

**RECORD OF PROCEEDINGS**  
GENOA VILLAGE COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

May 17, 2010

20

Acting Mayor Adams called the meeting to order at 7:29 PM with the Pledge of Allegiance.

Roll called: present were: Mr. St Marie, Mr. Bittner, Mr. Lewis, Mr. Adams, Mr. Brown and Mr. Hise.

Also present were Garth Reynolds, Village Administrator and Charles Brinkman, Fiscal Officer.

APPROVAL OF MINUTES

Minutes of the May 3, 2010 meeting were presented.

Mr. Lewis stated that on Page 23, under Mayor's Report, line 6, remove one of the "discussed". Under Resolution 12-10, add "Mayor allowed Matt Widmer, Clay Township Trustee to speak." Before Mr. Gladden sentence, then after add "Mike Driver stated he also did not support the Resolution". In Ad Hoc, add "The brick is deteriorating in the wall of the walkway".

Mr. Hise asked that under Administrator's Report, line 7 add "will work" between 35 to 40 hours per week. Also, line 12; add "for part time employees".

Moved by Mr. Brown, seconded by Mr. St Marie to accept the minutes of the May 3, 2010 meeting as amended.

Roll called: Mr. St Marie, Mr. Bittner, Mr. Lewis, Mr. Adams, Mr. Brown and Mr. Hise, all Yeas. Nay 0.

Vote: Yea 6, Nay 0. Motion passed.

ENGINEER'S REPORT

Mr. Rich Hertzfeld of Poggemeyer Design Group stated there were three items:

1. Washington Street Reconstruction:  
Work is completed and a final walkthrough is scheduled for May 28, 2010.
2. 2009 Curb Ramp Replacement:  
Project plans and specifications are completed and being reviewed by the Village. Bidding by the Ottawa County Planning Commission is anticipated in the next few weeks.
3. 2010 Street Resurfacing Program: Preparation of the plan and bidding documents will be completed shortly. Bidding is anticipated in June 2010 and construction this summer.

Mr. Hise asked Mr. Hertzfeld if he knew Donna Kirkbride, Mr. Hertzfeld stated he did. Mr. Hise asked if he had heard about the delays in payments on the Washington Street project. Mr. Hertzfeld stated he had and reported that all invoices had been approved in the allotted time of the contract.

ADMINISTRATOR'S REPORT

Written report was presented.

Mr. Reynolds reported on the following items:

1. An amendment to the Village's health plan agreement will be executed to meet current Federal guidelines.
2. The small pavilion in Veterans Park needs to have a roof replaced; the cost will be under \$5000.00.
3. The roof at the Big Dipper will also be replaced at a cost of less than \$5000.00
4. The skate park/half pipe at Veteran's Park needs to be repaired. Estimated cost is \$22,000.00. This includes replacing all the surface and any supporting structure as needed.

Mr. St Marie asked for a breakdown of the total.

Mr. Reynolds stated about \$9000 for materials and \$13,000 for labor. Total cost will be covered by the Capital Improvement Fund.

Mr. Adams questioned only one proposal.

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Mr. Thomas stated this was the original builder.  
Mr. Bittner asked how old the structure was.  
Mr. Thomas said about 10 years old.  
Mr. Lewis asked if the material would be plywood.  
Mr. Reynolds stated it would be treated plywood.  
Mr. St Marie <sup>Asks</sup> ~~stated it sounded like the~~ whole structure was being replaced.  
Mr. Reynolds stated it was.  
Council agreed to proceed with the repairing of the half pipe.  
Mr. Reynolds asked about lifting the hiring freeze to replace the Sidewalk Inspector/Maintenance position. Mr. Reynolds stated if we do not hire someone then no sidewalk program will be implemented this year.  
Mr. Hise asked about time frame and if part time or full time position.  
Mr. Adams stated was not in favor of the sidewalk program.  
Mr. Hise stated that Public Works <sup>had</sup> ~~stated~~ they could handle the requirements and asked if this was still the case. <sup>had</sup>  
Mr. Lewis asked if it was just maintenance.  
Mr. Bittner asked what else was involved.  
Mr. Reynolds stated the maintenance plus the care of the buildings.  
Mr. Bittner stated that is was more than just walking the sidewalks then. What about an operators license, was it needed?  
Mr. Reynolds stated no license required.  
Mr. St Marie asked if Mr. Gladden could be questioned on the handling of this, and asked to be tabled until next meeting.  
Mr. Reynolds then stated the final item was the lack of notification to Mrs. Joanne Sayden of 211 E Eleventh Street on the zoning variance.  
Mr. Hise asked Mr. Adams who the zoning inspector was.  
Mr. Adams stated it was Mr. Reynolds.  
Mr. Hise stated that the letter was dated May 10 but here it was May 17 and just receiving it. The zoning inspector was responsible for the notifications, not the utility clerk. Mr. Hise asked if Mr. Reynolds remembered Harry Truman, he had a sign that said the buck stops here. Mr. Hise stated it seems that Mr. Reynolds does not want to take responsibility. This was Mr. Reynolds job, not someone in utility.  
Mr. Reynolds thanked Councilman Hise, and then responded:  

1. Have not shrugged responsibility.
2. I take responsibility for this mistake.
3. The procedure is the same one that has been used for over 21 years.
4. Per the Zoning Code, it is the responsibility of the applicant to provide the names and addresses of those who live within the 200 feet of the property.

