

## **Bethel Village Council September 13, 2010**

The Council of the Village of Bethel, Ohio, met in regular session in Council Chambers on Monday, September 13, 2010 at 6:30 p.m., with Mayor James T. Dick presiding.

Mr. Cherry delivered the invocation, followed by Mayor Dick leading the Pledge of Allegiance to the American Flag. Upon roll call, the following members were counted as present: Council Members Priscilla Johnson, Donna Gunn, Tim Cherry, Rus Whitley, Mary Daugherty; Solicitor George Leicht, Fiscal Officer Angel Burton and Village Administrator Travis Dotson. Council member Janice Ireton was absent.

A motion to approve the minutes from the August 23, 2010 meeting, as written, was made by Mr. Whitley. Seconded by Ms. Johnson. All yeas.

### **COMMUNICATIONS**

Mr. Harold Sanborn addressed Council on behalf of the Archie Lee Boyce American Legion #406. The legion would like permission to extend their annual fundraiser, scheduled for December 4, 2010, due to the later Down Home Christmas parade time. The group wants to collect donations from 10:00 a.m. to 6:00 p.m. on Plane Street in front of the Frischs Restaurant.

A motion to approve the extended collection time for the American Legion's fund raiser, on December 4, 2010 from 10:00 a.m. to 6:00 p.m., was made by Mr. Whitley. Seconded by Mr. Cherry. All yeas.

Mr. Sanborn also presented Chief Planck with a \$500 donation from the Legion, for the purchase of weapons.

### **REPORTS**

#### **Mayor James T. Dick**

Thanked Bethel Floral for the flower arrangement, decorating Council chambers.

The Village's Beggar's night will be Saturday, October 30, 2010 from 6:00 p.m. to 8:00 p.m.

The Church of the Nazarene will have an informational session on the upcoming election candidates and levies on Sunday, October 31, 2010 at 6:00 p.m.

A representative from Children Services will address Bethel's Council at the October 25<sup>th</sup> meeting on the upcoming levy.

During the month of August, 2010, Bethel's Mayor's Court collected a total of \$7132, with \$5422 going back to the Village, \$1708 going to the State and \$2 in restitution.

Mayor Dick has spoken with June Holland, a Village resident and utility customer, regarding a disputed late fee. Ms. Holland has stated she submitted her utility payment, dated July 13<sup>th</sup>, prior to the due date of the 15<sup>th</sup>; however, the payment was not posted by the billing department until July 20<sup>th</sup>. She contends the payment was placed in the drop box, and was overlooked for a week. Ms. Holland wants the 10% penalty of \$20.48 removed from her account.

Discussion included the fool-proof design of the Village's drop box -- originally installed for bank operations. The billing staff is competent, and no other evidence suggests the payment was overlooked or misplaced. Mr. Leicht cautioned setting a precedence. Council concurred, and denied waiving the fee.

Mr. Ron Dunn resigned as Zoning Administrator/Code Enforcement Officer, effective September 1, 2010. Applications for the position can be picked up in the utility billing department.

### **Village Administrator, Travis Dotson**

The water tower is being repainted this week. A “bullet patch” was made to repair a leak discovered above the tank fill line.

Mr. Dotson is working on an RFP for the Village’s 2011 mowing, and he hopes local companies submit proposals.

### **Fiscal Officer, Angel Burton**

Ms. Burton asked for clarification on the Mayor’s Court Clerk substitute pay. Finance discussed paying Ms. Joy Powers a rate of \$13.50 for her hours worked on August 25, 2010, but the amount of time was not clear.

Chief Planck stated Ms. Powers worked 5.5 hours, for a total payment of \$74.25. The payment will be included on this meeting’s bill listing, for Council approval.

### **Solicitor George Leicht**

Mr. Leicht commended Mr. Dotson for securing a bond on the contract clerk so quickly.

He mentioned the possibility of the Village Administrator assuming the zoning responsibilities. It’s a common job function for other village administrators, and the administrator is available during regular office hours.

Mr. Leicht had inquired about the Village’s utility deposit requirement, and the lack of interest applied to customer accounts. Duke pays interest on their customer deposits, however it is not a practice with local municipalities. It was noted that the customer deposits are tracked in a separate fund, but not in a separate bank account.

### **Police Chief Mark Planck**

Chief Planck thanked the American Legion for the \$500 donation, and he intends to use the funds for the purchase of 15 government surplus, refurbished AR 15’s, at a cost \$47 each. The department has 12 gauge shotguns, but those weapons are not preferred in hostile situations, such as school shootings. AR’s have bullets that disintegrate when they hit a solid surface.

Bethel-Tate’s Homecoming Parade is October 8, 2010 at 6:00 p.m. The parade begins at the middle school and ends at the high school.

The Down Home Christmas event is coming together, and will begin at noon on December 4, 2010. The parade will be held at 6:00 p.m. The later time is to take advantage of the holiday lights and décor, and hopefully lead to a greater turnout. It was pointed out that the Legion’s fundraiser, and subsequent slow-moving traffic, is consistent with past years.

### **Finance Committee, Chairperson Donna Gunn**

The Finance Committee met last Tuesday, September 7, 2010.

