

Minutes of Logan City Council Regular Meeting
City Council Chambers 7:00 P.M. August 11, 2020

(Due to the need for Covid-19 related need for social distancing, tonight's meeting was held at the Logan-Hocking Middle School Library since it allowed space for social distancing while seated.)

Guests: Mayor Greg Fraunfelter, Safety-Service Director Bruce Walker, Law Director Abby Saving, City Auditor Chris Robers, City Treasurer Jen Fickel and Logan Daily News Jon Stran were absent.

Also attending: Phillip Lightfoot, Alice Montgomery, Donna and Roger Hines, Robert and Darlene Taylor, Don Gable, Adam Schein, numerous other Edgell residents, Cheryl Sumner and Jeff Tolliver

Call to Order: The meeting was called to order by President Fred Hawk at 7:01 p.m. and led the Pledge of Allegiance. Jim Robinson gave the prayer.

Roll Call: Present – Mike Berry, Shirley Chapman, Dave Driscoll, Judie Henniger, James Martin, Jim Robinson, and Ed Tucker.

Approval of Proceedings: Chapman made a motion to approve the July 28, 2020 minutes as submitted and was seconded by Henniger. After a voice vote the motion unanimously passed.

People Appearing Before Council:

Phillip Lightfoot: Lightfoot indicated he had just purchased the old Tansky property and thanked city for tearing it down. He indicated he would be submitting a proposal to vacate an alley behind his property he recently purchased so he can combine his two properties (that are currently separated by the alley) into one lot and deed. He submitted information over to Henniger, chair of Streets and Alleys Committee.

Donna Hines – Hines, an Edgell Drive resident, read from a written address, emphatically voiced disapproval of the “dangerous conditions of the street surface” on Edgell Drive and dismay no action had been taken over the last year to correct the problem. She said part of the street had been blacktopped but the last seven houses/cul de sac was not, having been designated a “private drive”, which seemed to indicate to her no one else should have access to drive on that segment. This was not the case, however, since it was accessed by many cars a day. Proper procedures had not been followed by the developer as well as the city; council had been “negligent.” “The city has not adequately been on top of this,” she stated. She inquired if any council members had “had the nerve” to come to Edgell to inspect the street. Robinson stated that, yes, he had been there.

Roger Hines – Hines agreed with his wife’s statement, going further to take issue that Edgehill was called a “personal drive”. He said it was one street with a cul de sac; how could it be called a “personal drive? It is the street, the only street, just closed at one end.”

Robinson clarified that private drive was not implying it was the residents’ private drive; it was the developer’s private drive. It was not the residents’ responsibility to care for the street, they didn’t own the street. The developer owned it and was responsible for it. Hines said the street had been completed but Robinson and Saving both disagreed, stating the top coat had never been completed. The developer had been waiting until all houses were completed before the top coat was to be applied. Hines stated that a bond should have been provided for this purpose but Chapman stated there had been no bond; previous council members had never made provisions for a bond and that was a mistake. Saving said there was indeed a problem but the question is who is responsible to fix it?

Safety-Service Director Walker said it was designated by the city as an unapproved street and they could not legally accept responsibility until it was completed by the developer. Adam Schein said he understood that the mistakes of the way this was handled in the past was not made by current members of council but he said that as current city officials it “is your responsibility to proudly make sure this is resolved, not the homeowners. It is not the home owners’ fault that a bond was never set, it is the failure of the city of the past.” Home owners had no idea it wasn’t an accepted street, the city must correct this problem now.

Schein stated city documents show it as a city street, it is color coded as a street on a map; Berry wondered why the mapping department would color code it that way without some documentation that it was a dedicated street. The mapping may have been one reason the deeds were provided since it was incorrectly mapped as a dedicated street when in fact it was not. Schein said he understood how the mistakes occurred, but he again asked, why then isn’t it the city’s responsibility to get it paved, either by suing the subdivision developer or paving the street themselves? “These options were brought up a year ago, why hasn’t the city taken action?” Schein concluded he was disappointed that council has not taken action on this problem.

At this point Chapman stated she investigated a similar case in Pennsylvania and felt there was evidence that council could take action on this problem. She said she had researched whether or not an ordinance had been passed as required for the City to accept the street and no such ordinance had been found. Chapman said the City administration in place at the time had never required the bond to be posted. She stated she had advocated for the Edgehill residents but had not been able to convince council to take action, as she was only one person. Here, Hines read from minutes from a previous meeting, which stated Saving was going to get back to council with information (regarding this issue). Saving stated it had been her “legal

opinion council didn't have legal standing to act." When asked what the residents should do now, Saving suggested they "take it up with the developer." Several residents present then immediately expressed it was the city that dropped the ball; it was the city's responsibility to resolve this. "This problem will keep haunting you until you do," stated one resident.

