

The Regular Meeting of the Apple Creek Council called to order on June 18, 2018 by Mayor Betty Keener with the following council members answering to roll call:

Rick Conrad-present, Mike Harwood-present, Rodney Mackey-present, Robert McCarthy-present, Charlie Lewis-present, and Steve Stoffer-present.

Councilman Conrad made a motion to approve the minutes of the June 4, 2018 meeting, as always, they are available for the public to review. The motion was seconded by Council President Mackey. Roll call was as follows: Councilman Conrad-yes, Council President Mackey-yes, Councilman Harwood-yes, Councilman McCarthy-yes, Councilman Lewis-yes, and Councilman Stoffer-yes.

VISITORS: Keith Wellman was present and he did some more work on the water issue, it's not a new topic. My neighbor has videos of the amount of water coming off of that plant. It's not an understatement at all the water goes right over the curb, you get the ATI water, the water runs right off that building into the field then you get more coming down. My neighbor and I put sandbags up, but it came in such volume it moved the sandbags. Mayor Keener asked if this was that Friday night we got 4.4 inches. Keith said that was the night they put the sandbags out. Betty stated they got home from vacation on the 16th and their garden was underwater. Jason had sent her a video of Maple Street, there was water everywhere. By the time we were able to look at it, the water had gone down quite a bit. Keith wanted to make it clear that the Precision Product plant doesn't run their water subterranean, this is a contributing factor to amount of the water. We know we have run off from ATI, but he thinks we have overlooked how much water is coming off the building. Keith wanted to make sure that you know the whole plant drains to the one side. Their water is a big factor to the water coming down my way. Steve Stoffer stated that he's been down there and that what's he said before there is a lot of water coming from Precision Products. Keith Wellmann stated it it's a serious issue now. Keith stated the curb is not high enough. Him and Councilman McCarthy previously walked it before. It would help us if it went around the other way of the building to divert it. It comes right into his sunroom and it came right in Brandon Villers new garage down through his breezeway into their basement. Betty wanted to know if it was excessive because of amounts of water we got in that evening or does this happen every time it rains. She stated the company is willing to build up the curb and some other things to help. After the meeting here that their Plant Manager attended, he heard about ATI and some other issues regarding the retention basin on the Arnold property. They wanted to find out the real cause of the issue before they do much work. Mayor Keener offered to talk to them and tell him the things that they offered to change could help. Keith Wellman stated yes but it is the surface water coming off that building, it's not going anywhere subterranean. The neighbor has the video of this. Betty asked if he could bring the video down and give it to the village hall with any pictures you might have so we have them on record here at the village hall for our reference. The more history we can get makes it easier for grant writing. Betty has an update, she met with Mr. Arnold about the retention basin. She asked for his permission for the village to camera the catch basin. We only got a verbal permission. We are waiting on a letter from him giving us written permission to scope the property. The village is willing to absorb the cost to camera the retention basin. It was recommended by the experts the village brought in to put the camera in it and see if there's any blockage in the lines. We were recommended by a different engineering company to video through those pipes and make sure that they're not caved in or obstructed. Make sure everything is in working order. We have to wait until we have written permission from Mr. Arnold. We are not going onto private property without written permission. The letter was sent out by our solicitor recently. We are waiting on a response. Once we have it in writing we will have it videoed. The village is willing to absorb the cost of \$3,300.00. Keith stated he knows two are cemented shut. We know the main pipe if 1/2 full and is 36 inches. Councilman McCarthy stated that is the one in question. Run the video to and find where it goes and see if it can handle the run off. Keith stated we know there are two 24inch pipes that nobody seems to know where they go. If you dig up past where they have been concreted shut and run your video past it that will tell you where that's letting out at, by the catch basin or where. Councilman McCarthy feels the cemented pipes are not the main issue. He walked down there after the first big storm and the water wasn't even up to the second big pipe. The water was only running through the main drain. Keith stated the water would dissipate more quickly if the other pipes were open. Council President Mackey stated he doesn't feel the concreted pipes are the issue they don't go anywhere. That's when Mr. Arnold dug that up, about 4 to 5 years ago, when the water was raising out of it. That's when he concreted them because the water didn't go anywhere. Mr. Wellman wants a reason why the pipe runs under his concrete wall on his property and runs nowhere. Councilman McCarthy stated there are two good size pipes that drain out of the catch basin, the pipe that is 2/3 full