Mr. Hise stated that the zoning code has been in revision for three years.  
Mr. Reynolds stated that Mr. Hise was in error on the time.  
Mr. Hise stated last time it was completed in six months.  
Mr. Reynolds stated that is why it is now taking this much time to rewrite.  
Mr. Reynolds stated the Board of Zoning Appeals will be meeting on June 10, 2010 to hear this variance.  
Mr. Bittner asked what is going to happen as the applicant has spent the money on the fence and it was not his fault. Also Mrs. Sayen is not at fault as she was not notified.  
Mr. Reynolds stated the Village was wrong and now trying to correct the situation that occurred.  
Mr. Reynolds said may plant shrubs or something to break up the view.  
Mr. St Marie asked if it were a 4 foot fence would there be a problem.  
Mr. Reynolds stated no.  
Mr. Hise asked at whose expense the landscaping would be done.  
Mr. Reynolds stated at the Village's.  
Mr. Hise stated he had a problem with the Village paying.  
Mr. Reynolds stated that if any Village employee damaged personal property the Village would pay to repair.

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Mr. Hise stated he thought the person who made the mistake should pay; using public funds to provide landscaping on personal property would be a hard sell.

FISCAL OFFICER'S REPORT

Mr. Brinkman presented paid bills of \$235,966.86.

Mr. Bittner moved to accept paid bills, seconded by Mr. St Marie.

Roll called: Mr. St. Marie, Mr. Bittner, Mr. Lewis, Mr. Adams, Mr. Brown and Mr. Hise all Yeas. Vote: Yea 6, Nay 0. Motion passed.

RECREATION ADVISORY BOARD

Mr. Reynolds stated no report.

MAYOR'S REPORT

No report as the Mayor was not present.

ECONOMIC DEVELOPMENT COMMITTEE

Mr. St Marie stated no report, but scheduled a meeting for May 24, 2010 at 6:30 PM.

STREETS/SIDEWALKS COMMITTEE

Mr. Brown reported from the meeting of April 20, 2010.

Moved by Mr. Bittner, seconded by Mr. St Marie to accept the minutes of Streets and Sidewalks of April 20, 2010.

Roll called: Mr. St. Marie, Mr. Bittner, Mr. Lewis, Mr. Adams, Mr. Brown and Mr. Hise all Yeas. Vote: Yea 6, Nay 0. Motion passed.

UTILITIES COMMITTEE

Mr. Hise made a motion to have an Ordinance prepared to reduce minimum water billing from 2000 gallons to 1000 gallons; seconded by Mr. Bittner.

Roll called: Mr. St. Marie, Mr. Bittner, Mr. Lewis, Mr. Adams, Mr. Brown and Mr. Hise all Yeas. Vote: Yea 6, Nay 0. Motion passed.

Mr. Hise scheduled a meeting for June 7, 2010 at 6:45 PM. Mr. Hise stated items to be discussed would be direct deposit of utility bills, landlord responsibility for tenants' bills, and the AMP rate ordinance.

FINANCE /INSURANCE COMMITTEE

Mr. Adams stated no report.

SAFETY COMMITTEE

Mr. Bittner presented the minutes of the May 3 meeting and Fire Chief's report of May 13, 2010.

Moved by Mr. St Marie, seconded by Mr. Brown to accept the minutes of Safety Committee of May 3, 2010.

Roll called: Mr. St. Marie, Mr. Bittner, Mr. Lewis, Mr. Adams, Mr. Brown and Mr. Hise all Yeas. Vote: Yea 6, Nay 0. Motion passed.

Mr. Bittner scheduled a meeting for May 24, 2010 at 7:00 PM.

AD HOC COMMITTEE

Mr. Lewis stated no report.

PERSONNEL COMMITTEE

Mr. Brown presented the minutes of the meeting of April 20, 2010. Mr. Hise stated that Mr. Bittner had asked if there was a job description for this position, Mr. Reynolds stated no job description. *Mr. Hise stated there was an exchange as how this was done without a job description*

Mr. Bittner moved, seconded by Mr. St Marie to accept the minutes of April 20, 2010 as amended.

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Roll called: Mr. St. Marie, Mr. Bittner, Mr. Lewis, Mr. Adams, Mr. Brown and Mr. Hise all Yeas. Vote: Yea 6, Nay 0. Motion passed.

## ANYONE WISHING TO ADDRESS COUNCIL

Mr. Bittner asked Mrs. Salyen to discuss the situation on the fence.

*Salyen*  
*Salyen* Mrs. Salyen stated she could not have what she wanted. She stated that her house is not like most houses in that the bedrooms are in front and the living room is in the rear of the house. Mrs. Salyen feels that with the fence her property value will be reduced as she has a garage on one side and the fence on the other. Mrs. Salyen did not realize what was being built until almost finished.