Henniger stated there would be a Streets and Alleys committee meeting and they would invite Audie Wykle to help them review the entire problem again.

Don Gable – Gable stated he was the appointed representative of the Edgehill Association. He said "we are paying our taxes and maintaining our own roads, and yet city cannot maintain the part of the road that is used constantly. We know it was not your mistake, but a previous council, but it is the current council's responsibility to correct this mistake. How you correct it is your problem." There have been many meetings, now take action.

Robert Taylor – Taylor questioned if an ordinance must be passed to accept a street. If a street must be accepted before building permits can be issued, how can it be the residents' fault the street was never completed? Taylor was assured by Saving and Robinson that *they* did nothing wrong, that they were the victims of this situation.

Henniger said the committee needed to meet to give a solution recommendation to council as to what they will do to resolve the street problem. Henniger acknowledged the problem for the city was certainly money. Council said the Streets and Alleys Meeting will be Monday, August 17, 2020 at 10:00 a.m. in Council Chambers.

Cheryl Sumner – Sumner owns a home (321 Washington Street) directly behind The Hunter Street Saloon and voiced concern about noise from the bar. She also complained about noise at a previous council meeting. She is concerned about the loud parties and noise that makes her house "unlivable and unsellable". When she calls the police they respond, "We will ask them to turn it down." Councilmen asked what the house was zoned and designated purpose of the building/business creating the noise problem. Robinson said it sounded like a law enforcement issue since nothing is being done by law enforcement. She stated law enforcement had told her they were not coming out regarding the noise anymore until she got an attorney. Further discussion determined that the Public Safety Committee should meet to address the problem. Driscoll said the meeting date would have to be set later after consulting the Police Chief regarding his availability.

REPORTS:

Mayor – No report but the mayor read a glowing proclamation commending Jeff Tolliver for his dedicated service to the city in completion of his duties with the cemetery department and to congratulate him on his retirement.

Safety-Service Director – Walker said the Front Street water line replacement is “on its way.” The sidewalk project is almost done on the south side of Main Street. There was a brief discussion if the stamping of concrete would be the entire sidewalk or just a strip with regular concrete bordering one side. Walker felt it was going to be a combination of stamped concrete and regular concrete. Henniger asked about the status of the pool project and Walker said they were currently waiting on AEP, which was creating a problem to move forward. Walker said most work was done and hoped to be open Labor Day weekend.

Law Director – Saving said she was happy to report, “Today was the first day there was a full docket of cases in court since March. There has been 5 months of law enforcement with no prosecution/accountability in court (due to Covid-19 shut-down of public meetings).” She was relieved court was back up and running once more.

City Auditor – No report

City Treasurer – No report

Finance –Robinson submitted minutes for the August 3, 2020 committee meeting and set the next meeting for Monday August 17, 2020 at 9:00 in Council Chambers. First item he addressed is that due to a change in the electrical connection at the pool construction project, the expense will be approximately \$6,000.00 greater than the remaining contingency funds. City Auditor Robers was asked to get exact amounts before the committee could take action.

Jeremy Baldwin, representing Enterprise Fleet Management, presented the committee with statistics regarding leasing options for city vehicles. Robers will work with PD Chief Mellinger and Safety Service Director Walker to assemble vehicle related cost histories for all departments over the past five years.

Another topic was the expansion of city services buildings through grant funding, which will be further addressed in the future once more concrete information is available.

The mayor stated he sent a letter to four principles involved with the water treatment plant failure. He asked that they divide the total cost by four to share in the responsibility.

Code Enforcement Officer Joe Posey requested the \$750.00 uniform allowance that is provided for all city employees.

Here the mayor stated that there was an offer by Tesla to install a charging station for possible use of electric city vehicles in the future.

Public Utilities - No report

Recreation No report

Water & Sewer –No report

Streets and Alleys – No report but Henniger set the next meeting for Monday, August 17, 2020, at 10 a.m. in Council Chambers.

Public Safety – No report

Planning and Annexation – Chapman scheduled a meeting for Wednesday, August 19, 2020 at 9:00 a.m. in Council Chambers to discuss the new sign ordinance proposal.

