

RECORD OF PROCEEDINGS

Minutes of

Genoa Village Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held _____ in Council Chambers on September 5 _____, 2000
(YEAR)

Mayor Verkin called the meeting to order at 7:33 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 Mrs. Smith, Village Solicitor.

APPROVAL OF THE MINUTES

AMENDMENTS TO THE MINUTES OF MEETING OF AUGUST 21st

On page 2 under Dawn Angel, Mrs. Slotnick questioned whether she actually stated that it was her property that was the subject of the rezoning, but pointed out that it is not currently Ms. Angel's property. Mayor Verkin pointed out that Ms. Angel has an option on the property, but doesn't own it. Mr. Cremean indicated the minutes would be changed to reflect this fact.

On page 3, second paragraph from the bottom, change the spelling of Rosfort Enterprises on lines 3 and 5 to "Rospert Enterprises".

Mr. Bower moved, second by Mr. Bittner to approve the minutes as amended. Roll call vote: Mr. Bower, Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodman and Mrs. Slotnick all yeas (6). Motion passed.

ENGINEER'S REPORT

No report.

ADMINISTRATOR'S REPORT/ZONING REPORT

On behalf of Mr. Adams, Mayor Verkin advised that Council received the report on the status of the substations.

CLERK/TREASURER'S REPORT

Mr. Cremean presented invoices in the amount of \$142,469.94 for payment. Mr. Bower moved, second by Mrs. McLear to pay the invoices. Roll call vote: Mr. Bower, Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodman and Mrs. Slotnick all yeas (6). Motion passed.

Mr. Cremean advised Council that the audit for the 1998 and 1999 financial statements began the end of August and is currently proceeding. Mayor Verkin advised that the audit was going quite well.

RECREATION ADVISORY BOARD

No report.

MAYOR'S REPORT

Mayor Verkin advised that the Village was not funded for the Ohio Bicentennial Legacy Tree Planting Grant Program. There were 152 applicants requesting \$1.5 million dollars for community tree planting, but there was only \$315,000 in grant money available.

Mayor Verkin advised that he received a fax from Kevin Maynard on the gas aggregation program, a copy of which was provided to Council. Mr. Maynard advised that they are having a problem getting a contract.

Mayor Verkin advised that another police officer has been hired, specifically Esteban Reyes. His first day was September 5, and he will be in indoctrination for the next two weeks.

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Mayor Verkin advised that the water agreement has been delivered to the City of Oregon for passage and signature of their Council.

Mayor Verkin advised that the Planning Commission meeting has been rescheduled for Wednesday, September 13, 2000, at 7:30 p.m.

Mayor Verkin advised that he has not yet reviewed all the applications for the police secretary position.

Mayor Verkin advised that Mr. Adams is on vacation yet this week, and will return on September 11.

Mayor Verkin advised that he, Mr. Adams and Mr. McMillan will be attending the OML Conference from September 12th through September 14th.

ANYONE WISHING TO ADDRESS COUNCIL

Mark Schrader, 4007 Windsor Court, Genoa, Ohio. Mr. Schrader stated that in looking at the plans for the proposed expansion of the trailer park and in looking at the R-4 zoning rules, it calls for a minimum 10,500 square foot. Virtually all of the 70+ lots in there are 55' x 100'. Instead of having room for 70 units in that trailer park, it really should be about half of that. Mr. Schrader indicated that this was another indication of how poorly planned this expansion is. Again, Mr. Schrader urged Council to listen to the public and vote against the ordinance.

Frank Sturniolo, 5700 West Camper Road, Genoa, Ohio. Mr. Sturniolo advised that he lived outside the Village limits but that he is the President of the Chamber of Commerce and also the Postmaster for Genoa. Mr. Sturniolo indicated that the Chamber of Commerce has received calls from a number of people in the community concerning the Chamber's stance on the trailer park expansion. Mr. Sturniolo indicated that, as a whole, the Chamber supports business, and have contributed to a lot of the organizations in the community for the growth and foundation of the community. Mr. Sturniolo indicated that the community is growing at a much faster rate than most realize. At Ms. Angel's request, the Chamber did review an entire packet of information concerning this expansion and advised that with the growth of the community and the amount of homes in the area at the present time, if the community grows as we anticipate, there will not be enough housing for the people that would like to come to our area. The Chamber went on a "field trip" to view some homes equivalent to what Ms. Angel is proposing for the expansion. Mr. Sturniolo advised that the Chamber is supporting this activity because of the fact that it would be bringing in more growth area for this community.

Greg Towner, 1306 West Street, Genoa, Ohio. Mr. Towner inquired as to the status of the Buckeye Street expansion. Mayor Verkin advised that as it stands right now there is nothing being done on it. The Village is waiting for the school board to say whether they are going to give us property to put the street in. Mr. Towner inquired whether a time line existed and Mayor Verkin stated that Mr. Towner would have to inquire of the school.

John Lewis, 1209 Main Street, Genoa, Ohio. Mr. Lewis pointed out that he had reviewed the minutes from the last minute, specifically concerning Ordinance 60-00 where it indicates that the motion failed. However, it is now his understanding that the Solicitor has indicated that Mayor Verkin erred in not voting. Mr. Lewis wanted to again state that he is against this expansion and believes something better could be done

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with this land. He asked Council for a "no" vote on Ordinance 60-00.

