

RECORD OF PROCEEDINGS

Minutes of

GENOA VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held May 19, 2008

20

Mayor Williams called the meeting to order at 7:30 with the Pledge of Allegiance.

Roll called: present were: Mr. Fryman, Mr. Bittner, Mr. Bialorucki, Mr. Adams, Mrs. Kreager and Mrs. Slotnick.

Also present were Garth Reynolds, Village Administrator and Mrs. Cynthia Smith, Village Solicitor.

APPROVAL OF MINUTES

Minutes of May 19, 2008 meeting were presented. Mrs. Slotnick noted that under Approval of Minutes, Line 4, the move and second of Ordinance to be passed as an emergency, should be in quotes for clarification. Under Anyone Wishing To Address Council, Line 1, change Christian to "Christina", on Line 13, add "asked" after and, replace period with question mark at end of sentence. Add addresses of people who speak was also requested by Mrs. Slotnick. Mr. Fryman noted that on Page 4, Line 7 should be "Diekman" not "Deppen". Mr. Fryman noted that under Economic Development, Line 2 change 2008 to "2018". Also, under Anyone To Address Council, Line 10, eliminate "a" and add "an" after "not". Mr. Bialorucki noted that under Ordinance/Resolutions/Motions; Ordinance 19-08, change "Bialorucki" to "Bialorucki". Mrs. Smith noted under Anyone Wishing To Address Council, Line 18, reads "stated she was not sure if it opened the Village to liability."; should read "stated an argument can be made that the Village has liability because they possess an expert opinion that the street is not wide enough to safely accommodate parking."

Mayor then asked for Engineers Report, Mrs. Smith stated that Council needed to vote on accepting the minutes. Moved by Mr. Adams, seconded by Mr. Bialorucki to accept minutes as amended. Roll called: Mr. Fryman, Mr. Bittner, Bialorucki, Mr. Adams, and Mrs. Kreager. Yea. Mrs. Slotnick Nay. Yea 5, Nay 1.

ENGINEER'S REPORT

No report. A representative from Poggemeyer Design Group will be present at June 2, 2008 meeting.

ADMINISTRATOR'S REPORT

Mr. Reynolds presented written report. He asked if Council had any questions.

FISCAL OFFICER'S REPORT

Fiscal Officer, Mr. Brinkman, presented paid bills of \$198,583.68. Mr. Bittner moved to accept paid bills, seconded by Mr. Adams. Roll called: Mr. Fryman, Mr. Bittner, Mr. Bialorucki, Mr. Adams, Mrs. Kreager and Mrs. Slotnick. Yea 6, Nay 0.

RECREATION ADVISORY BOARD

Mrs. Kreager stated the Recreation Advisory Board along with Ad Hoc Committee was moving forward with the Park Master Plans. Also, plans for new park restroom have been approved. Moved by Mrs. Slotnick, seconded by Mr. Fryman to bring in legislation at next meeting; as an emergency; to authorize Village Administrator to advertise for bids

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for project. Roll called: Mr. Fryman, Mr. Bittner, Mr. Bialorucki, Mr. Adams, Mrs. Kreager and Mrs. Slotnick. Yea 6, Nay 0.

MAYOR'S REPORT

Written report. Mrs. Slotnick stated that she has attended the TMACOG Annual Meeting at Schedels Arboretum the last two years and it is a nice time.

ECONOMIC DEVELOPMENT COMMITTEE

No report.

STREETS/SIDEWALKS COMMITTEE

Minutes of May 13, 2008 meeting plus the minutes of the Tree Commission meetings of February 14, March 13, and April 10, 2008 were presented. The Tree Commission Chairman reported that the Tree Ordinance is ready to be presented to Council for acceptance pending written approval of ordinance by legal counsel and Village's insurance carrier. Mrs. Slotnick moved to bring in the Tree Ordinance when it has been approved by Village's solicitor and insurance carrier, seconded by Mr. Fryman. Roll called: Mr. Fryman, Mr. Bittner, Mr. Bialorucki, Mr. Adams, Mrs. Kreager and Mrs. Slotnick. Yea 6, Nay 0. Moved by Mr. Adams, seconded by Mr. Bittner to accept minutes of Streets/Sidewalk meeting of May 13, 2008 and Tree Commission minutes of February 14, March 13 and April 10, 2008 meetings. Roll called: Mr. Fryman, Mr. Bittner, Mr. Bialorucki, Mr. Adams, Mrs. Kreager and Mrs. Slotnick. Yea 6, Nay 0.

