

# RECORD OF PROCEEDINGS

Minutes of

Genoa Village Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held \_\_\_\_\_ in Council Chambers on August 7 \_\_\_\_\_, 2000  
(YEAR)

Council President and Acting Mayor Jack Bower called the meeting to order at 7:35 p.m. with the pledge to the flag. Clerk/Treasurer Cremean called the roll: Mr. Bower, Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodman, and Mrs. Slotnick. Also present was Mr. Adams, Village Administrator, and Mrs. Smith, Village Solicitor.

Mr. Bower pointed out that since Mayor Verkin is on vacation, the President of Council must preside over the meeting. Therefore it was necessary to elect an Acting President of Council. Mr. Bower requested nominations for this position. Mr. Bittner nominated Eileen McLear, second by Mrs. Slotnick. Roll call vote: Mr. Bower, Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodman, Mrs. Slotnick all yeas (6). Eileen McLear nomination for Acting Council President passed.

## APPROVAL OF THE MINUTES

### AMENDMENTS TO THE MINUTES OF MEETING OF JULY 17<sup>th</sup>

Mr. Avery requested that Mr. Adams, Village Administrator, be added as also being present at the Council meeting.

Mrs. McLear moved, second by Mr. Avery to approve the minutes as written. Roll call vote: Mrs. McLear, Mr. Avery, Mr. Bittner, and Mr. Goodman all yeas (4); Mrs. Slotnick abstained. Motion passed.

## ENGINEER'S REPORT

No report.

## ADMINISTRATOR'S REPORT/ZONING REPORT

Mr. Adams advised that he submitted a written Administrator's Report and Zoning Report to Council.

Mr. Adams advised that Ordinance 65-00 and Ordinance 66-00 were provided to each Council member, and stated that Ordinance 65-00 should be 66-00 and Ordinance 66-00 should be Ordinance 65-00. Reason for the change is that the transfer of the money into the fund is needed before it can be appropriated.

Mr. Adams stated that he has presented Resolution 69-00 and that that Resolution should be added to the agenda packet.

Mr. Adams advised that Bergman's Paving is putting the top coat on Main Street so it should be opening shortly.

Mr. Adams advised that when he, the Finance Director, and the Clerk/Treasurer worked on the budget at the beginning of the year, the revenue was over-estimated at that time by duplicating the bond funds and carrying them over as revenue during the course of the year. That inflated our revenue funds and the revenue funds inflated appropriations. The present Clerk/Treasurer did catch this error and we have discussed it. There will be further meetings with the Clerk/Treasurer and the Finance Director to review this matter. The Clerk/Treasurer will be requesting an amended certificate from the County Auditor to reduce our appropriations budget accordingly. As soon as the numbers are received, Council will be presented with the necessary legislation.

Mr. Cremean asked that it be clarified that it was the prior Clerk/Treasurer involved in the original budget estimations.

Mr. Adams wanted to bring to Council's attention that we have three or four outstanding

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permits where violations have occurred, i.e. swimming pools erected without a permit, a fence put up without a permit, etc. Mr. Adams sent two letters to the residents notifying them of the violations which gives them 10 working days to respond. If the residents ignore the letter, the matters will be turned over to the Village Solicitor.

Mr. Adams referred to Item No. 3 on his Zoning Report regarding E.S. Wagner Company erecting an asphalt mixing plant. Mr. Adams advised that he had a ruling from the Solicitor which states that Mr. Adams can issue the permit to E.S. Wagner. Mr. Adams advised that at this time he is not issuing that permit and has talked with E.S. Wagner regarding their willingness to attend a Planning Commission meeting to address the Planning Commission and any concerns or questions they may have. Mr. Adams sent a letter to Bob Skilliter, Chairman of the Planning Commission, strongly suggesting that the Planning Commission hold a public hearing on the asphalt mixing plant in the industrial park.

Mrs. Slotnick inquired whether the next Planning Commission meeting was going to be the second Monday of the month or before. Mr. Adams indicated that he assumed it was going to be the second Monday of the month.

