

RECORD OF PROCEEDINGS

Minutes of

GENOA VILLAGE COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 1014B

Held

December 7, 2009

20

Mayor Williams called the meeting to order at 8:10 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, Charles Brinkman, Fiscal Officer, and Cindy Smith, Village Solicitor.

APPROVAL OF MINUTES

Minutes of the November 16, 2009 were presented.

Moved by Mr. Fryman, seconded by Mr. Bittner to accept the minutes of the November 16, 2009 meeting.

Roll called: Mr. Fryman, Mr. Bittner, Mr. Bialorucki, Mr. Adams, Mrs. Kreager and Mrs. Slotnick, all Yeas.

Vote: Yea 6, Nay 0. Motion passed.

ENGINEER'S REPORT

Richard Hertzfeld from Poggemeyer Design Group presented the report.

Washington Street Reconstruction Phase 1. The contractor is the Henry W. Bergman Co., Inc. Work is substantially completed. A walk-thru with Administration and contractor will take place in the next few days. Any punch list items, final cleanup and seeding will take place in the spring.

Street Resurfacing Program 2009. The 2009 street resurfacing program is substantially completed. A walk-thru with Administration and contractor will take place in the next few days.

Water Resources Development Act Funding Application. An application for grant funding was submitted November 30, 2009 to the Office of Congressman Latta. Funds are made available through the Water Resources Development Act and administrated through the US Army Corps of Engineers.

This is a competitive funding program. The Village has requested grant funds of \$220,039 (75%) to be matched by local in-kind contributions of \$63,060 plus cash of \$10,286 (Village's 25%) for a total project cost of \$293,385. Funds, if awarded, would be utilized to rebuild the Village water booster pump station and upgrade individual water meters to allow remote radio readings.

ADMINISTRATOR'S REPORT

Written report was presented. Mr. Reynolds stated that he was available to answer any questions. Mr. Reynolds wanted to commend Kevin Gladden for his work on preparing the grant.

Mr. Reynolds also discussed the Ordinance for Meldahl and Greenup Hydroelectric Power with a deadline of February 1, 2010 to participate in this project.

Mrs. Slotnick wished to compliment all those involved with the reconstruction of Washington Street, as she has heard nothing but compliments on this project.

Mr. Gladden commented on the hydroelectric projects and the available of these projects to provide green power.

FISCAL OFFICER'S REPORT

Mr. Brinkman presented paid bills of \$152,737.57.

Mr. Bittner moved to accept paid bills, seconded by Mr. Adams.

Roll called: Mr. Fryman, Mr. Bittner, Mr. Bialorucki, Mr. Adams, Ms. Kreager, and Mrs. Slotnick, all Yeas.

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Vote: Yea 6, Nay 0. Motion passed.

RECREATION ADVISORY BOARD

Mr. Reynolds stated no report. Mr. Reynolds requested an Ad Hoc meeting to discuss use of five acres of land in the parks, Genoa Area Schools would like to use for soccer fields and would like to discuss the possibilities. Meeting is to be on December 21, 2009 at 6:45 PM in Village Town Hall before the next Council meeting.

MAYOR'S REPORT

No written report, but a couple of items to mention for Council.

Mayor reported that Mary Ann Bell would be on vacation on December 18, 2009 so all items for the Council packets need to be in by December 17, 2009.

ECONOMIC DEVELOPMENT COMMITTEE

Mr. Fryman stated no report.

STREETS/SIDEWALKS COMMITTEE

Mrs. Slotnick presented Streets and Sidewalks Committee minutes of November 16, 2009.

Moved by Mr. Fryman, seconded by Mr. Bittner to accept the minutes of Streets and Sidewalks meeting held November 16, 2009.

Roll called: Mr. Fryman, Mr. Bittner, Mr. Bialorucki, Mr. Adams, Ms. Kreager, and Mrs. Slotnick, all Yeas.

Vote: Yea 6, Nay 0. Motion passed.

Mrs. Slotnick moved, seconded by Mr. Fryman that the Administrator prepare legislation to amend the Village of Genoa's codified ordinance Section 153.12, titled Penalties; to renumber to Section 153.99; also, adopt Section 153.12 to be titled "Undesirable but not dangerous trees."

Roll called: Mr. Fryman, Mr. Bittner, Mr. Bialorucki, Mr. Adams, Ms. Kreager, and Mrs. Slotnick, all Yeas.

Vote: Yea 6, Nay 0. Motion passed.

UTILITIES COMMITTEE

Mr. Bialorucki presented minutes of the joint meeting with Finance/Insurance on November 30, 2009. The Mayor commented that he was not present at the meeting as stated in the minutes

Moved by Mr. Adams, seconded by Mr. Bittner to accept the minutes of joint meeting of Utilities and Finance/Insurance held November 30, 2009 as amended.

Roll called: Mr. Fryman, Mr. Bittner, Mr. Bialorucki, Mr. Adams, Ms. Kreager, and Mrs. Slotnick, all Yeas.

