

**VILLAGE OF PEMBERVILLE
COUNCIL MEETING
December 18, 2018**

Mayor Bowman opened the December 18, 2018 council meeting at 7:00pm with a prayer and led those present in the Pledge of Allegiance.

Roll Call: Present as the regular meeting of council was Rahe, Angel, Bailey, Long, and Yaniga. Others present were Ed Wozniak, Ron Golightly, Gene Steele, Eileen Schuerman, Jordan Haynes, Tom Oberhouse, Vic Schuerman, Mary Moritz and the Deputy Clerk.

Minutes: Yaniga moved and Angel seconded to approve the minutes from the November 20, 2018 meeting. Motion passed 5/6 vote. Yaniga-yes; Angel-yes; Bailey-yes; Rahe-yes; Opelt-absent, Long-yes.

Treasurer's Report: Bailey moved and Long seconded to approve the bills in the amount of \$11,928.92 Motion passed unanimously.

There was a short discussion about two of the tree bills in the file. Yaniga explained that the one of the bills was approved by Council at the last session. The Clerk explained the tree bill on Mr. Opelt's property. This answered Rahe's questions.

ORDINANCE 1579: ORDINANCE AUTHORIZING REIMBURSEMENT FOR THE PEMBER GROVE WATER LINE EXTENSION COSTS BY ASSIGNMENT OF TAP FEES. 1ST Reading. Discussion ensued. Mr. Long stated that he thought the Ordinance was incomplete. He felt it did not have the detail that would be required to do this. Long feels that since the Village does not have approved plans, we would not be in a position to get the detail necessary for this Ordinance. Long moved and Angel seconded to table Ordinance 1579. Motion passed by 5 to 6 votes.

ORDINANCE 1580: ORDINANCE ESTABLISHING MUNICIPAL EMPLOYMENT POSITIONS, DEFINING DUTIES AND PROVIDING FOR THE COMPENSATION THEREOF. 1ST Reading

ORDINANCE 1581: ORDINANCE TO MAKE TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF PEMBERVILLE, STATE OF OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2019. 1ST Reading. Mayor explained that this is just a "Housekeeping" measure. This needs to be approved by Council on or before December 31, 2018. Mayor asked for a motion to suspend the Rules. Angel moved and Bailey seconded to suspend the rules. Motion passed by 5 to 6 votes. Mayor requested a motion to approve Ordinance 1581. Yaniga moved and Rahe seconded to approve Ordinance 1581. Motion passed by 5 to 6 votes.

ORDINANCE 1582: ORDINANCE TO MAKE INTRA FUND TRANSFERS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF PEMBERVILLE, STATE OF OHIO, DURING THE FISCAL YEAR BEGINNING JANUARY 1, 2018, AND ENDING DECEMBER 31, 2018. 1ST Reading.

Mayor explained that the Council received an Email from the Fiscal Officer, explaining this Ordinance and the error on one of the Village customers Business Utility Account. Mayor explained that there is a refund due this Company by the Village, and that this Ordinance will allow the Fiscal Officer to transfer the funds required to cover the refund. Mayor asked for a motion to suspend the Rules and to pass this Ordinance. Bailey moved and Yaniga seconded to suspend the rules on Ordinance 1582. Motion passed by 5 to 6 votes. The Mayor then asked for a motion to approve Ordinance 1582. Rahe moved and Long seconded to approve Ordinance 1582 Motioned passed by 5 to 6 votes.

Mayor:

Change meeting date for month of January: Mayor suggested that since January 1, 2019 falls on the first Tuesday of the month, the meeting date be moved to January 8th and January 22nd. In looking at the month of February, the meeting dates would stay on schedule. Mayor asked for a motion to approve moving the dates of the January meetings. Long motioned to approve moving the meeting dates in January. Angel seconded the motion. Motion passed by 5 to 6 votes.

Village Solicitor, Mr. Mike Marsh: Mr. Marsh has sent the Council his letter of recognition at the end of December. He has stated he will stay on while the Council searches for his replacement. Mayor stated that he has reached out to two local Attorney's. One of which responded and one of which did not. The Attorney that did respond has experience for this position, as he is a Solicitor for another nearby Village. Mayor asked the Council if they wish to proceed with this Attorney, or seek other candidates. Discussion ensued. Long informed the Council that Mr. Opelt had asked him to let them know he has concerns with using a local attorney as our Solicitor because of possible future conflict. Long stated the while he doesn't agree with Opelt's reasoning, he too thinks we need to look at all our options, to "reset" our relationship with a new Village Solicitor. He wants to be sure the proper Due Diligence is used in finding a new Solicitor. Yaniga also mentioned that Mr. Marsh recommended an Attorney in his office. Yaniga wants this Attorney's name to be put on the list also. Mayor stated that he will bring some more names to the table next meeting.

Rahe:

Finance: Rahe stated that she needs a motion to transfer \$120,000.00 from the second half of the Income Tax Fund. This transfer is to be split with \$ 90,000.00 going into the General Fund and \$30,000.00 to the Permanent Improvement Fund. Rahe then made the motion for the transfer. Bailey seconded the motion. Motion passed by 5 to 6 votes.

Street Committee: Rahe stated that the Street Committee had a meeting with Village residents on November 28, 2018 about the Water St. and Bierley Ave. improvements. There were over 30 residents that attended the meeting. The residents had a few questions that the Committee will need to get back to them on, but overall, the response was a positive one. Steve Darmofal sent an Email that the Draftsmen are getting close to being done with plans and he is thinking the Plans will be closed first of the year. Plans will then go to bid. They plan to advertise opening of bids two – three weeks before they put them up for bids. Discussion ensued.

