

**VILLAGE OF PEMBERVILLE
COUNCIL MEETING
September 5, 2017**

Mayor Bowman opened the September 5, 2017 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, Campbell, Long, Opelt, Sautter, and Yaniga. Others present Tom Mauk, Sarah Szymanski, Eileen Schuerman, Jordan Haynes, Daniel Angel, Ed Wozniak, Carol Bailey, Marti Zeek, Nick & Rebecca Pisula, David St. Louis, Brett & Nicole Chime, Gene Steele, Zach Zientek, Jim Fields, Tony Anteau, Todd Sheets, Chris & Kristal Hiser, Erlin & Mary Moritz, Kendra Freeman, Joanne Busdeker, sue Hyer, Tom Oberhouse, and the Clerk.

Minutes: Opelt moved and Sautter seconded to approve the minutes. Motion passed unanimously.

Treasurer's Report: Rahe moved and Long seconded to approve the bills in the amount of \$20,258.51. Motion passed unanimously.

RESOLUTION 746: RESOLUTION AUTHORIZING THE VILLAGE OF PEMBERVILLE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AND TO EXECUTE CONTRACTS AS REQUIRED FOR WATER STREET AND BIERLEY AVENUE IMPROVEMENTS. 2nd READING

Campbell moved and Rahe seconded to suspend the rules. Motion passed unanimously.

Sautter moved and Yaniga seconded to pass Resolution 746. Motion passed unanimously.

ORDINANCE 1566: AN ORDINANCE TO ENACT RULES AND REGULATIONS CONCERNING THE OPERATION OF GOLF CARTS ON PUBLIC STREETS OF THE VILLAGE OF PEMBERVILLE AND PENALTIES FOR THE VIOLATION OF SAID RULES AND REGULATIONS. 1st Reading

Long asked if Ordinance 1566 was mirrored from the Ordinance passed in Bowling Green. Yaniga responded, no that the Ordinance was mirrored from McConnelssville municipality which is more towards Pemberville's community size.

Guest:

Todd Sheets spoke on behalf of the Historical Society and the elevator project and cost. Todd Sheets spoke on the e-mail from Nigel Davies from June of 2015, which outlines the present relationship between the Village and the Historical Society. Todd Sheets highlighted the areas of the e-mail which stated there was already a contract in place dated April 4, 1997, Ordinance 1104, between the village and the Historical Society for the use and operation of the Opera House, that the Village has sole ownership of the Opera House; but no physical changes to the Opera House, nor changes in use may be made without consent of both the Village and the Historical Society and the Historical Society has no rights to the Opera House, except as set forth in the contract. The Village is responsible for all utilities, maintenance and insurance on the Opera House. The village has made the Opera House available to the Historical Society for various cultural events at no charge. As a result, since approximately 2003, the Historical Society has voluntarily chosen to pay the electric bills for the Opera House. Todd Sheets continues to say that the e-mail addressed the proposed elevator construction and that Mr. Davies assumptions are that the village and the Historical Society will need to approve the construction plans, as submitted by Carol Bailey and that the grant maker may require some documentation of the Village's approval at the closing. As with the restoration project, the construction costs will be paid by the Historical Society through donations and grants, except that the Historical Society may request some assistance from the village regarding outside concrete work and the village would be responsible for obtaining and maintain appropriate insurance during the construction. Once completed, all costs of maintaining, insuring and operating the elevator will be the sole responsibility of the village, as owner of the property. The terms of the original 1997 contract will remain in effect. Mr. Davies stated in the end of the e-mail that he sincerely believes this has been a positive arrangement for the entire community and the proposed elevator project essentially represents a \$400,000 gift to the Village to allow handicapped access to the upper floor of the Village building and that once installed all operating and maintenance costs will be the responsibility of the Village and that

this is Mr. Davies understanding and assumptions based on conversations with Carol Bailey and Eric Campbell, that he was not personally involved in the project or planning. Todd Sheets stated after highlighting on the e-mail that he felt the Historical Society was already following through with their obligation and that an increase in the monthly amount already being voluntarily paid is not what the agreement states. After a brief discussion after the e-mail, Rahe stated that the Finance Committee will re-evaluate everything and maybe come up with a compromise. Rahe stated that the next Finance Meeting will be Tuesday, September 19th and 6 p.m.

Mayor:

Mayor stated he received a letter from Jodi Madaras regarding his "All Hands on Deck" show and asked the Mayor to convey his greetings and invite all to view his production if ever in the Branson, Missouri area.

Rahe:

Rahe reported that the street plan recommended doing a crack and seal project. Rahe stated that requests for quotes went out and that the committee is leaning towards GT Contracting for the crack seal project. Rahe added that the materials used are ODOT approved and hopefully would start with the blue coded area of the street plan proposal first. Rahe stated that the quote from Morelock was for \$19,000 and GT Contracting quote was for \$15,400 and GT is ready to start once they are given the go ahead. Rahe stated that there is already set aside for this and they would like to begin with the blue areas first to preserve. Rahe stated that the reasoning behind the crack sealing of a good street is to preserve the good roads while working on repairing the worst of the roads in the Village. Rahe would like to make sure a good communication to the residents of what GT is doing would be helpful and suggested placing something on the next utility bill the clerk added that she can notify Rus Eby and have him put something on the web-site. Rahe made a motion to accept the quote and hire GT Contracting for the crack sealing of the blue targeted areas for an amount of \$15,400, Yaniga seconded the motion. Motion passed unanimously.