Vote: Yea 6, Nay 0. Motion passed.

FINANCE /INSURANCE COMMITTEE

Mr. Adams stated no report. Mr. Adams thanked Council for the flowers sent to his mother's funeral.

SAFETY COMMITTEE

Mr. Bittner presented the Chief Hill's report as the Chief had to leave.

Chief Hill and Mr. Bittner have interviewed for position of part time police officer.

AD HOC COMMITTEE

Mrs. Kreager stated no report, but there is a meeting scheduled for December 21, 2009 at 6:45 PM in Village Town Hall.

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PERSONNEL COMMITTEE

Mrs. Slotnick presented minutes of the November 30, 2009 meeting. Mrs. Slotnick stated that Ordinance 37-09 adopting the Personnel Policy and Procedure Manual was up for the third reading and she would like to see it have an effective date of January 1, 2010.

Mr. Fryman moved to accept the minutes of the November 30, 2009 Personnel Committee seconded by Mr. Bialorucki.

Roll called: Mr. Fryman, Mr. Bittner, Mr. Bialorucki, Mr. Adams, Ms. Kreager, and Mrs. Slotnick, all Yeas.

Vote: Yea 6, Nay 0. Motion passed.

Mrs. Slotnick presented the minutes of the March 25, 2009 meeting of the Design Review Board and the minutes from Genoa Civic Theatre of September 23, 2009 and October 28, 2009.

ANYONE WISHING TO ADDRESS COUNCIL

Kevin Gladden, Genoa Public Works Director, stated that he was not given the opportunity to read the Personnel and Procedure Manual until after the second reading of Ordinance 37-09. Mr. Gladden then asked that Ordinance 37-09 be tabled until after January 1, 2010 as the problems with sick time not counting as worked time for overtime have not been resolved. Mr. Gladden feels that the citizens of the Village will not have sufficient coverage with this policy.

John Lewis, Council elect, asked Mr. Reynolds about who was present at the Personnel meeting of November 30, 2009. Mr. Lewis stated that when he worked, he was still considered an employee for his company after hours. Mr. Reynolds stated that those who attended were employees but off clock.

Mr. Lewis has talked to employees and other people and has not heard anything good about this administration and things will change.

Eric Hise, Council elect, stated that the Personnel and Policy Manual would be addressed by the new Council immediately, *as well as other administration delenas.*

ORDINANCES/RESOLUTIONS/MOTIONS

Mrs. Slotnick moved, seconded by Mr. Fryman to untable Ordinance 37-09.

Roll called: Mr. Fryman, Mr. Bittner, Mr. Bialorucki, Mrs. Kreager and Mrs. Slotnick, all Yeas. Mr. Adams. Nay

Vote: Yea 5, Nay 1. Motion passed.

Ordinance 37-09 Third Reading by Mrs. Slotnick.

Mrs. Slotnick presented the third reading of **Ordinance 37-09**, an Ordinance Adopting the Village of Genoa, Ohio Personnel Policy and Procedure Manual.

Mrs. Slotnick moved, seconded by Mr. Fryman to pass **Ordinance 37-09**.

Discussion: Mr. Adams stated he felt that it needed to be looked a little longer.

Mr. Fryman stated this was the accumulation of two years work and if something needed to be changed, could be handled in the future. Mr. Adams stated that there was still the old Policy in effect.

Mrs. Kreager agreed with Mr. Adams in that some items needed to be reviewed.

Mr. Bialorucki stated that this policy was a base line and opened discussions for the future.

Mrs. Slotnick called question on the motion. (ie no more discussion)

Roll called: Mr. Fryman, Mr. Bialorucki and Mrs. Slotnick, all Yeas. Mr. Bittner, Mr. Adams and Mrs. Kreager all Nays.

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Vote: Yea 3, Nay 3. Mayor then voted Nay to break the tie. Motion defeated.

Ordinance 44-09 Second Reading by Mrs. Slotnick.

Mrs. Slotnick presented the second reading of **Ordinance 44-09**, an Ordinance to Make Temporary Appropriations for Current Expenses and Other Expenditures of the Village of Genoa, State of Ohio, During the Fiscal Year Ending December 31, 2010, And Declaring an Emergency.

Ordinance 45-09 Second Reading by Mr. Bialorucki.

Mr. Bialorucki presented the second reading of **Ordinance 45-09**, an Ordinance Authorizing the Fiscal Officer to Transfer Fifteen Hundred Dollars (\$1,500.00), from Street Fund (201), Eight Thousand Dollars (\$8,000.00), from Water Fund (601), Four Thousand Eight Hundred Dollars (\$4,800.00) from Sewer Fund (602), and Twenty-Five Thousand Dollars (\$25,000.00), from the Electric Fund (603), to the Equipment Debt Fund (305), for the Purpose of Making a Debt Payment in February 2010 of Thirty-Nine Thousand Three Hundred Dollars (\$39,300.00), And Declaring an Emergency.