A copy of Mr. Adams' Administrator's report is on file in the Clerk/Treasurer's Office.

A copy of Mr. Adams' Zoning report is on file in the Clerk/Treasurer's Office.

## CLERK/TREASURER'S REPORT

Mr. Cremean presented invoices in the amount of \$293,019.43 for payment. Mrs. McLear moved, second by Mr. Avery to pay the invoices. Roll call vote: Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodeman, and Mrs. Slotnick all yeas (5). Motion passed.

## RECREATION ADVISORY BOARD

Mr. Adams, on behalf of Mayor Verkin, recommended two appointees to the Recreation Advisory Board. They are Matt Weaver, 911 Main Street, and Bob Hayes, 505 Main Street.

Mrs. Slotnick moved, second by Mrs. McLear to appoint Matt Weaver to the Recreation Advisory Board. Roll call vote: Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodeman, and Mrs. Slotnick all yeas (5). Motion passed.

Mrs. Slotnick moved, second by Mr. Avery to appoint Bob Hayes to the Recreation Advisory Board. Roll call vote: Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodeman, and Mrs. Slotnick all yeas (5). Motion passed.

## MAYOR'S REPORT

Mr. Adams wanted to point out that Ordinance No. 65-00, which authorizes a transfer of funds by the Clerk/Treasurer, and specifically the area where it says From: Permissive Tax Fund To: Capital Improvement Fund, the actual fund should read 403-000-4183.

## ANYONE WISHING TO ADDRESS COUNCIL

**Don Cowell, 1308 Superior Street, Genoa, Ohio.** Mr. Cowell advised that he had been ill and in the hospital and that upon his return from the hospital, nothing had been done with Superior Street. Mr. Cowell pointed out that the holes are getting deeper and the street still is flooding, and is just in bad condition. Mr. Adams advised that he had talked with Kevin Gladden about putting catch basins on Superior Street up to where he and Mr. Cowell had discussed. However, because of the elevation, we can't go that far, but Mr. Gladden has assured Mr. Adams that on the corner where all the water is laying

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we can tie that into the basin on 10<sup>th</sup> Street. Before that can be done, we have requested the engineers to draft up a low level elevation study for that intersection. When the study is finished by the engineers, we will have the information we need for that area. Mr. Cowell inquired as to the time frame for this project. Mr. Adams indicated that he would contact the engineer and get back to Mr. Cowell with a specific time frame.

**Tom Perry, 913 West Street, Genoa, Ohio.** Mr. Perry voiced a complaint with BFI, specifically that they are not recycling properly, they are throwing the garbage cans, etc. Mr. Adams indicated he would call BFI and notify them of the complaints. Mrs. McLear added that she has talked to one of the garbage men specifically about picking up garbage that had fallen on the ground when he dumped the garbage can. He did pick it up and throw it in the truck. However, he was angry about doing it.

Mrs. McLear also added that she is aware that BFI does not take building material, but inquired whether they were supposed to pick up little, plastic broken toys and things of this nature. Mrs. McLear indicated that she has had one three-wheel bike sitting out to be picked up for three weeks and it has not been picked up. Mr. Adams inquired whether Mrs. McLear had talked with BFI about it. Mrs. McLear indicated she had, and they indicated that was for "whoever else picked up." Mr. Adams indicated he would talk with BFI.

Mrs. McLear also pointed out that someone had inquired of her whether there was any assistance available to disabled persons to pick up brush from trees, etc. Mr. Adams indicated that if a resident makes an attempt to clean their yard up and they cannot get their grass clippings over to 10<sup>th</sup> Street, as a courtesy the Village would make arrangements to pick it up.

