

The Regular Meeting of the Apple Creek Council called to order on August 6, 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 Lewis made a motion to approve the minutes of the July 16, 2018 meeting, as always, they are available for the public to review. The motion was seconded by councilman Conrad. Roll call was as follows: Councilman Lewis-yes, Councilman Conrad-yes, Councilman Harwood-abstained, Council President Mackey-yes, Councilman McCarthy-yes, and Councilman Stoffer-yes.

VISITORS: Keith Wellman, Robert & Chrissie Tyler.

POLICE: Chief Jason Woodruff reported the police department calls for service have been increasing. 16 criminal reports, mostly drug related. Reporting on the dog bite case, the dog has been euthanized. The owner willingly did it on their own. Total call volume for July was 91. The cat case has been continued, the prosecutor did not subpoena any of the witnesses. Police Department did not have any problems at the park during Johnny Apple Seed, but handled 6 or 7 calls in the Village during this time. Jason thanked the Tyler's for feeding the officers during the festival. Councilman Stoffer stated the dog show was good. Mayor Keener read a letter of resignation from Robert Kern as of July 26, 2018. Councilman Conrad made a motion to accept Robert Kern's resignation from the department. The motion was seconded by Councilman Stoffer. Roll call was as follows: Councilman Conrad-yes, Councilman Stoffer-yes, Councilman Harwood-yes, Council President Mackey-yes, Councilman Lewis-yes, and Councilman Stoffer-yes. Robert Kern did not give us a two-week notice. With the resignation of Robert Kern the department is down two part-time officers. We have advertised for more officers. The part-time officers work 20 hours per month.

PARK: Council President Mackey reported the festival went well. The parade was kind of hard to walk on because of the road being tore up. Since then they were able to finish the paving on St. Rt. 250 over one night. The Village did not have one complaint over them doing it at night. Councilman Harwood asked if the gazebo down at the park needs to be stained. Council President Mackey reported the wood on the stage is designed to age with the weather, it will all turn gray. The stage right now is not aging evenly, so it does not look the best. The stage was paid off last year. Mayor Keener reported the chief has been putting up cameras at the park, and other Village property, one will be pointed right into the stage. Right now, we cannot see people in the stage.

STREETS AND MAINTENANCE: Mayor Keener reported it has been three weeks since our last meeting. We kind of have our p's and q's crossed about the street committee meeting tonight. Myself, Robert McCarthy, Rick Conrad, and the engineer, drainage expert, from AE Com was here. Unfortunately we did not remind the Tyler's and the Corbin's of this time and they missed the meeting. What come out if it, for your benefit, is we mentioned at the last meeting the Village does not have an easement on our property and the drainage expert didn't feel that the erosion is very bad, he has seen worst and feels that nobody's lawn is in jeopardy. This is why I would have preferred him to be around for you to talk to, we were paying him for this time. So, if you don't like the trees, it's your property and you have the right to have them taken down. Chrissie Tyler- it's not one tree it's all of the trees the roots are exposed. Betty-one tree, 10 trees there all yours. Chrissie-so the creek is ours, ours and Corban's, so I understand that is correct. Betty-yes, it is. Chrissie-fine. Robert-how did he come to determination that's it's not that bad? Here is eight years it's lost half of the woods from the creek to my house. So that's not bad, you erased 50% of the bank in eight years. Betty-definitely that is an individual perspective, an educated perspective. Robert-he is supposed to be an expert? Betty-his is an educated perspective and mine would not be. I did form an opinion and I walked up with him and looked at it. His opinion is he has seen worst erosion, they can take the trees down. We don't have an easement and it theirs trees. Robert-but again trees are only half of it. You keep saying trees and only trees, you aren't talking about the encroachment back towards the house. Betty-there are things you can do as the property owner, because it is your property. His best recommendation was to line that ditch with bigger river rock that would help maintain the flow of water that doesn't alter or obstruct the flow of the water. Robert-we won't have to worry about that then because there is no easement. Did he look at how much the town continues to pour into that. Adding to that, I don't think you are letting him know how much you guys are routing down to there. You saying it doesn't look that bad, but you guys that whole new allotment, everything is being routed, every new addition is being routed, so more and more is coming there. Betty-I understand your concerns, so instead of saying you guys. We don't issue building permits we don't control that. Chrissie-because nobody issued a building permit throw it back where it was coming from. Here with those pipes that pushed all that water, nobody did. You in general, you guys the town went from 12 to 6 back to 8 does this sound familiar? Betty-you meaning the Village, the county. Chrissie-no the Village, we live here. Robert-who put all the pipe down Mill St., the last meeting that was said it was not the Village but it was. That's our point if it was on record it was recorded that it was not laid correctly. The Village did it regardless. If it was you, you as the Mayor or whoever it was. Betty-I understand you using the term the you meaning Village. Robert-you as the Mayor are responsible whether you did it or not you take on the responsibility for past thing even know you weren't part of it. You are now the Mayor so it's your responsibility is what I am saying. Betty-it is ours to try to reconstruct things that's transpired. Betty-Rodney do you recall if we had soil and conservation out here? Did they look at the property or did they just look at the retention basin? Do you recall this when we had all the precede experts together? Rodney-They are familiar with the water shed. I can't tell you if he was down there with us at that point in time. I know he was here years back, but not sure when. Rob McCarthy stated when they were down they only

