

## RECORD OF PROCEEDINGS

Minutes of Regular Council

Meeting

national  
graphics

National Graphics Corp., Cols., O. Form No. 1087

Held Council Chambers 7:30 P.M. December 20, 1982

Mayor Niehausmyer opened the meeting with the Pledge to the Flag. Clerk-Treasurer, Helen Coleman, called the Roll: Gladys Donley, Present; Bill Peloquin, Present; John Harbal, Present; John Wyse, Present; Barry Morrison, Absent; Mike Despones, Present. Five (5) members present, one (1) member absent.

Bill Peloquin moved to dispense with the reading of the minutes of the previous meeting, seconded by Gladys Donley. Roll call vote: Mike Despones, Yea; Barry Morrison, Absent; John Wyse, Yea; John Harbal, Yea; Gladys Donley, Yea; Bill Peloquin, Yea. Five (5) Yeas, no (0) Nays, one (1) Absent. The motion passed.

John Harbal moved to pay the approved bills, seconded by Bill Peloquin. Roll call vote: John Wyse, Yea; John Harbal, Yea; Barry Morrison, Absent; Mike Despones, Yea; Bill Peloquin, Yea; Gladys Donley, Yea. Five (5) Yeas, no (0) Nays, one (1) Absent. The motion passed.

Mike Despones presented Resolution No. 37-82, A RESOLUTION ENDORSING THE REPORT OF THE HOUSE PUBLIC UTILITIES COMMITTEE AND URGING THE IMPLEMENTATION OF ITS RECOMMENDATIONS; ENDORSING H.B. 247 AND URGING ITS ENACTMENT., for the third reading. This Resolution was read by title only because all Council Members have copies of the Resolution. Bill Peloquin moved to pass Resolution 37-82, seconded by Gladys Donley. Roll call vote: Mike Despones, Yea; Barry Morrison, Absent; John Wyse, Yea; John Harbal, Yea; Bill Peloquin, Yea; Gladys Donley, Yea. Five (5) Yeas, no (0) Nays, one (1) Absent. The motion passed.

John Harbal presented Ordinance No. 38-82, AN ORDINANCE AUTHORIZING ACCEPTANCE OF THE BID OF HENRY W. BERGMAN, INC. GENOA, OHIO, FOR RESURFACING AND REPAIRING CERTAIN STREETS WITHIN THE VILLAGE OF GENOA, INCLUDING CHERRY STREET FROM PACKER CREEK (ON NORTH END OF CHERRY STREET) TO NINTH STREET; AND DECLARING AN EMERGENCY., for the third reading. This Ordinance was also read by title only because each member had a copy. John Harbal moved that Ordinance No. 38-82 be passed, seconded by Gladys Donley. Roll call vote: Barry Morrison, Absent; Mike Despones, Yea; John Harbal, Yea; John Wyse, Yea; Gladys Donley, Yea; Bill Peloquin, Nay. Four (4) Yeas, one (1) Nay, one (1) Absent. The motion passed.

The mayor read a letter received from the Genoa Federation, requesting Council's permission to close Main Street on the evening of July 1, 1983. It was suggested that a representative of the Federation be invited to attend Council and explain this request further.

The mayor also received a letter from Leslie Wyse resigning from the Recreation Board. The mayor has accepted Mr. Wyse's resignation and appointed William Skilliter to replace Mr. Wyse on the Recreation Board. John Wyse moved to accept Leslie Wyse's resignation from the Recreation Board, seconded by Gladys Donley. Roll call vote: Bill Peloquin, Yea; Gladys Donley, Yea; John Harbal, Yea; John Wyse, Yea; Mike Despones, Yea; Barry Morrison, Absent. Five (5) Yeas, no (0) Nays, one (1) Absent. The motion passed.

Gladys Donley moved to accept the mayor's appointment of William Skilliter to fill the unexpired term of Les Wyse, (3 yr. term - Dec. 1985), seconded by Mike Despones. Roll call vote: Gladys Donley, Yea; Bill Peloquin, Yea; John Wyse, Yea; John Harbal, Yea; Mike Despones, Yea; Barry Morrison, Abstain. Four (4) Yeas, no (0) Nays, one (1) Abstained. The motion passed. Councilman Morrison arrived prior to this vote.

The Village Solicitor, Robt. Pollex, discussed the passage of Ordinance No. 33-82, Creating the Position of Village Administrator. He quoted the Ohio Revised Code Section 731.17. Four people were present, there was a quorum and the Ordinance was passed legally, Bill Peloquin said he has checked with other attorneys and the Ordinance did not pass, it is invalid. The advertisements to take applications for the position of Village Administrator and the money used to pay for these ads was spent illegally in Mr. Peloquin's opinion. He asked that a retraction be put in the news media and that the Solicitor resign. John Harbal pointed out that according to the minutes of the previous meeting the Mayor cast the deciding vote.

At this point William Peloquin moved to adjourn the meeting, seconded by Gladys Donley,

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The Mayor ruled that there was further business to be attended to and that the meeting could not be adjourned.

For the record only - The vote on November 15, 1982, on the passage of Ordinance No. 33-82 was a legal vote, and the Ordinance passed.

Committee Reports

Finance Committee - It is the recommendation of the Finance Committee that the Village Employees receive a one time retroactive pay increase (temporary). Barry Morrison moved to extend to the Village Employees a one time temporary retroactive pay increase, in the amount of \$650.00 to the four (4) department heads, \$550.00 to the six (6) full-time employees, and \$275.00 to ten (10) part-time employees. In addition to this, because of the burden of work in the Clerk-Treasurer's office especially at this time of year, and because of the fact that she is an elected official and cannot receive a temporary retroactive pay increase, it is requested that her secretary be given ten (10) hours a week more working time for a maximum of 10 weeks. The motion was seconded by John Wyse. Roll call vote: John Wyse, Yea; Barry Morrison, Yea; Mike Despones, Yea; Gladys Donley, Nay; John Harbal, Nay; Bill Peloquin, Nay. Three (3) Yeas, three (3) Nays, the vote being a tie the Mayor was asked to break the tie vote. Mayor Niehausmyer, Yea. The motion passed.

Gladys Donley moved to go into Executive Session, seconded by John Harbal. Roll call vote: John Harbal, Yea; Mike Despones, ~~Nay~~<sup>Yea</sup>; Barry Morrison, Nay; John Wyse, Nay; Bill Peloquin, ~~Yea~~<sup>Nay</sup>; Gladys Donley, Yea. Three (3) Yeas, three (3) Nays, the vote being a tie the Mayor was once again asked to break the tie. The Mayor voted yea, making the vote four (4) Yeas, three (3) Nays. The motion passed.

Council adjourned to Executive Session to discuss legalities and personnel. After the adjournment of the Executive Session, Council Meeting was resumed.

There was discussion on the prior motions, and it was declared that both motions passed.

Kelly Frye explained to Council that there has been no decision made on the water situation. They (County Commissioners) are looking into cleaning and painting the water towers. NOTE: Mr. Frye was not present at Council - Councilman Mike Despones reported this information to Council.

There was discussion on stump removal.

John Wyse moved to adjourn. The meeting was adjourned.

Helen L. Coleman  
Clerk-Treasurer

Hope L. Niehausmyer  
Mayor

I, Helen L. Coleman, Clerk, of the Council of the Village of Genoa, hereby certify that this is a true and accurate copy of the minutes of Council's Regular Meeting of December, 20, 1982.