**Dennis Slotnick, 915 Washington Street, Genoa, Ohio.** Mr. Slotnick wanted to make sure that it is clear about the nature of the request for the asphalt and cement mixing operation that has been requested. Mr. Slotnick stated that he does not take this matter lightly and he would like everyone to consider carefully the possible impact on our community of such an expansion of our industrial park. Mr. Slotnick suggested that we give input to the Planning Commission so that they look at an impact statement. Mr. Slotnick advised that he has checked into the EPA restrictions on atmospheric contaminants from an asphalt plant and by most standards, there is a lot of visual pollution and also odor that goes into the air. The present rule about asphalt emissions is fairly tolerant of visual - both black and grey smoke - coming from an asphalt plant, particularly in the morning hours when they are firing up. Mr. Slotnick feels that we should be aware of additional truck traffic, safety along highways, and the property values. Mr. Slotnick further advised that he would like everyone in the community to be aware that he intends to pursue awareness of the impact of this asphalt plant, and would like Council to think about asking for an environmental impact statement to see social and economic impact.

**Don Cowell** presented another question. He stated that he knows the Village is going to widen Main Street around his wife's business. However, according to where the stakes are marked out, the sign in front of the business is almost right in the sidewalk area. Mr. Cowell inquired whether the Village would relocate that sign a little closer to the building or whether they were personally responsible for it. Mr. Adams advised that those stakes are survey stakes for the electrical system upgrade. They do not have anything to do with the Main Street widening. Mr. Adams further advised that in the future, if the sign is in the right-of-way when the street is widened, the Village would move the sign.

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## COMMITTEE REPORTS

### STREETS AND SIDEWALKS

No report.

### UTILITIES

Mr. Avery requested that a Utilities Meeting be set up for August 15, 2000, at 7:00 p.m. Mr. Adams advised that representatives from Amp Ohio would be present then also to discuss the substation.

### FINANCE

No report.

### SAFETY

Mrs. McLear advised that the Village has purchased a new police cruiser, which now has all the decals installed. The Village is merely waiting for the radio equipment to arrive. That new cruiser should be on the road by this weekend.

Mrs. McLear further advised that the administrator has purchased a new desk and chair for the Police Chief's office.

Mrs. McLear advised that she believes the Mayor wished to call a Safety Meeting upon his return from vacation.

Mr. Adams advised that he may need to contact Mrs. McLear prior to the Mayor's return to schedule a meeting pending the outcome of some of the candidates.

Mrs. Slotnick inquired as to whether the Village was officially three officers at this point. Mrs. McLear advised in the affirmative that we have two officers and the Chief.

### ADHOC

Mrs. Slotnick advised that there would be a Design Review Board Meeting on Wednesday, August 9, 2000, at 4:30 p.m. at Genoa Custom Interiors. This meeting has been rescheduled from the first Tuesday meeting.

Mrs. Slotnick further advised that she believed there was a need for an Adhoc meeting regarding the Ag Credit sign so there could be adequate discussion about what can be done with it. Mr. Adams advised that he didn't really believe there was a need for such a meeting. He advised that he is receiving prices to redo the sign and also prices for a new one. Mrs. Slotnick advised that before a decision is made whether to redo the current sign or purchase a new one, it go through the Adhoc Committee. Mr. Adams advised that as soon as he received pricing information, he would provide it to the Adhoc Committee.

Mr. Adams advised that he submitted the application for the Veterans Memorial Wall and they do have the design of it. They have to scale it down because we moved it from the park and we all agreed to put it in front of the Town Hall.

### INSURANCE

No report.

### ORDINANCES/RESOLUTIONS/MOTIONS

Mr. Avery presented the third reading of Ordinance 58-00, an Ordinance amending Section 149.02(a&b) of the Codified Ordinance of the Village of Genoa regarding

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*vacation allowances, and declaring an emergency.* Mr. Avery moved, second by Mrs. McLear that Ordinance 58-00 be passed as an emergency measure in accordance with ORC 731.30. Roll call vote: Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodman, and Mrs. Slotnick all yeas (5). Motion passed.

