

Bethel Village Council September 14, 2009

The Council of the Village of Bethel, Ohio, met in regular session in Council Chambers on Monday, September 14, 2009, with President Pro-Tempore Donna Gunn presiding. The meeting was called to order at 6:35 p.m.

The meeting was videotaped, to be aired on cable television.

Mr. Ausman delivered the invocation, followed by Ms. Gunn leading the Pledge of Allegiance to the American Flag. Upon roll call, the following members were counted as present: Council Members Alan Ausman, Joe Houlihan, Donna Gunn, Gary Hutchinson, Tim Cherry, James Dick; Solicitor George Leicht, Village Administrator Travis Dotson, Fiscal Officer Angel Burton. Mayor Swarthout was absent.

It was noted Mayor Swarthout continues to recover well from recent surgery.

A motion to approve the minutes from the August 10, 2009 meeting, as written, was made by Mr. Hutchinson. Seconded by Mr. Ausman. 4 yeas, Mr. Cherry – abstain.

COMMUNICATIONS

Mr. Butch Loudon, from the American Legion, requested permission from Council to hold their annual Christmas Campaign, benefiting needy local families, on Saturday, December 5th, 2009 from 10am-4pm in front of the Frisch's and Skyline restaurants.

A motion to approve the American Legion's December 5, 2009 fundraiser, with secured police detail, was made by Mr. Ausman. Seconded by Mr. Houlihan. All yeas.

Mr. Dwight Bogart, from 207 S. Main St., addressed Council regarding the deterioration of the rock wall lining the creek (aka, "Town Branch") along his property. The creek narrows, causing back-ups and flooding, and has led to the wall damage. Mr. Bogart has an 18X24 ft building that was originally 7 ft from the creek, but is now 5 ft from the creek. Mr. Bogart owns ½ the creek, but it is his understanding the Village owns the right-of-way, therefore the Village is obligated to maintain the creek/wall.

Mr. Leicht stated that though the Village has taken easement of some waterways in order to clear debris, the easement does not always require the Village's maintenance of the property. That responsibility often remains the property owner's. Mr. Leicht cannot recall if the Village built the wall to begin with, or if the Village has a duty to maintain the creek because of it's relation to the park. If the Village has an easement, it would be filed with the County Recorder. Mr. Bogart will check with the Recorder's office, and get back with Council.

Mr. Rus Whitley spoke before Council. Mr. Whitley noted the Mayor and Council's hard work, and believes they were "hoodwinked" by the past administration. He has gathered information related to the Village's computers, and pointed out there are 16 computers, but only 5-6 are in use at any one time. The police department alone has 8 computers. Mr. Whitley questioned why another computer was purchased when the Village already owns a number of machines.

The dated, "ACS" systems were pointed out, and it is the intention to replace the part-time utility clerk's machine with the fiscal officer's prior computer, due to the fiscal officer's use of the leased UAN machine. Mr. Dotson stated the police department computers could not be used by other departments, if purchased with Court Computer funds, however the department may want to consider selling excess machines at auction.

Mr. Whitley discussed the keeping of committee minutes, specifically Safety Committee minutes. Mr. Houlihan, chair of the Safety Committee, stated he has never kept meeting minutes. The open meetings act/Sunshine laws require a record be kept for public meetings, however Mr. Hutchinson stated he did not see the need for committee minutes, since no

official actions take place during committees. Mr. Whitley stated the Council pay ordinance states minutes will be kept, and Mr. Leicht advised all Committees take minutes from this point forward.

Mr. Ausman noted Mr. Whitley is running for Bethel Mayor, but questioned Mr. Whitley's residency. Mr. Whitley stated his residency is 408 S. Main, which is a residence, with a business front. Mr. Ausman understood Mr. Whitley to live on Bethel Hygiene, which is outside of the Village limits. Mr. Whitley stated he does own a property on Bethel Hygiene, and he does farm it, but his residency is listed as 408 S. Main, in the Village of Bethel.

ADMINISTRATION AND COMMITTEE REPORTS

President Pro Tempore, Donna Gunn

Ms. Gunn visited Bick Elementary, on the Mayor's behalf, as the students have been learning about government, laws and volunteering. She can understand why Mayor Swarhout enjoys such visits.

Ms. Gunn brought up the school district's financial strain, and the cuts made to sports and coaching staff due to limited funding. She made special mention of Mr. Cherry volunteering to coach middle school football, without pay, and noted the caliber of his council membership.

Village Administrator, Travis Dotson

On August 7, 2009, the owner of the shoe factory apartments entered into an agreement with the Village, to pay delinquent utility bills, in full, within 6 months. It has since been learned that the property manager was directed by the property owners to tamper with the building utilities, in order to restore service. Mr. Dotson believes this action terminates the agreement, and requires the owners to pay the delinquent balance in full by the next shut-off date.