Ordinance 46-09 Second Reading by Mr. Fryman.

Mr. Fryman presented the second reading of **Ordinance 46-09**, an Ordinance Reducing the Appropriations in the Following Funds: Street Construction (\$20,000.00); Recreation (\$2,500.00); Capital Improvements (\$25,000.00); Sewer-Issue II (\$225,000.00); and Sanitary Sewer (\$85,000.00) And Declaring an Emergency.

Ordinance 47-09 First Reading by Mr. Bialorucki.

Mr. Bialorucki presented the first reading of **Ordinance 47-09**, an Ordinance Approving the Form and Authorizing the Execution of Power Sales Contracts with the American Municipal Power, Inc. and Taking Other Actions in Connection Therewith Regarding Meldahl and Greenup Hydroelectric Project Participation And Declaring an Emergency.

Ordinance 48-09 First Reading by Mr. Adams.

Mr. Adams presented the first reading of **Ordinance 48-09**, an Ordinance Amending Ordinance 08-04 Adopting Rates, Terms and Condition for Electric Service Provided by the Village of Genoa, Ohio And Declaring an Emergency.

Resolution 49-09

Mr. Fryman presented **Resolution 49-09**, a Resolution by the Council of the Village of Genoa Requesting that the State of Ohio Establish Legislation Allowing the Formation of Joint Law Enforcement Districts Comprised of Townships and Municipalities And Declaring an Emergency.

Motion by Mr. Fryman and seconded by Mr. Bittner 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 called: Mr. Fryman, Mr. Bittner, Mr. Bialorucki, Mr. Adams, Mrs. Kreager and Mrs. Slotnick, all Yeas.

Vote: Yea 6, Nay 0. Motion passed.

Mr. Fryman noted that this legislation did not commit the Village to anything, just asking the State of Ohio to allow Joint Law Enforcement Districts.

Mr. Fryman moved, Mrs. Slotnick seconded that **Resolution 49-09** 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, all Yeas.

Vote: Yea 6, Nay 0. Motion passed.

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Minutes GENOA VILLAGE COUNCIL PUBLIC HEARING AND SPECIAL MEETING

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

December 7, 2009

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Mayor Mark Williams called the meeting to order at 6:35 PM.

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

Mr. Bittner asked to abstain from the proceedings due to the fact Catherine Potridge is his former daughter-in-law.

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

Purpose of the meeting was to hear the appeal of Catherine Potridge from the decision of the Board of Zoning Appeals ("BZA") denying Variance 04-09, as it relates to a fence located on the north property line (common to the Potridge and Forney properties) of the Potridge property.

Mayor Williams swore in Catherine Potridge. Ms. Potridge presented several exhibits (A thru I) into the record for consideration by Council.

Councilperson Adams arrived at 7:20 PM.

Mr. Brian Ballenger, Attorney, spoke for Ted and Kathy Forney and introduced Exhibit I.

Mayor Williams swore in Mr. Garth Reynolds, Zoning Administrator, to review the BZA decision concerning the denial of Potridge requested Variance 04-09. A brief history on the request and records maintained (fence permits for the subject property) were provided. Exhibits 1 thru 10 were provided and are numbered.

Council members were given the opportunity to question the parties involved.

Motion by Mrs. Slotnick, seconded by Mr. Fryman to uphold the Board of Zoning Appeals decision to deny Variance 04-09 was made.

Roll called: Mr. Fryman, Mr. Bialorucki, Mr. Adams, Mrs. Kreager and Mrs. Slotnick, all Yeas.

Vote: Yea 5, Nay 0. Motion passed.

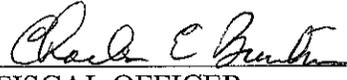
Ms. Potridge asked how long she had to move the fence. Mrs. Smith stated 45 days less the days between the ruling by the Board of Zoning Appeals and the appeal to Council.

Motion to adjourn the meeting was made by Mr. Fryman, seconded by Mr. Bialorucki. Roll called: Mr. Fryman, Mr. Bialorucki, Mr. Adams, Mrs. Kreager and Mrs. Slotnick, all Yeas.

Vote: Yea 5, Nay 0. Motion passed.

Meeting adjourned at 8:06 PM.

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


FISCAL OFFICER


MAYOR

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Held

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Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held _____ December 7, 2009 _____ 20 _____

OTHER BUSINESS

Mr. Brinkman stated that all should remember what today (December 7th) means to this country and we should not forget the sacrifices of this day.

Motion to adjourn the meeting was made by Mr. Adams, seconded by Mr. Bittner.

Roll called: Mr. Fryman, Mr. Bittner, Mr. Bialorucki, Mr. Adams, Mrs. Kreager and Mrs. Slotnick, all Yeas.

Vote: Yea 6, Nay 0. Motion passed.

Meeting adjourned at 9:11 PM.


FISCAL OFFICER


MAYOR

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Held _____

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