Mrs. McLear presented the third reading of Ordinance 59-00, *an Ordinance increasing the salaries for the Genoa police officers and police chief, and repealing Ordinance Number 120-99.* Mrs. McLear moved, second by Mr. Bittner that Ordinance 59-00 be passed in accordance with ORC 731.30. Roll call vote: Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodman, and Mrs. Slotnick all yeas (5). Motion passed.

Mrs. Slotnick presented the second reading of Ordinance 60-00, *an Ordinance rezoning from R-1 to R-4 part of Parcel No. 101-08472-18355-000, east 10 acres of the south west quarter of the south east quarter of section 34, 330' frontage, depth 1320' area, 10 acres more or less.*

Mr. Avery presented Ordinance 64-00, *an Ordinance repealing Ordinance Number 45-00, and declaring an emergency.* Mr. Avery moved, second by Mrs. Slotnick that the rule requiring Ordinances to be fully and distinctly read on three different days be dispensed with in accordance with ORC 731.17. Roll call vote: Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodman, and Mrs. Slotnick all yeas (5). Motion passed. Mr. Avery moved, second by Mrs. Slotnick that Ordinance 64-00 be passed as an emergency measure in accordance with ORC 731.30. Roll call vote: Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodman, and Mrs. Slotnick all yeas (5). Motion passed.

Mr. Avery presented Ordinance 65-00, *an Ordinance authorizing the Clerk/Treasurer to transfer Thirty-One Thousand Six Hundred Ninety-Nine Dollars and Eighty-Three Cents (\$31,699.83) from the Permissive Tax Fund (208), into the Capital Improvement Fund (403), and declaring an emergency.* Mr. Avery moved, second by Mrs. McLear that the rule requiring Ordinances to be fully and distinctly read on three different days be dispensed with in accordance with ORC 731.17. Roll call vote: Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodman, and Mrs. Slotnick all yeas (5). Motion passed. Mr. Avery moved, second by Mrs. McLear that Ordinance 65-00 be passed as an emergency measure in accordance with ORC 731.30. Roll call vote: Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodman, and Mrs. Slotnick all yeas (5). Motion passed.

Mr. Avery presented Ordinance 66-00, *an Ordinance appropriating Thirty-One Thousand Six Hundred Ninety-Nine Dollars and Eighty-Three Cents (\$31,699.83) into the Capital Improvement Fund (403), and declaring an emergency.* Mr. Avery moved, second by Mrs. Slotnick that the rule requiring Ordinances to be fully and distinctly read on three different days be dispensed with in accordance with ORC 731.17. Roll call vote: Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodman, and Mrs. Slotnick all yeas (5). Motion passed. Mr. Avery moved, second by Mrs. McLear that Ordinance 66-00 be passed as an emergency measure in accordance with ORC 731.30. Roll call vote: Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodman, and Mrs. Slotnick all yeas (5). Motion passed.

Mr. Avery presented Ordinance 67-00, *an Ordinance authorizing the Village Administrator to purchase a 2000 Crown Victoria Ford police car with police package through the Ohio Department of Transportation Cooperative Purchasing Program in the amount of \$21,965.75, and declaring an emergency.* Mrs. McLear moved, second by Mr. Avery that the rule requiring Ordinances to be fully and distinctly read on three different days be dispensed with in accordance with ORC 731.17. Roll call vote: Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodman, and Mrs. Slotnick all yeas (5). Motion

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passed. Mrs. McLear moved, second by Mr. Avery that Ordinance 67-00 be passed as an emergency measure in accordance with ORC 731.30. Roll call vote: Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodeman, and Mrs. Slotnick all yeas (5). Motion passed.

Mrs. Smith stated that Mr. Adams had changes to Ordinance 68-00 before it is put on the record. Mrs. Smith further advised that the intent of this Ordinance involves Ordinance 18-00, which was passed some time ago. At that time in that Ordinance we approved an agreement with Amp Ohio. Since that time it has become necessary to amend that agreement, so by passing this Ordinance tonight, we are going to accept the amendment to the agreement that we approved in Ordinance 18-00. Mrs. Smith further advised that the way Ordinance 68-00 should read is "an Ordinance amending Ordinance No. 18-00 approving the form and authorizing the execution of a joint venture agreement creating Ohio Municipal Electric Generation Agency Joint Venture 2, and declaring an emergency."