Dennis Slotnick, Washington Street, Genoa, Ohio. Mr. Slotnick pointed out that it is important to look at the long-term development of the community. Mr. Slotnick indicated he was in agreement with Mr. Sturniolo regarding the community's growth and that it is important to look at the quality of the growth. Mr. Slotnick pointed out his concerns with this expansion, specifically pointing out that if Ordinance 60-00 passed, it would be in violation of the Village's zoning code. Mr. Slotnick stated that he believes it is very important that we look at all the parameters affecting not only the residents who are going to be moving in, but the community at large in terms of the support and the infrastructure needed. Mr. Slotnick encouraged Council to vote no on Ordinance 60-00.

COMMITTEE REPORTS

STREETS AND SIDEWALKS

No report.

UTILITIES

Mr. Avery advised that there is a public hearing scheduled for September 6, 2000, at 7:00 p.m. at the Town Hall to discuss which residents are going to be affected by the electrical system upgrade.

FINANCE

No report.

SAFETY

Mrs. McLear advised that she submitted a written report to Council.

ADHOC

No report.

INSURANCE

No report.

ORDINANCES/RESOLUTIONS/MOTIONS

At this time Mrs. Smith stated that she would like to give Council an explanation regarding Ordinance 60-00, which is the only Ordinance on the agenda for the meeting. Mrs. Smith stated that Revised Code 705.15 is the governing statute on all ordinances. That particular section says that any ordinance that Council considers must pass by an affirmative vote of a majority of Council members. Therefore, any ordinance that is brought forth would take four out of six people to pass it. The previous vote was a 3-3 tie with the Mayor not voting. The zoning code says that Council may overrule the recommendation of the Planning Commission by three-quarters of a vote of the full membership of Council. Mrs. Smith stated that she thought it was three-quarters to pass, but it is three-quarters to overrule a recommendation. Therefore, what we have in front of us tonight is Ordinance 60-00, which is basically neither passed nor failed, but rather just floating out there somewhere because it has not come to a conclusion. The way it needs to come to a conclusion is we need to have a Council member who voted in the negative to move to introduce it for reconsideration, which we are entitled to do under Robert's Rules of Order. We would then need a second on that motion for reconsideration and we would take a roll call vote on the reconsideration. At that point Council is free to reconsider Ordinance 60-00, which means each and every Council member would have a vote. If the results of the vote end in a tie, then the Mayor must vote. Council needs to understand that they have before them Ordinance 60-00, a

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recommendation by Planning Commission to change zoning. There are two ways Council cannot approve the change. The first would be by a tie vote and the Mayor votes no, therefore the ordinance fails. That would mean that we have a recommendation from Planning Commission floating out there somewhere which Council may elect at some other point to bring up under a new ordinance number and take it up again or they may not. The other way that it could fail is if five out of six Council members vote no on Ordinance 60-00. If you get a tie vote and the Mayor votes yes, it passes.

Mrs. Slotnick questioned whether it was appropriate to accept the minutes with the tie vote and the Mayor not voting, and whether that would determine the issue. Mrs. Smith advised that that does not preclude Council from taking the matter up as reconsideration. The minutes are an accurate record as to what happened two weeks ago. Regardless of that, it does not preclude us from bringing this up for reconsideration. In fact, it must be done.

Mrs. Slotnick moved, second by Mr. Bittner to reintroduce 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. Bower stated that he felt the Ordinance should be tabled for at least 30 days to allow Council the opportunity to sit down and talk about this matter. Mrs. Smith advised that pursuant to Robert's Rules of Order, the matter can be tabled but what needs to occur is a roll call vote on the reintroduction and then another motion to table this ordinance. Roll call vote on the reintroduction: Mr. Bower, Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodeman, and Mrs. Slotnick all yeas (6). Motion passed.

Mrs. Slotnick moved, second by Mr. Bittner to table Ordinance 60-00 for 30 days to enable further discussion and consideration. Roll call vote: Mr. Bower, Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodeman, and Mrs. Slotnick all yeas (6). Motion passed.

OTHER BUSINESS

Mrs. Slotnick inquired as to how Council was going to get together for future discussion on Ordinance 60-00. Mr. Bower felt a special Council meeting would be appropriate. Mayor Verkin advised that a Committee of the Whole meeting was advisable. Mrs. Slotnick stated that a lot of the concerns that have been brought up concern proper planning, lot sizes, depth, etc. and, therefore, whether it would be appropriate to put this back with the Planning Commission. At this time, a discussion was held concerning the Ohio Revised Code section governing a manufactured home park and an alleged conflict with the Village's ordinances.

Mrs. Slotnick requested that Mr. Blausey's attendance be requested at any scheduled meeting.

A Committee of the Whole meeting was scheduled for September 20, 2000, at 7:30 p.m. in Council Chambers to further discuss this rezoning issue.

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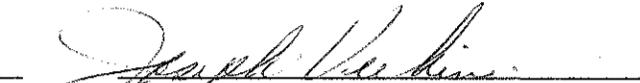
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Mr. Bower moved, second by Mr. Bittner to adjourn. Roll call vote: Mr. Bower, Mrs. McLear, Mr. Avery, Mr. Bittner, Mr. Goodman, and Mrs. Slotnick all yeas (6). Motion passed and Council meeting was adjourned at 8:00 p.m.


CLERK/TREASURER


MAYOR

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