

# RECORD OF PROCEEDINGS

Regular Meeting

## THE VILLAGE COUNCIL OF GENOA, OHIO

July 20, 2015

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

Roll call:

Council members in attendance included Mr. Bittner, Mr. Adams, Mr. Harsanje, Sr., Mr. Lewis, Mr. St. Marie and Mr. Brown.

Also in attendance were Village Administrator Kevin Gladden and Fiscal Officer Julie Van Nest.

Mayor stated that Solicitor Brian Ballenger was on vacation and unable to attend the meeting.

The minutes of the July 6, 2015 regular meeting were presented. Mr. Lewis asked that an amendment be made in the Finance Committee section of the minutes concerning the purchase of the new police cruiser. Mr. Adams, Finance Chairman stated that the Finance Committee recommended to Council that a cruiser be purchased, not the approval of the purchase as stated in the minutes. Mr. Lewis and remaining Council members agreed. Mrs. Van Nest will make the corrections. Mr. Adams moved to approve the minutes of the July 6, 2015 meeting as amended; seconded by Mr. Lewis. Roll call:

Yea: Mr. Adams, Mr. Lewis, Mr. St. Marie, Mr. Brown, Mr. Harsanje, Sr., and Mr. Bittner

Nay: 0

Motion carried.

**ENGINEER'S REPORT** - None

**ADMINISTRATOR'S REPORT** - No written report was furnished.

The 2015 Street Paving Project is currently being advertised and a bid date has been set for August 4, 2015 at noon in the town hall.

Ottawa County Regional Planning Commission is putting together a bid package for work at the Senior Center. Although Poggemeyer Design Group is doing the work, OCRPC picks the contractor because the money is from the CDBG Formula grant fund.

Mr. Gladden reported that the park building has a new floor but will not be ready for use this year. He added that Yackee Electric needs to do a drawing and then an electrical permit will also be needed. Our employees will do the electrical work and feels it is a good winter project for them. He's received a lot of positive comments concerning the new building.

Mr. Gladden reported that Ohio Attorney General's Office announced that due to a lawsuit involving Morton Salt, the Village may be entitled to get some money back. This would

be for a portion of money that we spent on rock salt between July 1, 2008 and June 30, 2011 from Morton Salt due to an attempt with Cargill, Inc. to drive up salt prices. The Fiscal Officer has submitted a claim to the Attorney General's Office for a refund.

**FISCAL OFFICER** - None

**RECREATION BOARD REPORT** - None

**MAYOR'S REPORT**

The Music on the Lawn was cancelled for Sunday, July 19, 2015 because of bad weather and he will try to reschedule this event.

He was told from Recreation Director Mike Thomas that the recent article in the Suburban Press to promote attendance, membership and the fact that we have nice clean water at the quarry was successful. Two area families have purchased memberships just since the article.

A back to school dance has been scheduled also for the Village teens, 12 years and older for August 15, 2015 from 7-11:00 pm. More information will be furnished later.

The second Cruise-In is scheduled for July 28, 2015.

The mayor is waiting on an appraisal to get demolishing started on the property at Fifth and Buckeye.

Mr. Adams asked Council if they felt ready to vote on the zoning request from Mr. Scott Bowe which was made during the Public Hearing held that evening at 7:00 pm. or if they would want to wait.

Mr. St. Marie stated he felt that Mr. Bowe had waited long enough as this topic has been on the table for a long time and the property had been empty for quite awhile. Several Council members agreed a vote should be taken.