looked at the retention basin. Robert-so soil and water have not come down. Rodney-I don't know that for sure. Robert- we will call them and would like them to look at everything you as the town. You guys are pushing everything into one location, so I think they could honestly and I am not trying to sound bad here but I think if they come out and look at it I think your shouty pipe work. Everything there is to much coming to one spot. We don't have the proper flow to handle the amount that is coming in and over the years the town everything that is going on keeps adding more and more and keeps getting routed to one spot. It can only hand so much, I think they should look at it because there probably going to be an issue. We need to find an alternative method to handle all the water. The water is going to the creek now. Mayor-Rodney and I are willing to come back down and look at it. Remind him (soil and conservation) that we started at the retention basin and we are not sure he made it down to your property. We went down there with the engineer's multiple times and this is before we hired AE Com to be our engineers. The feed back we were given is it's your property to do what you want with it other than to obstruct the flow of water, because that's a water way that is already there. Chrissie- the problem is there's been things that have done after, all that water now is diverted though to the creek. This is not a new concept, be have been doing this for what three meetings, you know this stuff we have gone over it. So that's fine, if the creek is ours and Corbin's then that means it's ours and that pipe is in our creek That water is coming though our line so if we are going to stop it we are going to stop it without repercussion. Mayor- not going to tell you to do that or not to do that. Steve Stoffer- look water runs downhill, that is a natural water way, if you damn that up unless you are building a lake there would be fines. If you damn that up you are the one that is going to be in the deep water. Rodney-Steve is right on this. Chrissie-it's our water though. Rodney-you have to receive that water. Chrissie-it's our water and he didn't have to when his got concreted up. We don't have to either. Rodney- when that was concreted up that line did not go anywhere. Chrissie-the problem is all the water from the Village is now going through my side yard. Every house on our street is now getting black mold, this isn't just us being pains. Robert-other residents could not be here you have no idea how many people are actually having this problem because of not coming down they can't. Steve Stoffer-another thing is you complain about the pipe that runs down Mill St. before it was an open ditch the water ran through all the time. Everybody missed and moaned because of mosquitos and this and that, people falling into the ditch, so they put a huge pipe in there which I have yet to see run completely full. Rodney- Dale will agree to that as well. Keith Wellman- there is no way it can run full going from a 24 to 12-inch tile. You will never carry more volume than 12 inches. Robert McCarthy-it's completely plugged up so there is no flow. Betty-In theory that is true but if it accurately is there water standing on Arnold's property because it can't get to the pipes? I have not seen that. Keith- no because like you said it flows downhill that is why I am putting dirt mounds out. Betty- we have the engineers advise and all we can tell you if you don't like what they told us that we are relaying to you that you are getting into legalities that we individually cannot talk about. We are not qualified so that's where we are. Robert Tyler- so the town not even taking in consideration extending the pipe down so it's get pass the houses. Betty-we were advised against that because it would be moving the problem from here to here, this would not be a solution. Robert Tyler-but you are bypassing all the houses, the only damages would be to their back yard. There're houses on the other side, there is houses on this side, if you extend for the damages that are happening here back to a back corner where you have a whole another pipe coming in, what damages are you going to have? You're not fixing anything by not extending it, but by extending it, you know what I mean. Keith Wellman- by bypassing the houses you would be caring the water by spreading it out before it gets to the corner, you are going to less erosion in the corner by doing that. Betty- I am going to defer all this to the engineers and the solicitor. I don't think we are going to find a perfect solution other than we were able to relay what the engineers said. Robert Tyler-you pretty much relayed to us that there is no solution. There advising you not do anything. Betty-the solution being you can adjust that ditch somewhat not fill it in, not obstruct it, not detour it and it is private property. Chrissie Tyler- well thank you for your time. Betty- I caution you in you making your choices to do. Chrissie-that's fine thank you for all your help.

