

**Call to Order**

The Regular Session of Council was called to order by Mayor Mike Erwin. The meeting was opened with the Pledge of Allegiance.

**Roll Call**

Roll Call was completed by Clerk of Council. The following members were present.

Judy Neal – P

Rebecca Isaacs-Niemesh – P

Yorkie Bryant – P

John Poe – A

Terry Erwin – P

William Thompson – P

**Approval of Minutes of Previous Meeting**

Council reviewed the minutes of the previous meetings. Motion by Councilwoman Isaacs-Niemesh to approve the minutes of the March 11th; second by Councilman Thompson. Minutes for the Special Session on February 18<sup>th</sup> were tabled.

The Mayor asked solicitor Kaspar if he looked into the February Meeting concerns. Kaspar advised he wished to report on three separate issues but thought Executive Session would be needed.

**Shawn Campbell / Jones Warner Engineering**

Campbell reported contractors are on the job; two weeks to one month of work is left on Highlawn and Welch Road. Curbs, sidewalks and drainage will be in by the end of May. Equipment is in place on Highlawn and Welch. Councilman Thompson asked if both would be completed at the end of May. Campbell explained Highlawn a milling surface; new pavement will be installed. Ducker asked if it was Phase I or II. Shawn Campbell advised Duke Energy needs to come in to restore Pike Street after replacing gas main. He stated just shy of Pattison is where our trench ends.

**Committee Reports / Legislation from Village Officials**

Councilman Erwin reported volunteers were busy doing a great job with Spring clean-up at Phegley Park. He welcomed others to meet there on April 13, 2014. He advised *Love Morrow* activities were planned for the last Saturday of each month during June, July and August. He stated, in concert with Fellowship of Praise Church, a concert was planned for Saturday at noon at the High School to kick start getting the Village cleaned up. He advised there would be a motorcycle/car cruise on June 14, 2014. Erwin stated an Art Fare in Phegley Park was being planned. Christmas on Main Street would be held on November 29, 2014 and a baseball/football and golf outing was being planned.

Police Committee

Neal stated she is doing some research currently to be discussed later. She reported on August 5, 2014, the 2nd Annual Police Night Out would be held. She encouraged people to participate.

Finance Committee

The Mayor reported Steve Wagner was researching funding, in the way of grants, for the Water Plant. He advised the project may cost \$2M for rebuild and repairs. We are getting funding together to pass on to Public Works with options.

Public Works

Councilman Bryant stated there was a major problem on the hill at Overlook. Three or four ditches are stopped up and the water was ten inches deep. The Mayor added there was a problem also at Linda and Pinecrest. Campbell advised he divided the drainage area up with the township and tried to get a buy in previously. Discussion followed. Bryant also stated he walked the area and leaves need to be cleaned up. He asked Police Chief Kilburn if he noticed an increase in young people on motorcycles; he stated he felt the police should get license numbers when in pursuit and back off for safety reasons. The Chief agreed.

Chief Kilburn reported the police car radios and portables have been changed to digital. The Mayor spoke of all the quality improvements made. He commended Patrolman Hawk, Hoffman and Loffler in completing Leads training listed in Administrator Smith's report. He advised the Administrator was on Vacation. He asked Council to refer to the report and note improvements

in the office. He also advised the Administrator has put a lot of work in the Personnel Policy. He stated the Administrator's report recognized Mike Hannah who recently earned his Associate Certificate from Ohio Department of Natural Resources Division of Forestry and noted Fiscal Officer Koehler attended the annual Government Officials Conference.

The Mayor referred to the section in the report on Zoning Inspection. He pointed out the Tree City USA plaque displayed in the Municipal Building. The Mayor advised the group is starting to get a budget together to replace deceased trees. He stated the Veterans Memorial Project is moving forward. Mayor Erwin acknowledged he has received a lot of positive calls on the Historical Society; businesses are calling and asking questions. He stated Administrator Rod Smith was going to Columbus regarding the Community Reinvestment Act; the CRA is used to spur economic development by offering tax abatements. He reported Smith is working on revamping CRA, cited in the report. The Mayor discussed a Charter Village versus Statutory type of government and the advantages. He advised the Police Department was also cited in the Administrator's report. The Mayor highlighted Koehler was working with Smith on the Procurement Policy and offered the community a copy of the report if they wished.