Mr. Avery presented Ordinance 68-00, *an Ordinance amending Ordinance No. 18-00 approving the form and authorizing the execution of a joint venture agreement creating Ohio Municipal Electric Generation Agency Joint Venture 2, and declaring an emergency*. Mr. Avery moved, second by Mrs. McLear that the rule requiring Ordinances to be fully and distinctly read on three different days be dispensed with in accordance with ORC 731.17. Roll call vote: Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodeman, and Mrs. Slotnick all yeas (5). Motion passed. Mr. Avery moved, second by Mrs. McLear that Ordinance 68-00 be passed as an emergency measure in accordance with ORC 731.30. Roll call vote: Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodeman, and Mrs. Slotnick all yeas (5). Motion passed.

Mrs. Slotnick presented Resolution 69-00, *a Resolution authorizing the Village Administrator to file for Issue 2 funds for Round 15, to help finance projects within the Village limits, and declaring an emergency*. Mrs. Slotnick moved, second by Mrs. McLear that the rule requiring Resolutions to be fully and distinctly read on three different days be dispensed with in accordance with ORC 731.17. Roll call vote: Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodeman, and Mrs. Slotnick all yeas (5). Motion passed. Mrs. Slotnick moved, second by Mrs. McLear that Resolution 69-00 be passed as an emergency measure in accordance with ORC 731.30. Roll call vote: Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodeman, and Mrs. Slotnick all yeas (5). Motion passed.

Mrs. Slotnick inquired regarding the Park Advisory Board members, specifically who replaces who on the Board because the terms are different. She stated that Council needs to know who Bob Hayes is replacing and who Matt Weaver is replacing. Mr. Adams advised that he will deal with that issue when he sends the appointment letter to each gentlemen. At that time, he will let them know what their terms will be.

## OTHER BUSINESS

Mr. Avery moved, second by Mrs. Slotnick that Council move into executive session to discuss personnel and real estate matters. Roll call vote: Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodeman, and Mrs. Slotnick all yeas (5). Motion passed. Council moved into executive session at 8:22 p.m and re-adjourned at 9:06 p.m.

Mrs. McLear moved, second by Mr. Bittner to authorize Mr. Adams to send a letter to the Clay Township Trustees regarding our counter-offer. Roll call vote: Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodeman, and Mrs. Slotnick all yeas (5). Motion passed.

Mrs. Slotnick moved, second by Mr. Bittner to authorize Mr. Adams to pursue the

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purchase of the Dunn property. Roll call vote: Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodeman, and Mrs. Slotnick all yeas (5). Motion passed.

Mrs. McLear inquired whether a motion was needed regarding the purchase of the Junior High School. Mr. Bower advised that would merely be a consensus of opinions, and that we needed to direct Mr. Adams on how we wanted to proceed. Mrs. McLear says no; Mr. Avery says no; Mrs. Slotnick says no; Mr. Goodeman says no; Mr. Bittner says no.

Mrs. McLear advised that she has been approached about Route 163. There was another accident this weekend which involved two trucks. Mrs. McLear inquired whether anybody was aware of what the plan is for Route 163 and on what side because the land owners are inquiring. Mr. Adams advised that all the activity would be on the south side of Route 163, and that negotiations are in process regarding frontage property. Mr. Adams further advised that he has been informed that the Route 163 project will start next Spring, but that he will contact the individuals involved to get accurate information.

Mrs. McLear moved, second by Mr. Bittner to adjourn. Roll call vote: Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodeman, and Mrs. Slotnick all yeas (5). Motion passed and Council meeting was adjourned at 9:12 p.m.

*Jess Creamean*  
CLERK/TREASURER

*Joseph M. ...*  
MAYOR

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