

CALL TO ORDER

Mayor Porter called the regular meeting to order at 7:00 PM on August 3, 2009.

INVOCATION

Strait offered the Invocation.

PLEDGE OF ALLEGIANCE

The Mayor led the Pledge of Allegiance.

ROLL CALL

The following answered roll call; John Curtis, Steve Hart, Darrell Levings, Emily Shaffer, Keith Strait, and Betty Williams. The Clerk declared a quorum.

MINUTES

Williams moved and Shaffer seconded to approve the 7/6/09 minutes. Roll call: Williams yes, Shaffer yes, Levings yes, Strait yes, Curtis yes, Hart yes. Strait moved and Levings seconded to approve the 7/15/09 Special Council/Public Hearing minutes. Roll call: Strait yes, Levings yes, Williams yes, Shaffer yes, Curtis yes, Hart yes.

GUESTS

Guests included Robert Walker, Don Staiger, Rachel Mendall, and Tim Clapper.

Mr. Walker, representing the First Baptist Church, requested permission to assemble a group in the lawn area on the southeast corner of the square during the Labor Day weekend. The second annual gathering hopes to bring attention to the homeless population. Strait moved and Shaffer seconded to allow the assembly from 2:00 p m on 9/6/09 until 12:00 noon on 9/7/09. Roll call; Strait yes, Shaffer yes, Curtis yes, Hart yes, Williams yes, Levings yes.

POLICE CHIEF-BRIAN ZERMAN

Chief Zerman was excused. Council briefly reviewed the written monthly report showing 319 calls for service, 7 felonies, 10 accidents, 82 charges and 15 calls for domestic disturbances. Officers closed out several breaking and entering cases, along with stolen property offenses and drug related cases during the month.

FIRE CHIEF-DON STAIGER

Chief Staiger reported a good response from the attendees at the recent Chamber Business After Hours Open House. Firefighters were on hand to demonstrate equipment and explain the trucks on display. Strait expressed appreciation for the Chief's informative speech given during the Open House.

The department responded to a total of 221 calls for the year, 33% of which were within the Village. 37% of all calls are between the hours of 8:00 am and 4:00 pm, 12 % of all calls are weekend.

The original Rescue 11 truck has been moved from the fairgrounds garage for the Farm Days and County Fair. The 1985 vehicle, offered for sale in September 2008, is too old to attract buyers.

Life-safety inspections were completed at the proposed Discount Drug Mart, preparing for the opening in September.

The department will focus on ways to promote the Fire Protection Levy prior to the November 3rd ballot. Training, equipment, grants, the cost of outfitting firefighters, and the department's dedication to the community will be presented to make residents aware of the benefits the levy. Firefighters II Training is scheduled to begin in September and conclude in April, 2010.

Chief Staiger noted that one fourth of the Code Red \$1,000.00, approved by Council in January, 2009, was paid from the Fire Fund. He stated the alarm system would not be used to call firefighters and should not be funded through the Fire Fund. Mermann and Rogers explained that the expense was divided between the General Fund, Water, Sewer, and Fire because all four would benefit from the service.

COMMITTEES & RECOMMENDATIONS**STREETS-DARRELL LEVINGS**

Levings scheduled a meeting at 6:30 pm on 9/8/09, prior to the regular Council meeting.

FIRE & POLICE-KEITH STRAIT

No report.

FINANCE & PERSONNEL-STEVE HART

The committee is scheduled to meet at 6:00 pm on 9/21/09.

UTILITIES-BETTY WILLIAMS

The committee met on 7/15/09 to discuss the water and sewer rate increases recommended by RECAP. Williams reported the committee would continue to look for ways to avoid another rate increase and still support the proposed future projects. An increase of the current 10% transfer from the utility accounts into the capital improvement accounts will be considered. Hart stated that resident Tim Clapper has offered to share a spreadsheet that could also benefit the committee.

VILLAGE DEVELOPMENT & ZONING-JOHN CURTIS

Curtis reported a successful Chamber luncheon where the Dr. Nathan Tucker Awards for Excellence were presented and requested Council to encourage residents to nominate members of the community for future awards.

CODES & REGULATIONS-EMILY SHAFFER

The July committee meeting was postponed until 8/11/09 at 2:00 pm. Ordinance 1325 and 1327 will be reviewed.

ADMINISTRATOR-DAN ROGERS

Rogers reported approval for the Class II sludge fields for 2010. Alum-feed system was modified to filter out sediment and the Vaughn pump repairs have been completed. Sludge in the lower level at the WWTP was pumped to the head of the plant and recycled following a break in an 8" line.

The Water Plant roof continues to leak causing major damage to the interior. Cost of a new roof will be reviewed to determine when the replacement will be ordered.

The asphalt is down but the completion of paving of Grant St. and Iberia St. has been delayed by rain. The Grant agreement for Issue I funds to pave Home Road is expected within the next 10 days. Rogers approved an additional \$1,800.00 for the TEP Grant/Monument project which came in approximately 7% higher than expected. Bids were opened on 7/28/09.