Keith Wellman- I am filling in with some dirt all around my house to divert some water around. Like I said I think I am within my means to do that because that is surface water and I am aloud to do that. If I don't change the pipe which you know it runs, I will let that go since its plugged, it's not doing anything. My problem was that you and I spoke on the phone, didn't feel it was right since none of the neighbors and I talked to both of them feel it's right for us to pay a piece of that to transport everybody else's water not one drop is ours. That pipe was underground before it even gets to our houses. Betty- I have water every day, every rain on my property it's not my water. Robert McCarthy- Keith if I may bring up the minutes from the last meeting stating. The agreed to absorb the cost of the videoing of \$3,000. In order to do this, we some buy in sort of speak from you three property owners. If we are willing to invest a total of \$3,000.00 and that is on top of the \$2,000 for the scoping. We got to have support from the three residents at this point in time. At this point in time it is the most effective way. This is the Mayor talking now I am not talking about the whole flooding area, just that end of town. That is one issue we are having to take baby steps. So that is what we talked about at the last meeting. There will be some responsibility of the property owners. So, my understanding was we were asking each property owner to pay \$300.00 towards this which was by phone call, that was refused. We had discussed this pretty clearly at the meeting there was going to be some sort of buy in and we were going to address this problem. Keith- with some sort of buy in do we have some sort of ownership. Robert McCarthy- buy in owner ship sounds pretty much the same to me. My personal feeling is that you are not willing to invest \$300.00 to work with us to get the problem started we are talking about baby steps, this isn't going to solve the whole issue. This gets the ball rolling. Keith- but you guys turned a blind ear when I was telling you that you want to clean out a 12-inch pipe to carry from 24-inchs of water, this doesn't add up. You are stilling going to have a problem. Robert McCarthy-we need to flow of water from the corner first. Keith-somewhat I agree. Robert-it's a baby step that is what we discussed in the meeting. Let's do it one step at a time. Keith-so now my concern I talked to Brandon Villers and he works for ODOT, he does this stuff every day. So, what is it knows, we pay \$300.00 that didn't work for now we are going to dig it up and run a 24-inch, then how much more money is that going to cost us. Oh the 24-inch pipe doesn't work so we have to go back to open ditches, then how much more