Leaf Pick Up: Rahe stated that because of a combination of the weather and the leaf machine breaking down the Street crew is behind on getting the leaves picked up. We reached out to the Village of Luckey, and they did come and help us pick up some leaves. Discussion ensued. Rahe stated that once we have the Leaf Machine up and running, the Street crew will do one more pass on the Village streets.

Rahe stated that there was a complaint about the leaves back on Elm Street. It would appear that some of the residents took the leaves from their yards and dumped them at the Legion Ball field. She asked Mr. Golightly to explain, since he had more detail. Golightly stated that the leaves were dumped on the apron to one of their driveways. He did not see anyone dumping the leaves. Mr. Golightly stated he was at the meeting on behalf of the "Sons of the American Legion" to ask the Village to please remove the leaves. Discussion ensued. Mayor said he felt that the Street Department should use a back hoe to pick up the leaves.

Angel: No report.

Bailey:

Bailey reported that she had 14 residents who participated in the Holiday Decoration Contest. She announce the winners on Face Book and put signs in their yards.

Long:

Long gave update on the progress of the "to do" list Nathan Schultze on the park. The requested new Contingency Plan has been sent the EPA. All the back flow audits are complete although there are a couple of sites that need to install them, as they do not currently have them. Nathan has asked the EPA for an extension to allow the Businesses that do not have them, time to get them installed.

Long also reported that there is a water line on Water St. and one South of Water St. that Nathan would like to "abandon". This will require that some of the houses on Water St. will need to be re-tapped. Nathan will be getting with the Council later on this. Discussion ensued.

Buildings at Volunteer Park: BPA has asked Long what the intentions are for the buildings at the Park. Long reported that the BPA Board is concerned if the buildings are left vacant, the Village runs the risk of something

being placed in the buildings that shouldn't be. IE: gas, oil cans, etc. The question the BPA Board has is "if they are not going to be used by the Village for something, should they be taken down?" Long asked that this topic be put on the Docket for future action.

Waterline replacement/repair at College Ave. Can we correlate these repairs/replacements with the resurfacing of College Ave? Discussion ensued.

BPA Board is acknowledging that the time has come to have some kind of regulations in force for residents that want to have solar power or wind mills for example. John Lockard reached out to Don Courtney, and he suggested we benchmark after other municipalities, IE Oak Harbor. Discussion ensued.

North Substation: is having Breaker problems. Working on fixing problem now.

Long reminded the Mayor about new Committee assignments and resetting some terms after the first of the year. Mayor asked that anyone who wants a committee reassignment to please let him know. Mayor said he will review the term limits and announce committee reassignment at the first meeting in January.

Yaniga:

Emergency Flood Committee: Reports that the Bierley Street Bridge has been cleaned out. Yaniga is going to keep up with meeting with Commissioners. Yaniga is currently on a waiting list to attend a meeting with Commissioners. Yaniga asked if the Council would approve putting money in the Budget to help offset expenses in the future. Discussion ensued.

Tree Committee meeting is February 5th at 2:00 P.M.

Code Red: Yaniga suggested the Council think about moving the point of contact to the Police Administration. Discussion ensued.

Tom Oberhouse: Oberhouse stated that the "Ground Breaking" that was held at the new Pember Grove Subdivision was for Ceremony Benefits only.

Oberhouse also is asking for help from the Finance Committee in writing the Resolution about Water Tap Fees. Oberhouse also asked if once the Resolution is written to everyone's liking, is the Council going to sign it into the record and back his new subdivision. If not, the subdivision will not happen, as it is just financially impossible. Long asked if the Finance Committee would work with the Village Solicitor on the Resolution, as Long has many things on his plate this time of year and feels he needs help in getting this done. Discussion ensued.

Long:

Long stated that the BPA Employees are only going to do inspections they are comfortable with. Long is in the process of getting a list of ALL inspections required. Steve Darmofal is going to get a quote for all the inspections. Discussion ensued. Long gave Oberhouse a "to do" list. 1. Get with the Village Solicitor to discuss this. 2. Oberhouse to get the Council a dollar breakdown by item for inspections. Long stated that the Council will need to touch base with State of Ohio Auditor to be sure we can use Water Tap Fees in this manner.

Long requested an Executive Session after each Council member has had a chance to do their reports.

Guests:

Gene Steele:

Has Hirzel given the OK to be on their property? Mayor stated that he had been in contact with Joe Hirzel, Jr. and they are waiting on the results of the survey. After they have the results, Hirzel, Jr. will sit down with the Mayor.

Mr. Steele says per the ORC "Any survey stakes that are not yours, do not remove them". Discussion ensued.

Long:

Asked the Council to go into Executive Session to discuss a H.R. employee matter. Long moved and Angel seconded to go into Executive Session to discuss an H.R. employee matter. Motion passed 5/6 vote. Council then went into Executive Session.

Per Mayor, Council came out of Executive Session and resumed Village business.

Long:

Long made a motion and Rahe seconded that the Village Zoning Inspector attend Council meetings on a monthly basis, as well as provide Council a report of the zoning activity for the month. Motion passed by vote of 5 to 6.

Mayor Bowman adjourned the meeting at 8:50 P.M.