

## RECORD OF PROCEEDINGS

Minutes of Regular Council

Meeting

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National Graphics Corp., Cols., O. Form No. 1097

Held Council Chambers 7:30 P.M. November 7, 1983

Mayor Niehausmyer opened the meeting with the Pledge to the Flag. Clerk-Treasurer, Helen Coleman, called the Roll: Mike Despones, Present; John Harbal, Present; Gladys Donley, Present; Bill Peloquin, Present; John Wyse, Present; Barry Morrison, Present. Six (6) members present, no (0) members absent.

Gladys Donley moved to dispense with the reading of the minutes of the previous meeting, seconded by John Harbal. Roll call vote: John Harbal, Yea; John Wyse, Yea; Bill Peloquin, Yea; Gladys Donley, Yea; Barry Morrison, Yea; Mike Despones, Yea. Six (6) Yeas, no (0) Nays, the motion passed.

Dave Minkhause explained Ordinance No. 35-83, which will be the last Ordinance pertaining to the Nursing Home.

Gladys Donley presented Ordinance No. 35-83, AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,982,700.00 INDUSTRIAL DEVELOPMENT REVENUE BOND, SERIES 1983 OF THE VILLAGE OF GENOA, IN ORDER TO ASSIST MCCLELLAN MANAGEMENT, INC. IN THE FINANCING OF COSTS OF A COMMERCIAL FACILITY; AUTHORIZING THE ISSUANCE OF ADDITIONAL BONDS; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SAID BOND; AUTHORIZING A TRUST INDENTURE APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF SUCH REVENUES AND FURTHER TO SECURE THE PAYMENT OF SAID BOND REPEALING AND SUPERSEDING ORDINANCE NO. 32-83 ADOPTED SEPTEMBER 7, 1983, AND DECLARING AN EMERGENCY. Gladys Donley moved that the rule requiring ordinances to be fully and distinctly read on three different days be dispensed with, in accordance with Section 705.16, Ohio Revised Code. John Harbal seconded the motion. Roll call vote: Barry Morrison, Yea; John Wyse, Yea; Bill Peloquin, Yea; Mike Despones, Yea; John Harbal, Yea; Gladys Donley, Yea. Six (6) Yeas, no (0) Nays, the motion passed. The Ordinance was then read the first and second times by title only. The Ordinance was then read the third time, in full. John Harbal moved that the Ordinance No. 35-83 be passed as an emergency measure. Gladys Donley seconded the motion. Roll call vote: John Harbal, Yea; John Wyse, Yea; Barry Morrison, Yea; Mike Despones, Yea; Bill Peloquin, Yea; Gladys Donley, Yea. Six (6) Yeas, no (0) Nays, the motion passed. Bill Peloquin moved that Ordinance No. 35-83 be passed, seconded by Gladys Donley. Roll call vote: John Wyse, Yea; Barry Morrison, Yea; Mike Despones, Yea; John Harbal, Yea; Gladys Donley, Yea; Bill Peloquin, Yea. Six (6) Yeas, no (0) Nays, the motion passed.

Karen Hosley asked to be on the agenda, representing several concerned citizens. She presented Council with a petition signed by 500 village residents. This position asked that the position of Village Administrator be abolished. Mrs. Hosley said she felt that the salary paid this position could be used for better purposes.

Jeff Weise again asked what Mr. Muggy has done since being appointed to this position.

Ken Phillips spoke to Council about two projects that he has had with the Village of Genoa and Mr. Muggy. First was the assistance Mr. Muggy gave him in having an alley closed adjacent to his property. Second was a sewer project he needed assistance with. After discussing this matter with Mr. Muggy, for approximately fifteen minutes, the project was ready to proceed with.

Katie Hassen also spoke to Council about her feelings toward the village and the position of Village Administrator. Mrs. Hassen has been a resident of Genoa for 42 years. She feels that the village employees work very hard. Sometimes they are overworked and underpaid. She stated that she felt that the village is ready for an administrator. She feels that seven months is a very short time to just cut out the position. We will never gain any progress in the village if we back paddle now.

Jeff Weise asked how to get Council to present an ordinance on the petition to abolish the position of Village Administrator.

Judi Bastubee asked if 500 signatures was actually a majority of the adult residents of the village. It seems to be less than half.

Joan Pietrowski said that a secret ballot would have more votes on the petition.

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Tony Pietrowski asked how many of the Council Members actually voted for the creation of the position of Village Administrator.

Ken Phillips mentioned that the village has never been sprayed for mosquitoes before.

Bob Skilliter said that he knows that there are some individuals that now would like to withdraw their names from the petition.

Jeff Weise asked if it was true that the vote on the Village Administrator was a 3 to 3 tie vote? His answer was that yes it was and according to the Ohio Revised Code this vote was conducted properly. Mr. Weise would also like to know Council's decision on refunding his fee.

Ordinance No. 34-83, the payroll ordinance was presented. John Harbal said that he felt that there were parts of this ordinance that related to other areas than wages. Mr. Pollex, Village Solicitor, explained that all areas included in this ordinance were proper, they deal with the village employees.

Ordinance No. 34-83 was presented for the third reading by title only. Mr. Cottrell, attorney for Mr. Harbal, explained that the objection was in Section 4 & 5 of this ordinance. Mr. Morrison read the ordinance in full. Barry Morrison moved to pass Ordinance 34-83, seconded by Mike Despones. At this time Mr. Harbal announced that on his attorney's advice he would not be present at the voting on this ordinance, and left Council Chambers. Roll call vote on Ordinance No. 34-83: Barry Morrison, Yea; John Wyse, Yea; Bill Peloquin, Nay; Gladys Donley, Nay; Mike Despones, Yea. At this time it was questioned what Mr. Harbal's position was on this vote. Mr. Pollex quoted a case of this nature and it was the decision that Mr. Harbal's vote would be an abstainion vote and be automatically cast with the majority of the votes. This would make the vote : Two (2) Nay votes, Three (3) Yea votes, one (1) Abstained, making the abstainion vote a Yea vote and the Ordinance passing.

William Peloquin moved to adjourn the meeting, seconded by Gladys Donley.

*Hope L. Niehausmeyer*  
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Mayor

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Clerk-Treasurer