A motion to reallocate \$1000 from the Garbage Contractual line to the Garbage Capital Outlay line and \$1400 from the Water Distribution Supply line to the Water Distribution Capital Outlay line was made by Ms. Gunn. Seconded by Ms. Johnson. All yea.

The reallocation is necessary to cover the installation of the security window in the billing department, and the additional costs related to the painting of the water tower.

The committee discussed Ordinance 1641 amending the 2010 appropriations. The increases are needed to account for the franchise fee overpayment, the proper tracking of the backhoe funds and the additional Burke Trust project funding. It was noted that the purchase of the first Burke Park bench should come from the Burke Park fund, and the proper amendment was made to the legislation.

Ms. Gunn stated that the Finance Committee supports keeping the Zoning Administration department structure as it is.

Sick days and the short-term/long-term disability benefits were reviewed and the committee will continue discussion of an amendment to the Schedule of Benefits and the implementation of a payroll service at the next committee meeting.

The next Finance Committee Meeting is October 4<sup>th</sup>, 2010 at 5:00 p.m.

#### **Public Works Committee, Chairperson Tim Cherry**

The paving bids were opened Friday, August 27, 2010. The Village received 3 project bids, though one bid was rejected because the proper bid format was not followed.

John R. Jurgensen submitted the lowest and best bid on all presentations. The resurfacing and the full depth repairs of the streets were priced separately, allowing the Village to apply a grading system and select the projects individually. The committee recommends the Village proceed with resurfacing the Burke Park road and the Grant Memorial parking lot; and full depth repairs to be done on Mound St, S. Union St (2 segments), Easter, N. Ash St, Cherry St and S. Charity. The total cost is \$76054, with \$31000 to be included in a Burke Fund request.

A motion to accept John R. Jurgensen's proposal as the lowest and best submitted, and proceed with the recommended repairs, was made by Mr. Cherry. Seconded by Ms. Gunn. All ye.

#### **Safety Committee, Chairperson Rus Whitley**

Chief Planck is still negotiating with ProSource for a reduction in the unusually high contract invoice. The copy expense may be reduced to 9 cents/copy.

An Auxiliary Emeritus position is being considered for former-Chief Wallace. The position would be exempt from 24 hours of patrol, in order to assist the current Chief in other matters and to participate in special events. If the position is implemented, the Mayor would make the appointment.

The next Safety Committee meeting is Monday, October 10, 2010 at 5:00 p.m.

#### **Personnel Committee, Chairperson Mary Daugherty**

The Personnel Committee met Monday, August 30, 2010, and continued the job description discussion, including the most cost effective manner to compile the information.

The committee discussed the Auxiliary Emeritus position, and Mr. Dotson will forward the description to Council before the next Council meeting.

The next Personnel Committee meeting is Monday, September 27, 2010 at 5:00 p.m.

#### **Burke Trust Commission, Janice Ireton**

Ms. Gunn spoke on Ms. Ireton's behalf.

A motion to request \$31000 from the Burke Trust fund, to pay the \$23000 Burke Park road resurfacing expense and the \$8000 Grant Memorial parking lot expense, was made by Ms. Gunn. Seconded by Mr. Cherry. All ye.

A 2009 Burke Scholarship recipient, Mark Gibson, just recently requested his book reimbursements and 2<sup>nd</sup>/final tuition installment. He has submitted his proof of grades for both the Winter 2009 and Spring 2010 semesters, and book receipts as well.

#### **Planning Commission, Priscilla Johnson**

A Planning Commission meeting has not been rescheduled. It is difficult to ensure a quorum, due to the number of current commission vacancies.

### **Rules of Council, Donna Gunn**

Due to recent technical difficulties Ms. Ireton has experienced, the proposed Rules of Council changes were not forwarded to the rest of Council. Those recommendations will be forthcoming.

### **Records Commission**

The Records Commission met at noon on Monday, August 30, 2010 at Mr. Leicht's office.

The various departments will be copied on prior record inventories for updating. The committee also discussed the need for Council to formally adopt a Public Records Policy. Ms. Burton has copied the other members on a draft policy put together by former Chief Wallace.

Mayor Dick has appointed Gary Hutchinson as the member-at-large on the commission.

The committee will meeting again in November to review the updated retention schedules and record inventories.

### **CALL OF MEMBERS**

Priscilla Johnson: Congratulated the Bethel-Tate Tigers for Friday's win. She also asked for help in maintaining the flower beds around the uptown trees. Anyone interested can contact her at Zip Printing.

Donna Gunn: Congratulated the school district for achieving the highest State designation of Excellent with Distinction.

Rus Whitley: Made a motion to appoint an ad-hoc committee to work on the Village's financial recovery plan. Seconded by Ms. Daugherty. Mr. Whitley stated the committee is needed, due to the ORC requirement that Council submit the financial recovery plan. He would like to see the committee meet twice a month.