#### **Ordinances/Resolutions**

Fiscal Officer Koehler advised the auditors would arrive on April 28th. On April 29, 2014 at 3pm, a pre-audit meeting was scheduled. The Mayor complimented her on record keeping the way the State wishes.

Koehler requested a Resolution to increase appropriations in General Fund by \$9,594.98 from the insurance proceeds, \$2,209.98 into the Police Department and Land and Building \$7,385.00. She requested an increase in appropriations by \$6,302.40 for the Street Fund to purchase a new mower with the proceeds from Gov Deals receipts. She also requested adjustment in the Permissive Fund of \$550.81 for a security gate for the salt bin. Bryant asked why money could not be taken out of the Water Department Fund. Koehler stated she felt audit would question it. Discussion followed. Bryant stated at least half could be taken from the Water Fund; he stated if you take it from General Fund, you can never get it back. Isaacs-Niemesh asked if purchasing a security gate and lawn mower was previously discussed. Koehler stated it was something we hoped to purchase with the proceeds from the sales on Gov Deals. Isaacs-Niemesh inquired about the purchase. Discussion followed. Isaacs-Niemesh stated she asked for an agenda previously so she could get such information before the meeting. The Mayor asked if Council wanted to table the purchase of the mower. Kaspar provided the language for the requested Resolution.

Motion by Councilwoman Neal to suspend the rules and waive three readings of Resolution #6-14; second by Erwin. Four yea, one nay by Isaacs-Niemesh. Motion by Neal to approve Resolution #6-14, to increase appropriations in General Fund by \$9,594.98, Street Fund by \$6,302.40, and adjustments in Permissive Fund of \$550.81; second by Erwin. Four yea, one nay by Isaacs-Niemesh. Motion carried.

#### **Approval of Disbursements**

Koehler provided revenue statistics, bank reconciliations and disbursements.

Motion by Isaacs-Niemesh to pay the bills; second by Erwin. All yea.

**Public Forum**

Sue Nelson stated there is a lot of litter everywhere. She asked what Public Works was doing about it. This citizen asked if a violation or citation is given. Chief Kilburn advised there is a fine. Nelson asked if very many fines were issued. The Mayor advised the crew was working on clean-up. Gary Nelson asked if his comments regarding the VFW were in the March minutes.

Isaac-Niemesh inquired about the Schuerer Trust Fund certificates. Solicitor Kaspar stated he needed to review the Schuerer Trust Fund document. He advised he certificates shouldn't be changed at that time; he stated he needed time to look into the previous change. Kaspar recommended the change not be made at that time. He stated he had an update on pending litigation. Regarding committees, certain committees are required by statute such as Public Safety, Public Works. The Finance Committee has no legislative authority and is at the discretion of the legislative body; decisions related to Council need to be brought back to create or dissolve by Council vote. The Mayor can create Executive Committees. Discretionary Committees may be created and can be dissolved. Isaacs Niemesh stated by law we don't need committees. Kaspar stated as long as it is not statutory. Kaspar advised discretionary committees are not binding; business is brought to Council.

Motion by Isaacs-Niemesh to terminate all committees.

