny because one of my often guest is the Chief of Police. The Mayor was told that he could not do that, that it was illegal and to stop doing that sort of thing, to stop targeting people and he didn't get what he wanted. There's nothing going on in my buildings anyways. The Chief will tell you. He sits over there and talks to me. It's this kind of crap that is making development impossible. It's this kind of behavior that has to stop. It's this kind of illegal views that is not making people want to develop property here. You guys have to understand what is happening. You guys have to understand what people are up against. That's what we are working against. We are working against imaginary people with no contact. We are working against being targeted. We are working against impossible scenarios and the loss of tens of thousands of dollars. If you want to know what is going on with Anthony please go talk to him. He will tell you he needs the help.

Council Poll

Council member Takach said I completely agree with what Karen said. I have been listening to Anthony's complaints. I know it can often seem like it is coming one sided and like it is just someone complaining but he is truly being hindered in his process forward. I know I said it when you were speaking earlier Randy, it's horrible to watch it happen to him. I don't know what we can do to make this process easier for people that want to develop and make our community better. It has to happen and it has to happen now. I don't know what we can do. I don't know who needs to make it happen but it needs to happen now, for sure.

Judy Casto said the zoning inspector was here but he didn't stay.

Council member Takach said he is not obligated to stay for the council meeting.

Judy asked why didn't he ever call me.

Pro Tem Engel said Judy I can't answer that. I do know that he has had some personal sickness and has been laid up very seriously. Beyond that I can't answer it but I would anticipate that he is going to be back on the job very soon.

Council member Takach said I am setting him up with a village email and we are working on getting the phone calls forwarded so he can use a public number for the work.

Pro Tem Engel said I want to speak as a member of the Planning and Zoning Commission and say that when people have things that they want to do here in the village we have a zoning booklet. Whether it's up to date or not, it's not the issue. It is the guideline that we go by. There are guidelines in there as to what can be done and what cannot be done and how it is to be done. It's not necessarily that we are trying to stop people, but we do expect that if people have to make applications that they make them the way they need to be made and include the information that needs to be included. You can sit and laugh all you want, that's the way it is.

Judy Casto said we have no one to communicate with.

Council member Takach said I think that's the issue. No one knows where to go to get that information right now. It is really hard for someone to submit an application if they don't receive an application to complete or direction on how to complete. The zoning officer has to give some kind of guidance on how they expect to receive the packet back and that is not happening. That's where we are at right now.

Judy said my tenants have never had to fill out an application. They went and paid the money and got the permit because it was approved in the zoning. This is getting complicated and it doesn't have to be.

Pro Tem Engel said maybe it doesn't have to be. First of all, I couldn't tell you because I don't have my zoning book right here, whether a Tattoo Parlor meets the zoning requirements in your business. That's the first step. Now I don't know. I hope your tenants has checked that out and found out that his business meets the requirements of the B2 area where you are. If his business meets that then he has to meet the Health Department rules.

Judy said then I have to get it approved by the village first.

Pro Tem Engel said he needs to determine whether or not his business is an acceptable business under the B2 zoning code. If it is then he can go ahead. He has a choice of going to the Health Department and finding out what they need to do and do all the things to meet the Health Department. That is one side of what has to happen The other side that has to happen is does a Tattoo Parlor fall under the B2 zoning code for the village.

Judy asked shouldn't I have that first.

Pro Tem Engel said that's the question that we said you have to come up with.

Judy said it's like the chicken and the egg.

Council member Takach asked who can Judy rely on to get her answer of whether or not her proposed business tenants fall within that zoning so she can let them know that they are going to be granted a permit if they are approved by the Health Department. That's what she wants to know.

He said the zoning book is available on the website now.

Adjournment

There being no further business, it was moved by Takach, seconded by to adjourn. Following vote on the motion is recorded; yea, 5; Davis, Engel, Kincaid, Slone and Takach. Nay, none. Meeting adjourned at 9:30 p.m.

Fiscal Officer

Mayor

