

## RECORD OF PROCEEDINGS

Minutes of Regular Council

Meeting

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

Held Council Chambers 7:30 P.M. December 19, 1983

Mayor Niehausmyer opened the meeting with the Pledge to the Flag. In the absence of Clerk-Treasurer, Helen Coleman, the Mayor asked Mike Despones to fill in as the Clerk Pro-tem for this meeting. Councilman Despones called the Roll: Barry Morrison, Present; John Wyse, Present; Bill Peloquin, Present; Gladys Donley, Present; John Harbal, Present; Mike Despones, Present. Six (6) members present.

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

Mayor Niehausmyer announced her intention to appoint Mr. Tom Zouhary as the new Village Administrator to replace Clarence Muggy. He will start his duties on December 20, 1983.

Mike Despones moved that Council accept the mayor's appointment of Tom Zouhary as the new Village Administrator, replacing Clarence Muggy, seconded by John Wyse. Discussion: Gladys Donley requested Council wait until the arrival of the Village Solicitor to vote on this matter. Barry Morrison indicated that we should proceed with this appointment and suggested that perhaps the issue of whether we should have a Village Administrator or not should be placed on the ballot. The Mayor elect, Tom Everett, concurred with Mr. Morrison.

Gladys Donley moved to table the vote on this issue until the Village Solicitor arrived, seconded by John Harbal. Roll call vote: John Harbal, Yea; Gladys Donley, Yea; Bill Peloquin, Yea; John Wyse, Nay; Barry Morrison, Nay; Mike Despones, Nay. Three (3) Yeas, three (3) Nays, the vote being a tie vote the mayor was called upon to break the tie. The mayor cast a Nay vote breaking the tie and defeating the motion.

Council then returned to the original motion to accept the mayor's appointment of Tom Zouhary, made by Mike Despones and seconded by John Wyse. Roll call vote: John Harbal, Nay; Gladys Donley, Nay; Bill Peloquin, Nay; Mike Despones, Yea; John Wyse, Yea; Barry Morrison, Yea. Three (3) Yeas, three (3) Nays, the vote again ending in a tie vote. Mayor Niehausmyer again broke the tie with a yea vote. The appointment of Tom Zouhary has been made.

Barry Morrison presented Ordinance No. 43-83 (a) AN ORDINANCE AMENDING ALL PREVIOUS ORDINANCES, TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF GENOA, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 1984, AND DECLARING AN EMERGENCY. Barry Morrison 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. Gladys Donley seconded the motion. Roll call vote: John

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Wyse, Yea; John Harbal, Yea; Bill Peloquin, Nay; Barry Morrison, Yea; Mike Despones, Yea. Five (5) Yeas, one (1) Nay, 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. Barry Morrison moved that Ordinance No. 43-83 (a) be passed as an emergency measure. Gladys Donley seconded the motion. Roll call vote: John Harbal, Yea; John Wyse, Yea; Mike Despones, Yea; Barry Morrison, Yea; Gladys Donley, Yea; Bill Peloquin, Nay. Five (5) Yeas, one (1) Nay, the motion passed. Barry Morrison moved that Ordinance No. 43-83 (a) be passed, seconded by John Harbal. Roll call vote: John Harbal, Yea; John Wyse, Yea; Gladys Donley, Yea; Bill Peloquin, Nay; Mike Despones, Yea; Barry Morrison, Yea. Five (5) Yeas, one (1) Nay, the motion passed.

Gladys Donley presented Ordinance No. 42-83, AN ORDINANCE FIXING AND REGULATING THE PRICE THAT MAY BE CHARGED BY COLUMBIA GAS TO THE VILLAGE OF GENOA, OHIO, AND TO ITS INHABITANTS, FOR THE PERIOD FROM AND AFTER BILLS RENDERED FOR SERVICE BEGINING JANUARY 10, 1984, OR UPON EXPIRATION OF THE CURRENT CONTRACT, WHICHEVER IS THE LATTER DATE. Gladys Donley moved to dispense with the rules requiring three readings, seconded by John Harbal. Roll call vote: Barry Morrison, Yea; John Wyse, Yea; Bill Peloquin, Yea; Gladys Donley, Yea; John Harbal, Yea; Mike Despones, Yea. Six (6) Yeas, no (0) Nays, the motion passed. Gladys Donley moved to pass Ordinance No. 42-83, seconded by Bill Peloquin. Roll call vote: John Harbal, Yea; John Wyse, Yea; Bill Peloquin, Yea; Gladys Donley, Yea; Mike Despones, Yea; Barry Morrison, Yea. Six (6) Yeas, no (0) Nays, the motion passed.