Wood from trees to be cut down in the Village right-of-ways would be offered to adjacent property owners first. If property owners do not want the wood, wood would then be advertised for sale. All proceeds from the sale of wood would be placed in General Fund, earmarked for Tree Commission. Wood from trees in Veterans Park will be advertised. All proceeds will be placed in Park Fund to help with Park expenses.

UTILITIES COMMITTEE

No report. Committee will meet following tonight's Council meeting.

FINANCE COMMITTEE/INSURANCE

Minutes of May 5, 2008 meeting were presented. Moved by Mr. Fryman, seconded by Mrs. Slotnick to accept minutes of May 5, 2008 meeting. Roll called: Mr. Fryman, Mr. Bittner, Mr. Bialorucki, Mr. Adams, Mrs. Kreager and Mrs. Slotnick. Yea 6, Nay 0.

SAFETY COMMITTEE

Presented Chief's and Assistant Chief's report from the Allen Clay Joint Fire District. Scheduled a meeting for May 22, 2008 at 6:30 PM in Village Town Hall.

AD HOC COMMITTEE

Presented minutes of May 18, 2008 meeting. Moved by Mr. Fryman, seconded by Mr. Adams to accept minutes of May 18, 2008 meeting. Roll called: Mr. Fryman, Mr. Bittner, Mr. Bialorucki, Mr. Adams, Mrs. Kreager and Mrs. Slotnick. Yea 6, Nay 0.

PERSONNEL COMMITTEE

No report.

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ANYONE WISHING TO ADDRESS COUNCIL

Mindy Boehler of 502 West Street asked the Council not to pass ordinance banning parking on Washington Street.

Ray St. Marie, of Ray's Café, stated construction should start within three weeks. Building will be a one story and take about four months to complete. There have been some minor changes to original plans, but nothing of note.

ORDINANCES/RESOLUTIONS/MOTIONS

Mr. Bittner presented the third reading of **Ordinance 15-08**, an Ordinance Establishing No Parking on Selected Portions of Washington Street Between Twelfth Street and Fourth Street and recommended ordinance not be passed. There arose some questions of how to proceed, so continued on while Cynthia Smith, solicitor researched the situation.

Mr. Adams presented the second reading of **Ordinance 18-08**, an Ordinance Authorizing the Fiscal Officer to Transfer Twenty-Five Thousand Dollars (\$25,000.00), From the Water Fund (601), Into the OWDA Washington Street, and Fifth Street Waterline Fund (304).

Mr. Bialorucki presented the second reading of **Ordinance 19-08**, an Ordinance Authorizing the Fiscal Officer to Transfer Two Hundred Seventy Thousand Dollars (\$270,000.00), From the Electric Fund (603), and Into the Generator/Substation Debt Fund (301).

Mr. Adams presented the second reading of **Ordinance 20-08**, an Ordinance Authorizing the Fiscal Officer to Transfer Eighty Thousand Dollars (\$80,000.00), From the Water Fund (601), and Into the Genoa Bank Note Fund (303).

Mrs. Kreager presented the second reading of **Ordinance 21-08**, an Ordinance Amending Policy 303 of the Personnel Policies And Procedures Manual, **Working On A Holiday**, and Declaring An Emergency. Mrs. Kreager moved and Mrs. Slotnick seconded 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 called: Mr. Fryman, Mr. Bittner, Mr. Bialorucki, Mr. Adams, Mrs. Kreager and Mrs. Slotnick. Yea 6, Nay 0. Mrs. Kreager moved, Mrs. Slotnick seconded that Ordinance 21-08 be passed as an emergency measure in accordance with ORC 731.30. Roll called: Mr. Fryman, Mr. Bittner, Mr. Bialorucki, Mr. Adams, Mrs. Kreager and Mrs. Slotnick. Yea 6, Nay 0. Motion passed

Mr. Bialorucki presented **Ordinance 22-08**, an Ordinance Amending Section 941.03 Collection And Other Fees Of The Codified Ordinances, and Declaring An Emergency. Mr. Bialorucki moved and Mrs. Slotnick seconded 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 called: Mr. Fryman, Mr. Bittner, Mr. Bialorucki, Mr. Adams, Mrs. Kreager and Mrs. Slotnick. Yea 6, Nay 0. Question of unlimited trash day was raised; to which Mr. Reynolds stated that the first Monday of every month will be set aside for unlimited. Everything should be brought to the curb and will be picked up except any appliance that still contain Freon and building and construction materials. Building and