money I'm I out? How much buy in do we have to buy in to cover everybody's else's issues. Robert-you can stop at any time. What this does is I think it's a community issue, it's just a town issue, that is why it keeps coming up and up. Betty-no this is not a community issue. Robert-it's a civil issue. Betty- All of you are failing to realize is that the blockage is a pipe that the home owners put in several years ago. It's a pipe of their choice, it's mismatched its different types of pipes, its' behind the fence on their private property and we could have said its' on private property and here is your quote \$3000.00 you have to clean it up. We didn't do that. I said that we paid for the video Keith \$2,000.00 that should mean something to you for free. That we found the cause of the problem. We found debris, it's tree roots. You don't even have to cut down the trees. They said it would take another 20 years for them to grow back. Anytime you want you can put a 24-inch pipe in there which is on your private property. Pipe of your choice that your going to match up with Arnold, anytime you want it's your property. It's your pipe. I don't know why the Village is getting beaten up badly about this when we are trying to help you. We don't pay for any other. We have 1200 residents and have not paid for any maintenance. It is private property maintenance. So, do you want to pay \$300.00 or do you want to pay \$3,000.00. Keith-here is the thing I measured 250 feet from the retention basin and that puts in Villers's property. So even if I agree it's beyond my property. Betty-then tell him he has to clean it up. Steve-do he own that section that is what I am saying. Rodney-Keith it could have been your problem. There are roots showing up on that tile on your property. There not bad but there going to continue to grow and if today the land owners decide to do that today, there is no way they would put that same pipe in. Keith- you are probably right, because honestly if I was doing it I would put in the proper pipe. I know 12-inch will not carry what a 24-inch would, not everybody would know that. Betty-you know how many years ago they did that. They probably did it with what they had. Mr. Varnes ran the pipe. It goes back 3 generations. Keith-I understand that but still is a lot of surface water. I got dirt piled there. I had the top soil and the equipment donated. They are going to help me and we are going to build a wall around the house. I going to get a sump pump to move it away from the house. I understand what you are saying whether I agree to pay \$300.00 or not. He thinks the neighbors knows the blockage is on his property, I told him it was 250 feet. Honestly and you make some sense to is that we were talking about a natural easement back as far as the utility poles and if you look at it all the trees they are on the outside of the easement. Steve- if you have a blockage the county will make you fix it, if they have to come out and fix it they are going to charge you full price for it. Since we go by county codes we could do the same thing. We could that all up and put 24-inch pipe or 48-inch pipe in, put it all back together and send them all, the three of them, for the total cost. Betty-or send Dale back there with the backhoe and put in an open ditch. Keith- if you are going to dig an open ditch you cannot come onto private property. Steve- if it's obstructing, yes, we can. Betty- The easement is what we were going together and sign temporary easement and want \$300 from the property owners and we were going to make the other investment because we can't keep payment on Park St. and we can't keep our storm sewers clean. So, we are not going to hold that offer open for ever. You cannot come back in three years or get floods out two more times and expect to get the same offer. I can work into the budget for this year, next there ain't no way. So, you need to decide. Robert-did the engineers show you the video of the blockage? According to him he doesn't think its roots but just debris. Maybe one stick that is in the tile started this. If they get it cleaned out and we get a grate in front of that, that would help. I would be surprised if that happened again. Bottom line, let's all pitch in and get the thing cleaned out, let's get a grate in front of the entry way and get some flow off that corner so we can move forward with the tackling of the flooding problem that is coming from the north end. Again, baby steps are what we are talking about and the mayor is asking for a small amount from each property owner. Betty- there are a couple issues down there and the common dominator is private property. Keith-\$300.00 isn't as much to me as it is for Brandon or Barb. Betty- we new that, that is why we offered alternate ways to pay that. The ideal way to pay that for someone who doesn't have any money or extra money is to assess the property taxes. Fiscal Officer explained it can be asses on the taxes for a period of time that is set by council. It would be paid when they pay their property taxes each year. Robert-we got to get some water flowing from that and this is the first step to see what's going to happen and there are some other steps that need to be made, this is the first step and I don't think that is asking too much. Keith- my opinion is that you open this 12-inch pipe, you open it up at the catch basin and the catch basin fills up, it try's bringing down 24-inchs of water, it doesn't go into a 12-inch pipe, are going to blow that seem out under the ground? Do you have a blow out? Robert- If there was a blockage from what I saw in the picture and the water is flowing into it now, there is not going to be enough pressure to blow that out. If you unblock it, it will have less pressure. Keith was explained to that the other pipe is completely blocked. They could not get a camera in it, also we don't know where it goes. This pipe can be causing problems too, but we are starting with baby steps. So, we are talking about getting a flow of water from Arnold's to the top of Mill St. through that pipe that runs down Varnes St. This you guys property and we are asking for small buy in from you three property owners that can probably we divided into payments for two to three years or four whatever it takes it work and then we get that cleaned out and we put a grate at the end to keep the debris from getting in, then we start tackling the next project. First let's get a flow of water. Keith-what is the next thing. I guess the next action on that item. What is your opinion. Robert- I think the first thing to get the flow of water and then take it from there. We got to take care of this problem. That is the first step, lets see what happens when we get the flow. Betty-Keith talk to your neighbors we are asking \$300.00 from each property owners and get the payments figured out and get back with us. We will move forward as soon as we documentation signed.