John Wyse presented Ordinance No. 44-83, AN ORDINANCE APPOINTING A FULL-TIME CLERK-TREASURER OF THE VILLAGE OF GENOA, OTTAWA COUNTY, OHIO, FOR A PERIOD OF THREE MONTHS (JAN. 1, 1984 to APRIL 1, 1984). John Wyse moved that the rule requiring ordinances to be fully and distinctly read on three different days be dispensed with, in accordancy with Section 705.16, Ohio Revised Code. John Harbal seconded the motion. Roll call vote: John Harbal, Yea; Gladys Donley, Yea; Bill Peloquin, Yea; Mike Despones, Yea; John Wyse, Yea; Barry Morrison, 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. Bill Peloquin moved that the Ordinance No. 44-83 be passed as an emergency measure. John Harbal seconded the motion. Roll call vote: John Harbal, Yea; John Wyse, Yea; Bill Peloquin, Yea; Gladys Donley, Yea; Mike Despones, Yea; Barry Morrison, Yea. Six (6) Yeas, no (0) Nays, the motion passed. Bill Peloquin moved that Ordinance No. 44-83 be passed, seconded by John Harbal. Roll call vote: Gladys Donley, Yea; John Harbal, Yea; Mike Despones, Yea; Barry Morrison, Yea; John Wyse, Yea; Bill Peloquin, Yea. Six (6) Yeas, no (0) Nays, the motion passed.

Gladys Donley presented Ordinance No. 36-83 for the final reading. Mike Despones moved to pass Ordinance 36-83, seconded by Bill Peloquin. Roll call vote: John Wyse, Yea; John Harbal, Yea; Barry Morrison, Yea; Bill Peloquin, Yea; Gladys Donley, Yea; Mike Despones, Yea. Six (6) Yeas, no (0) Nays, the motion

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passed. Ordinance No. 37-83 was presented by Gladys Donley for the third reading. Bill Peloquin moved to pass Ordinance 37-83, seconded by Gladys Donley. Roll call vote: John Harbal, Yea; John Wyse, Yea; Bill Peloquin, Yea; Gladys Donley, Yea; Mike Despones, Yea; Barry Morrison, Yea. Six (6) Yeas, no (0) Nays, the motion passed.

Ordinance No. 41-83 (B), AN ORDINANCE ESTABLISHING SCHEDULE OF PERMIT FEES CHARGES, AND EXPENSES FOR ZONING PURPOSES IN THE VILLAGE OF GENOA, OTTAWA COUNTY, OHIO, REPEALING ORDINANCE NO. 17-83, AND AMENDING IN PART ORDINANCE NO. 39-81, PASSED AUGUST 17, 1981., was presented by John Harbal for the second reading.

## Committee Reports:

AdHOC - None

Finance - None

Insurance - No Report

Maintenance - No Report

Police - John Wyse, Chairman of the Safety Committee, requested that Council purchase a portable radio for the Police Department, in the amount of \$893.00, from Ray's Radio & T.V. John Wyse moved that one portable radio be purchased for the Police Department, in the amount of \$893.00, from Ray's Radio & T.V., seconded by Bill Peloquin. Roll call vote: Mike Despones, Yea; John Harbal, Yea; Gladys Donley, Nay; Bill Peloquin, Yea; John Wyse, Yea; Barry Morrison, Abstain. Four (4) Yeas, one (1) Nay, and one (1) Abstained. The motion passed.

Streets - No Report

Sewer - Bill Peloquin met with the farmers on the problem with Packer Creek flooding. We will need a ruling from the solicitor on whether the farmers can clean out the creek themselves. Bill also moved to allow Bill Bauer to test for sewage, seconded by Gladys Donley. Roll call vote: Bill Peloquin, Yea; John Wyse, Yea; Barry Morrison, Yea; Mike Despones, Yea; John Harbal, Yea; Gladys Donley, Yea. Six (6) Yeas, no (0) Nays, the motion passed.

Treasurer - No Report

Utilities - No Report

Zoning - No Report

Village Solicitor - Bob furnished Council with a sample contract/agreement to be used for alley closings. He also gave Council the new Ordinance No. 41-83, with corrections made. He also spoke to Council about the Injunction Case on Cherry Street. The judge has not made a ruling on the case as of this date. He has asked for briefs from both parties in the case. He should render a decision in approximately two weeks.

Gladys Donley asked Mr. Pollex what recourse she has concerning the appointment of the Village Administrator. He indicated it was a moot point since the issue was voted on and passed.

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Bill Peloquin asked what happened to our building inspection because of the terribly inordinant amount of problems primarily in homes built by Maumee Builders.

The meeting was adjourned.

*Hope L. Niehausmyer*

Mayor

*M. J. [Signature]*

Clerk-Treasurer Pro-tem