TOWN COUNCIL OF LEO-CEDARVILLE
MEETING MINUTES
MAY 4, 2010

ATTENDANCE:
Paul Steffens – Council President
John Clendenen – Vice President
John Eastes
Gordon Liechty, Jr.
Michael Young
Pamela Spannuth – Clerk-Treasurer

7:00 – Mr. Clendenen called the meeting to order with the Pledge of Allegiance.

AGENDA – The agenda was unanimously approved with flexibility; Mr. Steffens was absent for the vote.

MINUTES – The minutes will be reviewed for approval later in the meeting.

GARBAGE BID OPENING – Ms. Garton opened and read the bids for the town's residential garbage service. Waste Management, Earth First and National Serv-All submitted bids to the town for consideration. Ms. Spannuth will tabulate the bids and provide the results to the council for consideration at the next meeting.

PUBLIC HEARING – VACATE OF EASEMENT BETWEEN LOTS 151 & 152 IN CEDARVILLE – Ms. Garton discussed the petition by Ms. Bonnetta Lantz to vacate the easement between lots 151 and 152 on Clay Street in Cedarville. She reviewed the process that was followed up to this public hearing. Ms. Robin Spade was present to remonstrate against the request to vacate this easement. The easement is currently used as a driveway and available for use to both properties, she is concerned that her use would be restricted if the council voted to vacate this easement. She provided a signed petition to the council by residents who are against vacating easements if affected parties are not unanimously in favor of the vacation. Several residents also spoke in support of Ms. Spade's recommendation that the council not approve the petition to vacate.

Mr. Eastes asked for further clarification from a resident present at the meeting regarding their statement that several properties would be land locked without driveways if the easements were vacated in this area. Mr. Wells (lot 136) showed on a map where obstructions along the other easements in this block prevent access to the backs of the properties. Mr. Wells currently uses the easement as his driveway as well.

Ms. Lantz, the petitioner, stated that she does not have any use of this easement due to others using it. She stated that others using this easement prevent her from using the drive. Mr. Young expressed his concern that if the easement were vacated people would not be able to get to their back yards. Ms. Spade stated that if the easement were vacated, she would have to partially drive in her yard to stay off of the half of the current driveway that would become Ms. Lantz's private property. She further stated that she does not currently block the driveway or park on it.

Mr. Proctor affirmed the rights people have to use this easement, as this is a public alleyway. If anyone is blocking this or otherwise restricting use, the police could be contacted.

Mr. Liechty asked for clarification on the petition that was submitted by Ms. Spade. She feels that the vacation should benefit the adjacent property owners. The intention of the petition is to show support of her opinion regarding both her specific situation as well as the statement that a vacation of easement should benefit the adjacent property owners along any easements within the town.

Mr. Steffens provided his input on this issue and addressed the complications that have been created by the alleyways platted all over Cedarville.

Mr. Proctor expressed the statement that there should be a public necessity to maintain this easement. Mr. Liechty stated that the public necessity is apparent in this case as this area provides access to the back of the properties for the two adjacent landowners as well as others.

Mr. Clendenen moved that the town council does not vacate this easement/alleyway, as he does not agree that vacation should benefit one over the other. Mr. Eastes seconded the motion. Mr. Eastes added that a vacation could restrict use and access of this area as well as possibly diminish property values. Upon calling for a motion, the petition to vacate this easement was denied by unanimous vote.

Mr. Proctor stated that the town council should consider an ordinance addressing the use of the alleyways and preventing any restriction of use. Mr. Clendenen added that the ordinance might help limit any additional building on alleyways. The council unanimously agreed to have Mr. Proctor draft an ordinance addressing alleyways.

PROPOSED ORDINANCE 2010-02 – Ms. Spannuth and Mr. Proctor reviewed the ordinance approving a temporary loan to fund the 2010 public works projects. Mr. Eastes asked the council if they wish to read the ordinance in its entirety prior to the second reading. The council unanimously agreed to waive the second reading. This ordinance will be posted on the town's website and published in the Courier prior to the next meeting and will be on the May 18, 2010 agenda for adoption.

ORDINANCE 2010-03 – COUNTY ECONOMIC INCOME TAX ORDINANCE – Ms. Spannuth discussed the ordinance and plan as represented by "exhibit A". Mr. Liechty would like to see a breakdown of the figures on exhibit A under park projects. Mr. Steffens read ordinance 2010-03 as a first reading and introduction.

MISCELLANEOUS BUSINESS – Mr. Young stated that he would like to invite professionals familiar with federal grants to a town council meeting to discuss the possibility of utilizing such funds on any eligible road projects. Possible roads that would be eligible for Federal grants are Amstutz Road, Hosler Road and Schwartz Road. Discussion ensued regarding this topic. Mr. Young expressed his strong opinion against borrowing money to fund the currently proposed capital improvement projects. Mr. Eastes and Mr. Clendenen spoke in regards to Mr. Young's concern regarding borrowing funds. Mr. Clendenen provided an example of the savings realized on Amstutz Road as the project came in $86,000.00 less than the original engineering estimate.

MARCH 16, 2010 MEETING MINUTES – The March 16, 2010 meeting minutes were approved as prepared.

APRIL 20, 2010 MEETING MINUTES – The April 20, 2010 meeting minutes were unanimously approved with clarifications submitted by Mr. Young and Mr. Eastes.

ADJOURNED – The meeting was adjourned until May 18, 2010.

APPROVED:	ATTEST:
Paul Steffens Council President	Pamela Spannuth Clerk-Treasurer