Mr. Bittner stated he was sorry and stated see what happens when we do not do our jobs.

## ORDINANCES/RESOLUTIONS/MOTIONS

Mr. Brown presented the third reading of **Ordinance 11-10**, an Ordinance Establishing No Parking on Selected Portions of West 9<sup>th</sup> Street Between Buckeye Street and Cherry Street.

Mr. Brown moved to pass **Ordinance 11-10**, seconded by Mr. Lewis.

Roll called: Mr. St. Marie, Mr. Bittner, Mr. Lewis, Mr. Adams, Mr. Brown and Mr. Hise, all Yeas.

Vote: Yea 6, Nay 0. Motion passed.

Mr. St Marie presented the first reading of **Ordinance 14-10**, an Ordinance to Authorize the Seventh Modification to the Northwest Area Service Group (NWASG) Pool Participation Schedule, and Declaring an Emergency.

Mr. Lewis presented **Ordinance 15-10**, an Ordinance Authorizing the Fiscal Officer to Transfer Eighty-Two Thousand Five Hundred Dollars (\$82,500.00) from the Water Fund (601), into the Genoa Bank Note Fund (303), And Declaring an Emergency.

Motion by Mr. Lewis and seconded by Mr. Bittner that the rule requiring Ordinances to be fully and distinctly read on three different days be dispensed with in accordance with ORC 731.17.

Roll called: Mr. St. Marie, Mr. Bittner, Mr. Lewis, Mr. Adams, Mr. Brown and Mr. Hise, all Yeas.

Vote: Yea 6, Nay 0. Motion passed.

Mr. Lewis moved, Mr. Bittner seconded that **Ordinance 15-10** be passed as an emergency measure in accordance with ORC 731.30.

Roll called: Mr. St. Marie, Mr. Bittner, Mr. Lewis, Mr. Adams, Mr. Brown and Mr. Hise, all Yeas.

Vote: Yea 6, Nay 0. Motion passed.

Mr. Hise presented **Ordinance 16-10**, an Ordinance Authorizing the Fiscal Officer to Transfer Twenty-Four Thousand Dollars (\$24,000.00) from the Water Fund (601), into the OWDA Washington-Fifth Street Waterline Payment Fund (304), And Declaring an Emergency.

Motion by Mr. Hise and seconded by Mr. Brown that the rule requiring Ordinances to be fully and distinctly read on three different days be dispensed with in accordance with ORC 731.17.

Roll called: Mr. St. Marie, Mr. Bittner, Mr. Lewis, Mr. Adams, Mr. Brown and Mr. Hise, all Yeas.

Vote: Yea 6, Nay 0. Motion passed.

Mr. Hise moved, Mr. Brown seconded that **Ordinance 16-10** be passed as an emergency measure in accordance with ORC 731.30.

Roll called: Mr. St. Marie, Mr. Bittner, Mr. Lewis, Mr. Adams, Mr. Brown and Mr. Hise, all Yeas.

Vote: Yea 6, Nay 0. Motion passed.

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Mr. Hise presented **Ordinance 17-10**, an Ordinance Authorizing the Fiscal Officer to Transfer Nineteen Thousand Dollars (\$19,000.00) from the Capital Improvement Fund (403), into the Major Projects D-1 Fund (405), And Declaring an Emergency. Motion by Mr. Hise and seconded by Mr. Lewis that the rule requiring Ordinances to be fully and distinctly read on three different days be dispensed with in accordance with ORC 731.17.

Roll called: Mr. St. Marie, Mr. Bittner, Mr. Lewis, Mr. Adams, Mr. Brown and Mr. Hise, all Yeas.

Vote: Yea 6, Nay 0. Motion passed.

Mr. Hise moved, Mr. Lewis seconded that **Ordinance 17-10** be passed as an emergency measure in accordance with ORC 731.30.

Roll called: Mr. St. Marie, Mr. Bittner, Mr. Lewis, Mr. Adams, Mr. Brown and Mr. Hise, all Yeas.

Vote: Yea 6, Nay 0. Motion passed.

OTHER BUSINESS

Mr. Hise stated he had neglected to bring the minutes from Tree Commission. Also, Arbor Day was excellent; it was well organized, well attended and perfect weather.

Mr. Hise moved, seconded by Mr. St. Marie to enter executive session per ORC 121.22 for the employment of a public employee.

Roll called: Mr. St. Marie, Mr. Bittner, Mr. Lewis, Mr. Adams, Mr. Brown and Mr. Hise, all Yeas.

Vote: Yea 6, Nay 0. Motion passed.

Entered executive session at 8:15 PM; exited executive session at 8:30 PM.

Motion to adjourn the meeting was made by Mr. Hise, seconded by Mr. St Marie.

Roll called: Mr. St. Marie, Mr. Bittner, Mr. Lewis, Mr. Adams, Mr. Brown and Mr. Hise, all Yeas.

Vote: Yea 6, Nay 0. Motion passed.

Meeting adjourned at 8:31 PM.

  
FISCAL OFFICER

  
MAYOR

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