

# **BOROUGH OF SUGARCREEK COUNCIL MEETING MINUTES**

**August 6, 2025**

## **I. WELCOME AND INTRODUCTIONS**

Council President Alan Heller opened the meeting at 7:00 pm, welcomed everyone to the meeting and noted there will be no hurtful or harmful speech allowed.

## **II. PLEDGE OF ALLEGIANCE (American Flag)**

Council President Heller led the Pledge of Allegiance.

## **III. MOMENT OF SILENCE**

A moment of silence was observed.

## **IV. ESTABLISHMENT OF QUORUM**

Present at the meeting were Council members Alan Heller, John McClelland, Bogan Goughler, Larry Baughman, Howard Barger, and Mayor Matthew Carlson. Also present were Maintenance Foreman Doug Freer, Chief Robert Wenner, James Speth, Attorneys Brian Spaid and Alex Spaid.

## **V. DISTRIBUTION OF AGENDA**

## **VI. COUNCIL CHANGES TO AGENDA**

## **VII. SWEARING – IN OF NEW FIRE POLICE**

A. Mayor Carlson swore in Catherine Dinger, Robin Waslin, Steven Digilio, Caleb Miller, and Nathan Rossey to the Fire Police.

## **VIII. PUBLIC PARTICIPATION (limited to 3 minutes each)**

- A. Isaac Coon, President of the ATV Association, said he was asked by some residents in Reno to attend the Borough meeting and touch base before the meeting in Reno, in regards to possibly opening streets in Reno to allow ATVs on them. Currently, Shaffer Run Road and Martin Hill Road are the only roads in Reno that allow ATV's to be ridden on. The residents would like to be able to ride to the Wanango Country Club and the Reno V.F.D. if they have dinners. Mr. Heller questioned what was meant by "County roads" on the application. Mr. Heller believed only State roads and township or borough roads. Mr. Coon said there are a few stretches of County roads and bridges. Mr. Spaid said it does seem misleading and he can review it and discuss it with the County Solicitor.
- B. Scott Kennedy, 202 Nesbit Street resident, presented Council with a complaint in regards to a vacant house located at 158 Nesbit Street. The owner had passed away and the property has become overgrown. Mr. Kennedy said he has contacted the Zoning Officer and understands that fines can be issued, but nothing has been done to this point. Mr. Kennedy said he wants the Borough to stop sending fines and to go and mow the property since actions speak louder than words.
- C. Vikki Davis stated she was there to express concerns about the property on Nesbit Street as well.
- D. Craig Westover stated he observed the property in question as well. Mr. Westover questioned if this was an ordinance issue that the Borough could address and if so, change the ordinance.
- E. Rebecca Smeal reported there was a good turn out for the National Night Out Event held on Aug. 5, 2025, at the Rocky Grove VFD. Approximately 80 bookbags were handed out to school – age children. Chief Wenner said the remaining book bags that were not handed out, were donated to organizations collecting school supplies.
- F. Terri Lowry wanted to thank Rebecca Smeal for heading the National Night Out Event and Mr. Heller for attending the event. Ms. Lowry also asked if there were any updates on the purchase of the new truck and excavator. Mr. Sporer said the grant will not be decided on until sometime in September.

## **IX. ZONING HEARING BOARD**

A. Motion by Larry Baughman, being duly seconded by John McClelland to approve the appointment of Michael Dulaney to the vacant position on the Sugarcreek Borough Zoning Hearing Board, effective immediately. Motion carried unanimously.

## **X. STAFF REPORTS**

- A. Maintenance Foreman:
1. Mr. Freer said the Maintenance Dept. has started its second round of mowing for the season and will take approximately two (2) months to complete it. He also reported that the seal coating work has been completed by Midland Asphalt and he is pleased with the work. He also said they are completing some small blacktopping jobs, replacing spill boxes and have begun placing the ATV signs. Mr. Heller said he saw the street sweeper out and it looks like it does a good job of cleaning.
- B. Police Chief:
1. Chief Wenner presented Council with Dan Marvin's report from the Reno V.F.D. Mr. Marvin reported they responded to 122 calls year – to – date and 19 calls since the last Council meeting. He also said the Car Cruise went well, with around 80 cars in attendance.
  2. Chief updated Council on the status of the Police Department door. He said he has not heard back from Mr. Rudolph and will begin to look for someone else to look at the door. Chief also requested to have a motion placed on the agenda for next month's meeting to approve the purchase of four (4) car batteries for the speed sign. The cost will be about \$800, but he does not have that in his budget. Chief believes new batteries will fix the sign, since the current batteries have been in there for several years.
- C. Administrator/Special Projects:
1. Mr. Sporer addressed the vacant house at 158 Nesbit Street and the neighbors' concerns. Mr. Sporer said the address that is listed on the property for the purpose of correspondence is for Attorney Viginia Sharp. He spoke with her and she stated there is no money, therefore no estate can be opened. She also believed there was a mortgage on the house. The owner has been deceased for over two (2) years. Mr. Sporer said he will look into the name that is listed at the County Tax Office. Therefore, the only person that can be cited would be the deceased owner. Mr. Sporer then addressed the request to have the Borough go and mow the property. Mr. Sporer said the Borough has not and will not mow private properties due to safety and manpower concerns. Mr. Spaid said it is also illegal. Mr. Sporer said the Borough could wait for the property to go to tax sale. He stated the Borough retains the right to buy the property in judicial sale. The Borough could put in a bid of \$600, purchase it and tear it down with funds available. Mr. Sporer said the neighbors have the right to clear anything that impedes onto your property. Mr. Kennedy asked about imminent domain. Mr. Spaid said it does not apply to this situation. Mr. Sporer said residents need to come and file a written complaint to begin a proper complaint process, but that this has not been done by anyone. Mr. Spaid said the Borough by law must give notice, according to the Property Maintenance Law. But, in this case there is no one to give notice to and it will be illegal to go on the property. Mr. Kennedy said according to the courthouse records, there is an "in care of" name listed. Mr. Spaid said there may be, but that person listed may not be able to legally receive the notice from the Borough. One resident questioned how long do taxes have to go unpaid before it goes to tax sale. Mr. Spaid said the taxes have to be unpaid for two (2) years; therefore, if the taxes have not been paid since 2023, then at the end of 2025, the property will then go on the tax sale list for 2026. He stated the Borough can then request to have the property pulled into the County Land Bank and then the Borough can take over the property. The Borough would then be responsible for maintaining it and/or tearing the house down. Mr. Kennedy said he has spoken with a neighbor who would be willing to purchase the house. Mr. Spaid said the only way the house could be sold would be to open up an estate in the deceased owner's name and the estate sell the house. But since there is no money to open the estate, the house falls into this issue. Mr. Spaid said he knows it is frustrating and unfortunately it is happening all around. Mr. Spaid said as far as fines being assessed, he does not know who the fines would be filed against since there is no one to cite. Mr. Kennedy said that was the information given to him. Mr. Spaid said if there was no estate opened, no executor and no administrator for the estate established, then the person on file at the courthouse could not legally receive the notices. Mr. Spaid said that person may only be receiving the tax bills.
- D. Zoning Officer:
1. No report.
- E. Solicitor:

1. Mr. Spaid presented Council with a proposed ordinance in regards to amending the Borough's Zoning Ordinance to provide for the regulation of solar energy systems. He said the Borough received a proposed solar energy construction project and Council submitted a request to the planning commission to develop a solar energy ordinance. Mr. Spaid has reviewed and made some amendments to the proposed ordinance. The next step, he said, would be to hold a public hearing and he recommends holding it on Sept. 3, 2025, same night as the regular Council meeting. The ordinance could then be adopted at the regular Council meeting. Mr. McClelland expressed concerns if half an hour before the regular meeting would be enough time to address it. Mr. Spaid said if it runs longer, the public meeting would continue and the regular Council meeting would begin afterwards.
2. Motion by Larry Baughman, being duly seconded by Bogan Goughler to approve scheduling a public hearing at 6:30 PM, on Sept. 3, 2025, regarding the solar energy ordinance. Motion carried unanimously.

#### **XI. COUNCIL REPORT**

- A. Bogan Goughler wanted to speak about the ATV ordinance. He said he has received complaints from residents and they do not want to see ATVs on Shaffer Run Road and Martin Hill Road. He said there are children riding without helmets and riding dangerously.
- B. Mayor Carlson received a request from Ronald Matthews, Jr., about vacating Clark Avenue. Clark Avenue is located off of Marshall Street in Sugarcreek Village. Mr. Spaid said an ordinance would have to be done, advertised and a hearing could be petitioned. He said what the Borough has done in the past, is asking for a petition from the people that constitute a majority in number and interest of the owners of the real estate abutting the street. Mr. Spaid said it appears to be about six (6) properties that abut against the street. There will need to be something in writing from those individuals agreeing to it. Mr. Spaid said if Council is in agreement with it, he can draft the ordinance and but it may not be until September or October.
- C. Alan Heller wanted to thank everyone that made the National Night Out a success. He also asked Mr. Coon to address the concerns Mr. Goughler brought up that were raised at Reno's meeting. Mr. Coon said he will address them, but does not believe they can issue anything if they did not obtain the proper permits. Mr. Spaid said one of the points that kept being brought up at the meetings before this ordinance was passed, was that the ATV Association would do their best to have some influence on those riding illegally. Mr. Spaid said this was a concern and will ruin the program.

#### **XII. APPROVAL OF MINUTES**

- A. Motion by Bogan Goughler, being duly seconded by Alan Heller to approve the minutes of the July 2, 2025 meeting. Motion carried unanimously.

#### **XIII. FINANCIAL REPORTS**

- A. Motion by Larry Baughman, being duly seconded by John McClelland to approve the payment of bills/issuance of checks as presented by the Treasurer. Motion carried unanimously.

#### **XIV. OLD BUSINESS**

#### **XV. NEW BUSINESS**

#### **XVI. CORRESPONDENCE**

#### **XVII. BOARD OF APPEALS**

#### **XVIII. EXECUTIVE SESSION**

Council recessed at 7:46 pm for an executive session to discuss personnel and legal issues which, if conducted in public, would violate a lawful privilege of information or confidentiality protected by the law and any action to follow. The meeting was reconvened at 8:18 pm.

#### **XIX. NEW BUSINESS CON'T.**

- A. Motion by Bogan Goughler, being duly seconded by Alan Heller to discipline the Borough employee in the Police Department, as recommended and presented in Executive Session. Motion carried unanimously.

#### **XX. ADJOURNMENT**

- A. Motion by Larry Baughman being duly seconded by Bogan Goughler to adjourn the meeting at 8:21 PM. Motion carried unanimously.

Joseph M. Sporer, Borough Manager

Alan Heller, Council President