Long:

Long stated that the next Planning Commission meeting is September 20th at 7 p.m.

Opelt:

Opelt reported that they are taking donations of items to take down to Texas. Opelt stated they are trying to fill two semi-trucks of items and that Hirzel's is paying for the trucks and drivers.

Opelt stated that there is an Ohio Veteran Memorial Park located down in Clinton, Ohio that is dedicated to those who have given their lives. Opelt stated that he would like to put down in their park, a bench to honor Kenny Krukemeyer whom was killed in Vietnam after two weeks of active duty. Opelt stated that there will be a bench fund set up at Union Bank. Opelt stated that the bench would be marble with the Village logo, his picture, and the year he graduated.

Sautter:

Sautter reported that the Cell Phone policy was sent to Mike Marsh for review and he suggested that it is approved as part of the Village Handbook. Therefore, the Committee has agreed to put it under Section 24, Miscellaneous and noted as Section 24.20. Sautter made a motion to accept the cell phone policy as part of the Village Handbook as Section 24.20 Miscellaneous and Opelt seconded the motion. Motion passed unanimously.

Sautter stated that the tree Committee meeting will be held towards the end of the month and will post once the date has been determined.

Yaniga:

Yaniga reported on the August 24th meeting with Code Red. Yaniga stated it is a mass alert system geared towards the community to notify them of tornadoes, floods, road closures, water breaks, boil notices. Yaniga made a motion to go with the \$1900 plan with translation. Long asked how this would be administered. Campbell stated the Fiscal Officer, Chief should have notification abilities. Sautter would like more information including contract terms before she makes a decision. Yaniga withdrew her motion. Campbell stated that he was very disappointed that only three individuals from council attended this meeting where all these questions could have been asked and answered directly from the representatives while they was here.

Yaniga asked the Mayor if he had received any plans from Scott Heacock. Mayor replied that he has not. Yaniga stated that 'to be perfectly honest, as a council person her position on this as she understands it, what we approved last meeting was an application to apply to the Parks fund, correct?' Mayor, stated that was correct. Yaniga asked the Mayor that 'any formal movement going forward on the project with Northwest Park or any spending of the money, both of those things would have to come to council before they move forward, correct?' Mayor replied 'we will review the plans and funding, yes.' Yaniga stated that 'as her position as a council person, that before she sees plans, because of the water well lying within the vicinity of the park and she sees EPA approved plans, she will not agree on anything to move forward. Mayor stated that he was sorry to hear that.'

Yaniga stated that the next Safety Meeting will be Monday, September 11th at 4:30 p.m.

Guest:

Nick Pisula thanked council for upholding the existing Ordinance and followed proper protocol regarding bee-hives.

Tom Mauk handed out some information pertaining to the village's regulations and the Ohio Revised regarding Agricultural uses. (Attached) There was a lot of discussion focus on honey bees and bee-hives in the village. Long stated at the end of the discussion that due to the formal written complaint received, that it is the civic process because of the formal safety concern. Therefore, a first notice was given which open the process to appeal in front of the Zoning Board of Appeals, which then would make a determination of how the current zoning code reads or make a recommendation to the Planning Commission.

Gene Steele spoke on trees and the fungus some pine type trees are experiencing and the potential solution of irrigation.

Gene Steele then spoke on the flooding issues in the village and the portage river clean-up. Steele stated that it would take the filing of a petition with the county to slow down the project, allowing the court to review the facts and establish we have a problem and that the project can cause more harm.

Eileen Schuerman asked about the school signs now that the centralized campus is finished. Mayor stated that the signs will stay as they are because the school building is being used for a head start program in addition, a lot of the kids still walk to the school to catch the buses to and from the centralized campus.

Erlin Moritz thanked council for handling Water St. promptly in preparing for the 5-mile race. Yaniga stated that she would pass the gratitude to Jeff Bourdo and Matt Lenke as they were the two gentleman who worked on filling the holes in the street.

A few guests voiced their high concern for speeding. There are multiple areas around town that see a lot of speeding and they are extremely concern for the children's safety and ask that the village come up with a resolution before a child is severely hurt. Mayor stated that they will discuss this more at the next Safety Meeting.

Jordan Haynes asked about the appeal process and who serves on the board. Long stated that the Zoning Board of Appeals consists of two members of the community and the Mayor and the Planning Commission consists of a member of council, the Mayor, and three members of the community. Jordan asked if it wasn't a conflict of interest with the Mayor on both. Long stated that we have received two different opinions because the Zoning Code states that the Mayor is on the Zoning Board of Appeals and the Ohio Revised Code states that the Mayor serves on the Planning Commission and that the Zoning Code may need to be changed. Yaniga will reach out to Mike Marsh again for clarity.

Ed Wozniak stated that there are rules set and in order to get clarification you go to the Board of Appeals.

Mayor Bowman adjourned the meeting at 9:10pm.