Cemetery & Parks – No report

Reading of Communications – None

LEGISLATION:

EMERGENCY:

Ordinance No. 49, 2020

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$10,827,000.00 WATER SYSTEM REVENUE BONDS, SERIES 2020 BY THE CITY OF LOGAN, OHIO, PURSUANT TO ARTICLE XVIII OF THE OHIO CONSTITUTION FOR THE PURPOSE OF RETIRING AN INTERIM LOAN INCURRED FOR THE PURPOSE OF PAYING PART OF THE COST OF CERTAIN WATER SYSTEM IMPROVEMENTS OF THE CITY AND PAYING ADDITIONAL COSTS OF SUCH IMPROVEMENTS; PRESCRIBING THE FORMS OF SAID BONDS; PROVIDING FOR THE COLLECTION BY THE CITY OF REVENUES FROM SAID SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE THEREOF; PROVIDING AN ADEQUATE RESERVE FUND THEREFOR; PROVIDING FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE SEGREGATION AND DISTRIBUTION OF SAID REVENUES; PROVIDING FOR A LIEN ON THE REVENUES THEREOF TO SECURE SAID BONDS AND TO SECURE ANY ADDITIONAL PARITY BONDS WHICH MAY BE HEREAFTER AUTHORIZED; GRANTING A FRANCHISE UPON DEFAULT; AND FURTHER PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SAID BONDS IN ENFORCEMENT THEREOF; AND DECLARING AN EMERGENCY. Driscoll moved to suspend the rule of council to eliminate the second and third reading. This motion was seconded by Robinson and unanimously passed after a roll call vote. Tucker moved to pass the ordinance which was seconded by Robinson. After a roll call vote the motion passed, all voting yea.

THIRD READING:

Ordinance No. 25, 2020

AN ORDINANCE VACATING A PORTION OF A STREET SITUATED BETWEEN LOT 43 AND LOT 44 IN THE WALNUT HILLS SUBDIVISION TO THE CITY OF LOGAN, OHIO, INCLUDING A LINE FROM THE SOUTHERNMOST POINT OF LOT 44 ACROSS THE STREET PERPENDICULAR TO THE NORTHEASTERN BOUNDARY OF LOT 42, PURSUANT TO SECTION 723.95 OHIO REVISED CODE AND WITH THE CONSENT OF THE OWNER OF THE PROPERTY ABUTTING THE PART OF THE STREET THAT IS TO BE VACATED. Prior to the third reading of this ordinance, Henniger, chairman of the Streets and Alleys Committee, requested to table it once again, providing opportunity to consult with the City Planning Commission regarding the pros and cons of vacating the street. Chapman moved to again table the ordinance until such time as the committee is ready to present it to council again. Henniger seconded the motion and after a roll-call vote the motion was unanimously approved.

Ordinance No. 40, 2020

AN ORDINANCE AMENDING CHAPTER 75, SECTION 75.21 AND SECTION 75.23 OF THE CODIFIED ORDINANCES OF THE CITY OF LOGAN. Driscoll moved to pass the ordinance which was seconded by Martin. After a roll call vote the motion passed, all voting yea.

Ordinance No. 41, 2020

AN ORDINANCE AMENDING CHAPTER 114, TITLED PEDDLERS AND SOLICITORS OF THE CODIFIED ORDINANCE OF THE CITY OF LOGAN. Driscoll moved to pass the ordinance which was seconded by Tucker. After a roll call vote the motion passed, all voting yea.

Ordinance No. 42, 2020

AN ORDINANCE CREATING A NEW LINE ITEM WITHIN THE CAPITAL IMPROVEMENT FUND AND APPROPRIATING FROM UNAPPROPRIATED MONEY IN THE CAPITAL IMPROVEMENT FUND THE SUM OF \$6,400.00 TO THE NEWLY CREATED LINE ITEM. Robinson moved to pass the ordinance which was seconded by Tucker. After a roll call vote the motion passed, all voting yea.

SECOND READING

Ordinance 46, 2020

AN ORDINANCE CREATING A NEW LINE ITEM WITHIN THE CAPITAL IMPROVEMENT FUND AND APPROPRIATING FROM UNAPPROPRIATED MONEY IN THE CAPITAL IMPROVEMENT FUND THE SUM OF \$29,500.00 TO THE NEWLY CREATED LINE ITEM. The funds are to refund money for the purchase of a backhoe

sold by the city at auction. The backhoe had undisclosed mechanical issues so it was decided it was in the city's best interest to refund the money to avoid legal issues.

Ordinance 47, 2020

AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$10,000.00 FROM UNAPPROPRIATED MONEY IN THE GENERAL FUND.

Ordinance 48, 2020

AN ORDINANCE CREATING TWO NEW LINE ITEMS WITHIN THE LOCAL CORONAVIRUS RELIEF FUND AND APPROPRIATING FROM UNAPPROPRIATED MONEY IN THE LOCAL CORONAVIRUS RELIEF FUND THE TOTAL SUM OF \$232,542.60 TO THE NEWLY CREATED LINE ITEMS AND INCREASING EXPECTED REVENUE IN THE LOCAL CORONAVIRUS RELIEF FUND BY \$232,542.00.

FIRST READING:

None

ADJOURN: A motion was made by Driscoll and seconded by Chapman to adjourn. The motion passed by voice vote – all yea. The meeting adjourned 8:30 p.m.

Merrilee Carlson, Clerk

Fred Hawk, Council President