Mayor asked if all Council would comment. The Mayor granted the opportunity to citizens who wished to speak to the matter. Isaacs Niemesh stated the committee must wait on others, pounding sand. Erwin stated it's wrong to get rid of committees. He used the issue of employee raises which took three months to resolve with full Council. He stated Parks and Recreation spends a lot of time and makes progress. He complimented Erica Levine who has been there from the beginning, the Duckers and others; he noted the committee's progress, stating 1000 people were on Main Street for the Festival. He pointed out the full Council didn't do anything in prior years before the committee was appointed. He advised he disagreed with the motion. Thompson said eliminating committees wouldn't eliminate a board; he stated Parks and Recreation is a board. Bryant stated Isaacs-Niemesh nor Thompson have a committee; it was favoritism. He advised he couldn't answer; he feels both ways. Neal stated she was in favor of committees. She stated information is brought back to Council from committees. The full Council would need to meet two to three times a month without individual committees; more meetings would be required. Neal advised when someone contacts her, she will get the answer. Discussion followed. Thompson stated he was on the Police Committee last year and several meetings were cancelled. He stated he is not the chairman of a committee. Thompson advised he was the Chairman of Beautification and enjoyed it. Isaac-Niemesh stated she received a note from the Administrator last year to hold off on a recommendation to be presented by the committee and he cancelled a committee meeting. The Mayor asked what the meeting was about. She stated water rates, Public Works. Isaacs-Niemesh complimented T. Erwin. She discussed the request for the mower and stated she wanted to eliminate the Finance Committee. Discussion followed. Koehler stated there was a prior understanding regarding the mower; we sold items to replace them with better equipment.

Tomas Ryan de Heredia inquired with the Solicitor if committees could be mandated with regard to a time for them to report and require a written report seven days in advance of Council meeting with explanation. Kaspar responded yes. He made further suggestions that on ongoing issues, certain council members should be the *go to* individual. Sue Nelson liked the suggestion presented. She made additional suggestions. The Mayor stated things are better and more organized with committees. He stated when you talk about the failure of committees, you are talking about failure of leadership. The Mayor stated the Village is in better shape. Discussion followed. Sue Nelson discussed the litter. She also stated it takes a good length of time for a committee to really get going. With regard to the Water Plant rates, she stated allow a committee to come in and discuss. The Mayor stated rates need to be raised; there's been a 50 cents raise in thirteen years. Discussion followed. The Mayor stated he is not afraid to research and tell the community the bad news. Water is the most

important asset. Mr. Gilbert said rates have been increased and Council was mistaken. Isaacs- Niemesh stated 2004 was the last increase for water. Koehler agreed. Mr. Nelson asked if there was any truth to the rumor that one of the plants was up for sale to Western Water. The Mayor replied no. Discussion followed. The Mayor discussed the lawn mower funds. Ryan-de-Heredia asked a question with regard to where the funds were be being derived. He suggested Parks and Recreation show the old mower and do a fund raiser at an event.

Isaacs-Niemesh stated Finance and Public Works need to include everybody's comments. Bryant stated do away with all of the committees. The Mayor stated there is a motion on the floor.

Motion second by Thompson. By roll call, 3 yea, 2 nay by Neal and Erwin. Motion carried.

Bryant stated to the Mayor; you didn't have the committees talk to each other. A citizen asked if committee meetings were opened to the public. Thompson responded. T. Erwin stated you won the vote; but the Village lost.

Kaspar continued and discussed a second issue regarding a Special Session and the scope of commentary. He stated it was a First Amendment issue; commentary may be made for the purpose of resolving issues of Village or community. There are no restraints other than First Amendment rights. Thompson stated the statement made was outside the purpose of the meeting, Personnel Issues; he stated Kaspar was wrong. The Mayor stated it was in regard to some wanting to eliminate the Village Administrator. Thompson responded with comments on the Mayor's statement at a prior meeting. Kaspar stated technically, this discussion is outside the scope; some circumstances require you to adjourn to Executive Session. Under these circumstances, we cannot bar protected forms of speech. Thompson asked if we call a Special Session, we can talk about anything? Kaspar responded; the Mayor maintains order for the meeting. He stated you can't prescribe someone's commentary. You may have a difference of opinion on statements; one may see it as aggression and someone else may see it otherwise. The point for this forum is to give the community information why the legislative branch is doing certain things.

Motion by Neal to enter into Executive Session at 7:15pm; second by Bryant. All yea. Motion by Bryant to return to Regular Session; second by Erwin. All yea.

**Adjournment**

Motion by Bryant to adjourn; second by Erwin. All yea.

---

Kathie Koehler, Fiscal Officer

---

Mike Erwin, Mayor