Mr. Adams stated he felt Council should make a motion to vote on it; but wanted to make sure before he brought it up. A second was made but Mr. Gladden asked for clarification of the motion and asked exactly what the motion was. Mr. Adams replied to vote on the zoning request that was made at the Public Hearing. Mr. Gladden stated that someone needed to make a motion stating exactly how they want to grant this request. He stated that you could make a motion to vote it down completely, you can make a motion.....Mr. Adams interrupted by saying "I make a motion to change the zoning from R-1 to B-1" as someone added "without stipulations." Mr. Gladden continued to say "yes you can because the second option is to confirm the decision of the planning commission or pass it as B-1 without the conditions stipulated by the planning commission". He added "so you're completely voting it down, upholding the planning commission or granting B-1 with no conditions". Mr. Adams said "B-1 with no conditions is how I am presenting his motion". Mr. Gladden said "that's fine". Mr. Harsanje, Sr., seconded Mr. Adams' motion. Mayor Williams repeated the motion as "to approve zoning change from R-1 to B-1 without conditions". There were no further questions when asked. Roll call:

YES: Mr. Adams, Mr. Harsanje, Sr., Mr. Lewis and Mr. St. Marie

NAY: Mr. Brown and Mr. Bittner

Mr. Gladden and Mayor Williams conferred about the 4 to 2 vote. Mr. Gladden stated that the parties involved won't be notified until legal clarification on the vote was made by the Village Solicitor. He added that it may need to be brought back to the next meeting because it needs to be passed in some manner. Right now Mr. Bowe is just hanging out there until we get an opinion.

#### Safety

Mr. Bittner furnished minutes of the July 6, 2015 Safety Committee meeting, the minutes of the Allen Clay Joint Fire District Trustees Meeting held June 11, 2015 and the Chief's Report dated July 9, 2015.

Mayor Williams asked Police Chief Weis if he has worked with Solicitor Brian Ballenger to finalize the parking violation paperwork. Chief Weis stated that he was still waiting to hear back from Mr. Ballenger. Mayor Williams stated he would like Ordinance #16-15 passed as soon as possible.

Mr. Brown asked the Police Chief why there was an officer on the street with radar recently and wondered if this is something we do often. Chief Weis stated that this was the first he heard of this incident. He also reminded everyone that his phone is on 24/7 and to please contact him with any concerns at any time. He said he's doing a thorough evaluation of the incident and will talk with the officer involved. Mr. St. Marie added that he sent Chief Weis a picture, was shocked and hoped that this incident doesn't affect business in the future.

AD-HOC - None

Personnel - None

**GUESTS WISHING TO ADDRESS COUNCIL** - Jacob Diebert

He asked for clarification of Ordinance #16-15. Mayor Williams stated it concerns a parking citation bureau and the old ordinances wouldn't hold up in court. We are making changes in order to keep everything legal.

**ORDINANCES/RESOLUTIONS** -

At this time Mr. Bittner presented the following Ordinance to Council for the second reading:

**ORDINANCE #16-15**

An Ordinance creating a Parking Violations Bureau in The Village of Genoa.

At this time Mr. Adams presented the following Ordinance to Council:

**ORDINANCE #17-15**

An Ordinance authorizing the Fiscal Officer to amend, and supplement the 2015 appropriations Ordinance # 06-15, report to the Ottawa County Auditor's Office and declaring an emergency.

Mr. Adams made a motion to suspend the readings of Ordinance #17-15; Mr. Lewis seconded the motion. Roll call:

YEA: Mr. Adams, Mr. Lewis, Mr. Harsanje, Sr., Mr. St. Marie, Mr. Brown and Mr. Bittner

NAY: 0

Motion carried.

Mr. Adams made a motion to pass Ordinance #17-15; Mr. Lewis seconded the motion. Roll call:

YEA: Mr. Adams, Mr. Lewis, Mr. Harsanje, Sr., Mr. St. Marie, Mr. Brown and Mr. Bittner

NAY: 0

Motion carried.

Mr. Adams made a motion to adopt Ordinance #17-15; Mr. Lewis seconded the motion. Roll call:

YEA: Mr. Adams, Mr. Lewis, Mr. St. Marie, Mr. Bittner, Mr. Harsanje, Sr., Mr. Brown

NAY: 0

Motion carried

**OTHER BUSINESS** - None

Mr. St. Marie stated that he was not present at the 7/6/2015 meeting and only voted to approve the amendment made to the meeting minutes from that meeting as discussed earlier.