was draining. The water was not high enough to reach the other pipe. We are talking about running the camera down the main pipe to see if there are any obstructions. Keith has pictures of his yard during a heavy rain. The first step will be in camera the main drain. This catch basin is privately owned, right now it's a civil issue. The village cannot really do anything right now, it would be a class action suit. The next step for the home owners would be for the land owners who are having the problems to contact Mr. Arnold and or do what's necessary to get him to act and clean that catch basin out and install a proper catch basin. Keith will try again to call Mr. Arnold but the last time he never returned his calls. Mayor asks any of them who have videos, pictures, whatever to get them to the village hall. We need to get a history of everything. Mr. Wellman stated there are more issue than the catch basin. ATI is not solving their issues, the factory, which is willing to work with us. The main problem starts with the corner where the catch basin is. The mayor will talk to the factory and asked them to proceed with the plans they had. Mayor Keener took Scott Wigam out to the property. Wanted hm to be aware o^r the problem which may come down from ATI, she thought that was a good place to start

Robert Tyler stated he talked to some of the legal team where he works and asked them why a factory would not have to take care of their run off water. Robert stated by what he was told they have to take care of it. They are legally required to solve that issue of theirs. Running it down the parking lot with that much water to their drain is not going to solve the issue. From my company legal team, they (don't want to use the wrong word) but basically, it's illegal what they are doing. They are not taking care of their responsibility. They just build a foot-high wall and canal it down the same drain it's going to come across the park and all these people. They will continue to damage the creek. That's not solving the problem. They need a natural catch basin of their own back behind the building and run the water back there, not to keep forcing down on all of our properties. If the wall is all they are going to do, it's not going to solve the problem. He has the lawyers where he works looking into it more because he wants to know full ramification of what they are responsible for. His questions are how they can build a wall and still send all the water through their properties. Keith is in agreement with Robert that's not going to handle all the water. Keith is trying to decide what to do with his house. His insurance company has canceled his flood insurance. He has no other options other than a class action law suit. He has lived here since 2013.

Dawn Wellman was present stating her basement is flooding. It is backing up through her floor drain. This happens even with a normal rain. She stated her neighbor yards gets so much water it has no where to go. Mayor Keener asked her how long this has been going on. She stated since they moved there in 2011. Mr. Tyler stated there is so much water coming down that it's back feeding into her property. It was discussed that maybe her down spouts are causing her problems.

Robert Tyler stated it is coming up out of the floor drain because of the creek overflowing. It's coming right into his basement, he now has damage for the third time. He has to replace the drywall. Steve Stoffer is concerned that their downspouts are hooked to the sewer system not the storm system. Steve says there has to be something hooked into the drain that they're coming up the floor drains. Steve also stated the storm sewers and the sewer system are not connected. Robert Tyler says all his problem is on the right side of his house. He states all his downspouts go to the right side, but he is not sure where they come out at. He has gone down to the creek to try to find them but has not been able to find them but are you sure that's where they go. He now has mold and will be replacing the drywall for the third time. Mr. Wellman stated it comes up his laundry drain and even in his bathtub drain. Betty stated we know everyone has problems with the water backing up and people have blamed it on Precision Products, ATI, and Mr. Arnold's property, as soon as we get written permission from Mr. Arnold we will be checking out the retention basin to see how full the pipes are. Mayor Keener will also contact Precision Products and talk to them.

Becky Geiser of Mill St. was present just to observe what was being said.

Brad Wenger was present over the cars speeding in and out of Precision Products. Early in the morning, noon, and in the afternoon. He stated they are moving very fast and he has young children. Mayor Keener asked Lt. Estacion to let all of the police department know. They will be patrolling more.

POLICE: Lieutenant Estacion reported Michael Lepley has resigned.

PARK: The last apple tree in the park fell down. We will be replacing it when the weather is better.

STREETS AND MAINTENANCE: Ordinance 2018-9 An Ordinance Amending the 2018 Appropriation Ordinance 2017-26 Passed December 18, 2017 and declaring an Emergency.

Motion to suspend the rules and advance to the second and third readings by title only. The motion was made by Council President Mackey, seconded by Councilman Stoffer. The roll call was as follows: Council President Mackey-yes, Councilman Stoffer-yes, Councilman Conrad-yes, Councilman Harwood-yes, Councilman McCarthy-yes, and Councilman Lewis-yes.

Councilman Stoffer made a motion to pass Ordinance 2018-9. The motion was seconded by Council President Mackey. The roll call was as follows: Council President Mackey-yes, Councilman Stoffer-yes, Councilman Conrad-yes, Councilman Harwood-yes, Councilman McCarthy-yes, and Councilman Lewis-yes.

They have started working on the storm sewers in town.

WATER & SEWER: Nothing.

JEDD#1: Nothing

JEDD#2: Nothing.