WATER & SEWER: Nothing.

JEDD#1: Nothing.

JEDD#2: Nothing.

CORRESPONDENCE: Nothing.

UNFINISHED BUSINESS: Nothing.

NEW BUSINESS: Mayor Keener reported people are using the new cut though at the stone company. Mr. Mast would like to Village residents to not use it as a cut though.

Ordinance 2018-12 An Ordinance Enacting and Adopting a Supplement to the Code of Ordinances for The Village of Apple Creek and declaring an Emergency.

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

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

COMMITTEE REPORTS: Nothing.

FINANCE: **** See the list of bills on the following page ****

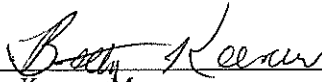
MOTION to pay bills by Councilman Harwood. The motion was seconded by Councilman Conrad. Roll call was as follows: Councilman Harwood-yes, Councilman Conrad-yes, Council President Mackey-yes, Councilman McCarthy-yes, Councilman Lewis-yes, and Councilman Stoffer-yes.

MOTION TO ADJOURN by Councilman Conrad. The motion was seconded by Councilman Lewis.

Before roll call resident Brandon Villers of Varnes Dr. came in and wanted to know about the issue of the pipe running down his street. We explained to him everything we had talked to Keith Wellman about. He is not for paying any money.

Roll call was as follows: Councilman Conrad-yes, Councilman Lewis-yes, Councilman Harwood-yes, Council President Mackey-yes, Councilman McCarthy-yes, and Councilman Stoffer-yes.

Meeting Adjourned at 7:55pm.



Betty Keener, Mayor



Laurretta Busson, Fiscal Officer

COUNCIL BILLS 8-6-18				
A11A210 POLICE				
A11A241	Atkinson	Cards		\$134.00
A11A241	Comdoc	Copies		\$2.01
A11A243	Dale James Ford	Oil change		\$45.22
A11A231	Statewide Emergency	Lease Payment		\$10,178.39
A11A212	Wayne Co. Commissioners	Hospitalization		2177.86
			TOTAL	\$12,537.48
A17A240 Mayor & AD.				
A17A239	American Legal Pub	Codification		\$1245.00
A17A241	Atkinson	Cards		\$32.00
A17A245	C&K Industrial	Scoping Retention Basin		\$190.00
A17A232	Dominion	Gas		\$82.82
A17X275	East Union Twp.	Jedd		\$577.41
A17A238	Government Solution	Software		\$1350.00
A17A233	Wells Fargo	Copier Lease		\$195.95
			TOTAL	\$3,673.18
B16B240 Streets O&M				
B16B232	Dominion	Gas		\$33.70
B16B243	Mast Lepley	Ventra Parts		\$3.98
B16B245	National Lime Stone	Stone		\$54.10
B16B243	Schlabach Engine	Oil		\$9.79
B16B243	Tricor	Misc. Supplies		\$17.70
B16B212	Wayne C. Commissioners	Hospitalization		\$3014.38
			TOTAL	\$3,133.65
B43A240 PARKS				
B43A32	Dominion	Gas		\$29.44
B43A243	John Deere Financial	Repairs Parts		\$109.92
B43A243	Lowe & Young	Parts		\$5.63
B43A243	MT Services	Portable Pot		\$80.25
			TOTAL	\$225.24
E15A240 WATER				
E15A239	American Legal	Codification		\$500.00
E15A244	Coshocton	Testing		\$306.00
E15A238	Dean's Backflow	Operations		848.40
E15A243	John Deere Financial	Repairs		\$6.38
E15A245	Government Solutions	Software		\$675.00
E15A246	HD Supply	Repair to base		\$330.00
			TOTAL	\$2,665.78
E25A240 SEWER				
E25A237	American Legal	Codification		\$500.00
E25A243	BCU	Repairs		\$1625.00
E25A244	Coshocton	Testing		\$666.00
E25A238	Dean's Backflow	Operations		\$3710.60
E25A232	Dominion	Gas		\$44.10
E25A245	Government Solutions	Software		\$675.00
E25A245	Kimble	Trash Service		\$19.93
			TOTAL	7,240.63