Discount Drug Mart is preparing for their opening in September. The business will post "No Parking" signs for semi-trucks in the parking area and will enforce the regulations.

Community Service personnel, working Tuesdays and Thursdays, are helping alleviate vacancies in all the service departments caused by vacations and sick leave.

MAYOR- MIKE PORTER

Porter reported favorable comments following the recent Sweet Corn Festival and expressed appreciation to Shaffer, Williams, and Rogers for their contributions to make the recent Chamber Open House.

The Mayor met President Obama during the Presidential visit to Cleveland.

Porter recommended Brandon McCune be hired to replace former employee Alan Johnstone in the Services Department. Rogers reported that McCune has been dedicated in his part time job with the Village, obtaining the CDL, knowledge & expertise, and compatibility with other employees. Levings moved and Shaffer seconded to hire McCune. Roll call, Levings yes, Shaffer yes, Williams yes, Hart yes, Curtis yes, Strait yes.

SOLICITORS-GRIFFITH & BRININGER

Griffith reported the purchase of the 125 Iberia St. property is completed and the deed has been recorded.

Griffith stated a conflict of interest exists in a Municipal Court case that would prohibit Attorneys Griffith and Brininger from representing the Village. A contract with Assistant Prosecutor Erik Penkel, similar to the previous contract with Attorney David Stamolis, would allow Mr. Penkel to serve as Counsel for the Village in the upcoming case. Mr. Stamolis' fees were deducted from the fees paid to Griffith & Brininger. However, the fees for the current case and future cases would be in addition to the Solicitor's regular contract. Council questioned if the County as well as the Village would pay Mr. Penkel and if there could be similar cases in the future. Griffith explained that periodically such conflicts could occur and could be

addressed in the annual contract between the Solicitors and Village. Williams moved and Strait seconded to authorize the Mayor to enter a contract with an Attorney to provide Counsel in cases where a conflict of interest prohibits Griffith & Brininger from acting on the behalf of the Village. Roll call; Williams yes, Strait yes, Curtis no, Hart yes, Levings no, Shaffer yes. Four yes votes, 2 no votes, motion carried.

CLERK-TREASURER-SUE MERMANN

Curtis moved and Hart seconded to approve the bills as presented. Roll call; Curtis yes, Hart yes, Strait yes, Williams yes, Shaffer yes, Levings yes.

Resolution 8-3-09 was presented. Levings moved and Shaffer seconded to suspend the rules. Roll call; Levings yes, Shaffer yes, Williams yes, Strait yes, Curtis yes, Hart yes. Levings moved and Curtis seconded to adopt the resolution to purchase a 2008 truck. Roll call; Levings yes, Curtis yes, Hart yes, Strait yes, Williams yes, Shaffer yes.

Ordinance 1619 was presented for the 3rd reading. Levings moved and Williams seconded to adopt the ordinance to vacate the alley between Lincoln Ave. and W. High St, separating Lots 613 & 627 on W. High Street and Lots 607 & 608 on Lincoln Ave. Roll call; Levings yes, Williams yes, Shaffer yes, Strait yes, Curtis yes, Hart yes.

Ordinance 1621 was presented for the 2nd reading. Williams moved and Shaffer seconded to pass the Administrator residency ordinance to the 3rd reading. Roll call; Williams yes, Shaffer yes, Levings yes, Hart yes, Curtis yes, Strait yes.

Ordinance 1622 was presented for the 2nd reading. Shaffer moved and Strait seconded to pass the Police Chief residency ordinance to the 3rd reading. Roll call; Shaffer yes, Strait yes, Levings yes, Hart yes, Curtis yes, Williams yes.

Ordinance 1623 was presented. Hart moved and Williams seconded to suspend the rules. Roll call; Hart yes, Williams yes, Shaffer yes, Levings yes, Curtis yes, Strait yes. Levings moved and Strait seconded to adopt the DEFA Funding ordinance as an emergency. Roll call; Levings yes, Strait yes, Williams yes, Shaffer yes, Curtis yes, Hart yes.

Shaffer moved and Williams seconded approve the Appropriation Transfer Entry. Roll call; Shaffer yes, Williams yes, Strait yes, Curtis yes, Hart yes, Levings yes.

Williams moved and Strait seconded to accept the YTD Fund Report. Roll call; Williams yes, Strait yes, Curtis yes, Hart yes, Levings yes, Shaffer yes.

Shaffer moved and Williams seconded to approve the recodification of ordinances to American Legal. Roll call; Shaffer yes, Williams yes, Levings yes, Hart yes, Curtis yes, Strait yes.

Mermann reported the US Bank Water Notes 1999 Series payment for July-December 2009 increased from \$26,568.19 to \$31,950.32. Joseph Robertson from the RBC Capital Markets, formerly Seasongood & Mayer will review the Mortgage Notes for refinancing.

OTHER

Strait moved and Curtis seconded to adjourn at 8:30 pm

Sue Mermann, Clerk-Treasurer

Mike Porter, Mayor

Dan Rogers, Administrator