CORRESPONDENCE: Nothing.

UNFINISHED BUSINESS: Mayor Keener reported Mr. Glazier has not contacted her since he visited at the last meeting while she was on vacation. She had sent messages to him by Chief Jason Woodruff that we needed drawings with the specification for the drain tile he installed.

NEW BUSINESS: Budget is ready with the budget hearing on July 16 meeting.

COMMITTEE REPORTS:

FINANCE:

COUNCIL BILLS 6-18-18				
A11A210 POLICE				
A11A233	MCTV	Telephone		\$92.76
A11A241	Dix	Legal Adv.		\$87.51
A11A241	Quill	Office Supplies		59.98
A11A233	Verizon Wireless	Cell Phones		\$168.61
A11A235	Wayne Co.	Dispatching		\$1660.16
			TOTAL	\$2,069.02
A17A240 Mayor & AD.				
A11C230	American Elec. Power	Electric		\$1246.12
A17A231	American Elec. Power	Electric		\$228.78
A17A241	Atkinson	Envelopes		\$46.66
A17A245	Crystal Clear	Water & Cooler		\$38.00
A17A241	Comdoc	Copier Lease		\$201.03
A17A233	MCTV	Telephone		\$92.76
A17A232	Dominion	Gas		\$85.37
A17A245	Holmes Pest	Pest Control		\$98.00
A17A241	Quill	Office Supplies		38.99
A17A237	Taggart	Solicitor		\$575.00
			TOTAL	\$2,650.71
B16B240 Streets O&M				
B16B231	American Elec. Power	Electric		\$67.34
B16B33	MCTV	Telephone		\$49.39
B16B245	Cintas	Uniforms		\$173.25
B16B232	Dominion	Gas		\$33.71
B16B233	Verizon Wireless	Cell Phones		\$64.22
			TOTAL	\$387.91
B43A240 PARKS				
B43A231	American Elec. Power	Electric		\$331.08
B43A232	Dominion	Gas		\$33.71
B43A245	Holmes Pest	Pest Control		\$98.00
			TOTAL	\$462.79
E15A240 WATER				
E15A231	American Elec. Power	Electric		\$855.95

E15A241	Atkinson	Envelopes		\$46.67
E15A243	A & J Exhaust	Repairs		\$210.19
E15D250	Treasurer, State	Loan		\$4393.06
E15A235	Postmaster	Stamps		\$125.00
E15A243	Water Watts	Galvanized Nipples		\$176.61
			TOTAL	\$ 5,807.48
E25A240 SEWER				
E25A231	American Elec. Power	Electric		\$4335.89
E25A241	Atkinson	Envelopes		\$46.67
E25A243	A&J Exhaust	Repairs		\$210.15
E25A233	MCTV	Telephone		\$116.28
E25A232	Dominion Gas	Gas		\$34.59
E25A026	Ohio Treasurer	Loan		\$1691.97
E25A235	Postmaster	Stamps		\$125.00
			TOTAL	\$6,560.55

MOTION TO PAY THE BILLS: by Councilman Lewis. The motion was seconded by Councilman Stoffer. Roll call was as follows: Councilman Lewis-yes, Councilman Stoffer-yes, Councilman Conrad-yes, Councilman Harwood-yes, Council President Mackey-yes, and Councilman McCarthy-yes.

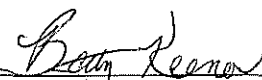
Councilperson Conrad made a motion to go into Executive Session section 121.22 (G)(1) for personnel. The motion was seconded by Councilperson Harwood. Roll call was as follows: Councilperson Conrad-yes, Councilperson Harwood-yes, Councilperson Mackey-yes, Councilperson McCarthy-yes, Councilperson Lewis-yes, and Councilperson Stoffer-yes. At 7:23 pm.


Councilperson Conrad made a motion to come out of executive session at 7:39pm. The motion was seconded by Councilperson Harwood. Roll call was as follows: Councilperson Conrad-yes, Councilperson Harwood-yes, Councilperson Mackey-yes, Councilperson McCarthy-yes, Councilperson Lewis-yes, and Councilperson Stoffer-yes.

No action from taken from Executive Session.

MOTION TO ADJOURN: by Councilman Conrad. The motion was. seconded by Councilman McCarthy. Roll call was as follows: Councilman Conrad-yes, Councilman McCarthy-yes, Councilman Harwood-yes, Council President Mackey-yes, Councilman, Councilman Lewis-yes, and Councilman Stoffer-yes.

Meeting Adjourned at 7:40 pm.


Betty Keener, Mayor


Laretta Busson, Fiscal Officer