A fiscal recovery plan is required due to the Village's recent fiscal emergency declaration. The plan is due 120 days from the declaration, though the Governor's office has not made the appointments to the Financial Oversight Commission yet. A plan outline already exists, due to proactive measures taken by Council in 2008 and 2009. Mayor Dick understood the typical process to be the Mayor and the Fiscal Officer write the plan with assistance from Local Government Services and the Finance Committee. The plan would be presented to Council for final approval.

Ms. Daugherty questioned how President Pro-Tempore Gunn can sit on the Financial Oversight Commission and also serve as the chair person of the Finance Committee, when the Oversight Commission is not supposed to interject in the Village operations. Mayor Dick will contact Paul Marshall, at the Governor's office, to see if a potential legal/ethical conflict exists.

Mr. Whitley pointed out the ORC states that Council submits the plan for the Commission's approval. Ms. Daugherty is concerned the other Council members will have limited input in the plan, though Mayor Dick believes Council will have all the input they want, because the plan has to be adopted by Council before submission.

Ms. Gunn asked if the other Council members had access to the information Mr. Whitley and Ms. Daugherty are referring to. Ms. Daugherty stated their information came from minutes from the August 3, 2009 Council work session.

Mr. Leicht suggested Council not “over-committee” the process, and does not see a conflict with Ms. Gunn’s position.

The motion to appoint an ad-hoc committee failed after a roll call vote. Mr. Whitley “yea”, 4 nays.

Tim Cherry: Thanked Mr. Sanborn and Post 406 for the Police donation and the “boot campaign”. He pointed out the continuous service to the Country offered by the legion members.

Mary Daugherty: Expressed her agreement with Mr. Leicht in consolidating the zoning administration with the Village Administrator’s job function. The previous administrator performed the function, and received a wage increase. Mr. Dotson makes the same wages, without the zoning responsibilities.

Ms. Gunn pointed out the reason the roles were separated was because of the previous administrator’s zoning mistakes. Mayor Dick believes the wages Mr. Dotson are paid were negotiated with Council prior to his appointment, with the understanding he would not be performing zoning duties.

## **PUBLIC INPUT**

Mr. Wass addressed Council regarding the condition of the flags along Fossyl Drive, one of the Village’s busiest thoroughfares. The flags are in rags and have gone missing before, and he believes the road needs to be patrolled more.

He also expressed his frustration over the empty promises given to him and other Easter Valley residents over the “swampland” that borders their property. Mr. Wass regrets purchasing his property, due to the drainage problems and overgrown, vacant building lots. The school has followed through on some of the work, and considers them a good neighbor; however, the proposed repairs surrounding the walk path have not been done. Due to the easements on his property, he expects the work to be completed.

Mr. Dotson will find out about the status of the walk path drainage repairs.

Ms. Merilee Eaton addressed Council regarding damage to a rock wall that she believes was done by one of the Village’s work trucks. A tree fell on her property, and though the tree didn’t hit the wall, she believes the damage was the result of vibration from the truck, or from the truck’s anchors that are put down for the boom lift.

Mr. Dotson stated the truck was driven and parked by Mr. Hatfield, and pictures were taken. Chief Planck did write a report, at Mr. Dotson’s request.

Mr. Leicht suggested having an insurance adjust assess the damage.

Mr. Mike Shebesta addressed Council as trustee/representative for the properties located at 323 and 325 South Street. The property has been resurveyed and re-platted to correct an error related to the location of a porch. He understands a variance has to be recommended from the Board of Zoning Appeals. Mr. Shebesta questioned Mr. Leicht’s objections, when both the county and Mr. Dunn approved the re-plat. Mr. Leicht noted the lots were already sub-size and not to code, however, he may have misunderstood the situation and will review the information.

## **LEGISLATION**

**RESOLUTION 894 ACCEPTING AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR**

A motion to waive the three readings of RES 894 2011 Amounts and Rates was made by Ms. Daugherty. Seconded by Ms. Johnson. By roll: Ms. Daugherty “yea”, Ms. Johnson “yea”, Ms. Gunn “yea”, Mr. Whitley “yea”, Mr. Cherry “yea”. Motion carried.

A motion to adopt RES 894 2011 Amounts and Rates was made by Ms. Daugherty. Seconded by Mr. Whitley. By roll: Ms. Daugherty “yea”, Mr. Whitley “yea”, Mr. Cherry “yea”, Ms. Gunn “yea”, Ms. Johnson “yea”. Motion carried.

ORDINANCE 1641 AMENDING APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF BETHEL FOR THE FISCAL YEAR ENDING DECEMBER 31, 2010, 1<sup>st</sup> Reading

**PAYMENT OF THE BILLS**

A motion to approve the payment of the presented bills and expenses (checks 21445-21491: including payment of \$74.25 to Joyce Powers for 5.5 hours court coverage on August 25, 2010) was made by Ms. Gunn. Seconded by Mr. Cherry. All yea.

**AUGUST EXPENSES**

A motion to approve the August, 2010 expenses, as presented (checks 21300-21427, in addition to payroll and direct charges), was made by Ms. Gunn. Seconded by Ms. Johnson. All yea.

Council adjourned at 8:25 p.m.

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James T. Dick, Mayor

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Angelina Burton, Fiscal Officer

NOT APPROVED