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construction materials will be collected on June 28, 2008 at the Varough property. Mr. Bialorucki moved, Mrs. Slotnick seconded that Ordinance 22-08 be passed as an emergency measure in accordance with ORC 731.30. Roll called: Mr. Fryman, Mr. Bittner, Mr. Bialorucki, Mr. Adams, Mrs. Kreager and Mrs. Slotnick. Yea 6, Nay 0. Motion passed

Mrs. Kreager presented **Ordinance 23-08**, an Ordinance Adopting An Admissions And Rental Fee Schedule For Veterans Memorial Park Facilities, and Declaring An Emergency. Mrs. Kreager moved and Mrs. Slotnick seconded 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 called: Mr. Fryman, Mr. Bittner, Mr. Bialorucki, Mr. Adams, Mrs. Kreager and Mrs. Slotnick. Yea 6, Nay 0. Mrs. Slotnick asked that this be reviewed in time so as not to be an emergency ordinance in the future. Mrs. Kreager moved, Mrs. Slotnick seconded that Ordinance 23-08 be passed as an emergency measure in accordance with ORC 731.30. Roll called: Mr. Fryman, Mr. Bittner, Mr. Bialorucki, Mr. Adams, Mrs. Kreager and Mrs. Slotnick. Yea 6, Nay 0. Motion passed

Mrs. Smith's research regarding Mr. Bittner's introduction of **Ordinance 15-08** and recommendation that the Ordinance 15-08 not be passed, she found that the Ordinance would still be handled the same manner. If the motion is made that Ordinance 15-08 not be passed and a second is made, Mrs. Smith clarified that a vote of Yea, in this instance, would be a vote to deny (defeat) the No Parking restriction on Washington Street. A vote of Nay, in this instance, would be a vote to approve (pass) the No Parking restriction on Washington Street.

Mr. Bittner moved that Ordinance 15-08 not be passed, second by Mr. Adams. Mrs. Kreager asked if the Poggemeyer report was only on Washington Street. Mr. Adams stated it was and it was a recommendation only. Mrs. Smith stated by requesting the report and not following report opens the Village to possible liability. Mr. Bittner stated he was elected by the people, and the people affected by parking ban on Washington Street did not want this Ordinance passed. Mrs. Kreager said Village needed to satisfy the report and move forward. Mrs. Slotnick then asked to call the question. Mrs. Smith then reviewed that Nay meant support of the parking ban of Ordinance 15-08 and Yea meant defeat of the parking ban of Ordinance 15-08. Roll called: Mr. Fryman, Mr. Bialorucki, Mrs. Kreager and Mrs. Slotnick. Nay. Mr. Bittner and Mr. Adams. Yea. Yea 2, Nay 4. Motion defeated, Ordinance passed

OTHER BUSINESS

Mrs. Slotnick moved to enter into an executive session to discuss compensation of public official, per ORC 121.22 Section (G) 1. Motion seconded by Mr. Fryman. Roll called: Mr. Fryman, Mr. Bittner, Mr. Bialorucki, Mr. Adams, Mrs. Kreager and Mrs. Slotnick. Yea 6, Nay 0.

Entered executive session at 8:25 PM, left executive session at 8:41 PM. Moved by Mr. Fryman, seconded by Mr. Bittner for Fiscal Officer to research, develop and submit to the Mayor an advertisement to be placed for Police Chief. Roll called: Mr. Fryman, Mr. Bittner, Mr. Bialorucki, Mr. Adams, Mrs. Kreager and Mrs. Slotnick. Yea 6, Nay 0.

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No other business. Moved by Mr. Fryman, seconded by Mr. Bialorucki to adjourn the meeting. Roll called: Mr. Fryman, Mr. Bittner, Mr. Bialorucki, Mr. Adams, Mrs. Kreager and Mrs. Slotnick. Yea 6, Nay 0. Motion passed.

Meeting adjourned at 8:45 PM.

For a more detailed description of any of the items contained herein, please refer to the audio tape of this meeting on file in the Clerk's Office.


FISCAL OFFICER


MAYOR

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