A motion to terminate the repayment agreement between the Village and the Levy's, owners of the Shoe Factory Apartments, and requiring the delinquent balance be paid by September 22, 2009, otherwise utilities to all common areas would be shut-off, was made by Mr. Ausman. Seconded by Mr. Cherry. All ye.

Fiscal Officer, Angel Burton

Ms. Burton has received notice from the Department of Liquor Control that the Bethel IGA has applied for a liquor license.

Council does not want a hearing on the matter.

Solicitor George Leicht

Mr. Leicht recommends holding training for the police officers on ticket completion on October 3, 2009. The department will be qualifying that day, and the training will be mandatory. Mr. Leicht anticipates the training will take 3 hours, at most, and will be conducted by Ms. Kelly. The training may be paid from the Law Enforcement and Education fund, and should help in department and court operations.

In regard to the Stevens vs. Village of Bethel case, involving an officer's arrest procedures, mediation is scheduled for September 24, 2009, and Mr. Leicht hopes to resolve the case at that time. He requests an executive session to discuss the pending litigation.

The Village has received an annexation request for property north of the Village. There are a number of lots involved, but the owner has agreed to annex just 4 tracts of land at this time, which includes a pay lake and its perimeter property. Mr. Leicht anticipates a \$1000 survey expense, historically paid by the Village and in line with past annexation expenses. Mr. Hutchinson asked if the property owner had offered to share the expense, and Mr. Leicht

noted he didn't volunteer. Finance will discuss the matter further, and make a recommendation to Council.

The Laundromat has been notified that collection actions may be taken by the end of the month if no progress is made on their matter. Mr. Leicht will notify Council before any action is taken.

Police Chief Mark Planck

Reminded everyone that Bethel-Tate's Homecoming Parade is this Friday, and traffic delays are expected. He will be setting out the traffic trailer, with a message for motorists to consider alternate routes that evening.

Planning for the Down Home Christmas is underway, and he will be attending upcoming meetings.

Finance Committee, Chairperson Donna Gunn

The Finance Committee met this evening.

The old water tower is in need of routine maintenance, including outside paint and repair, as well as interior waxing. The committee recommends the interior wax at this time, but the outside paint will be considered for 2010.

New padlocks were purchased for various Village fences and gates, including the water plant property. It was pointed out that hunting and fishing on the water plant property is prohibited.

The committee discussed police department staffing, and will notify Safety of Finance's recommendations.

Ms. Gunn met with Judi Adams, from Bethel Building and Loan. They are willing to donate the funds needed for the repainting of the exterior of the Grant Memorial Building.

A motion authorizing Ms. Gunn to pursue Bethel Building and Loan's donation for Grant Memorial repairs was made by Mr. Dick. Seconded by Mr. Ausman. All ye.

It is time for the Village's liability insurance renewal. The administration has been reviewing alternatives to PEP, and Mr. Dotson recommends the Village enroll in the Ohio Plan for liability insurance, due to cost savings and customer service. The Ohio Plan annual premium is \$18960, while PEP's proposed premium is \$27,240.

A motion authorizing the Village Administrator to enter into agreement with the Ohio Plan for liability insurance, and terminate the Village's contract with PEP, was made by Mr. Hutchinson. Seconded by Mr. Ausman. All ye.

Public Works Committee, Chairperson Tim Cherry

The public works committee has been meeting on an as-needed basis, and Mr. Cherry believes the group should discuss the water tank maintenance. He noticed seam openings in the interior pictures, and he would like the vent on top to be evaluated. Both should be included in the repair contract.

Mr. Cherry mentioned the unaccounted-for Grant Memorial grant funds, and correspondence from the memorial's caretaker, Mr. Frank Manning. Mr. Hutchinson stated he believes the funds were spent, and spent properly, based on his own research. It was noted the Burke Trust Commission will not release funds for the Grant Memorial until this issue is resolved.

Safety Committee, Chairperson Joe Houlihan

The committee met on August 31, 2009 to discuss the police department staffing, and is considering other options.

The next Safety Committee meeting will be Monday, October 5th, 2009 at 7:00 p.m.

Personnel Committee, Chairperson Donna Gunn

Nil

Burke Trust Commission, Chairperson Donna Gunn

Nil

Planning Commission, Councilperson James Dick

Nil

CALL OF MEMBERS

Alan Ausman: Nil

Joe Houlihan: Nil.

Donna Gunn: Nil.

Tim Cherry: Enjoy Friday's parade.

Gary Hutchinson: Nil

James Dick: Nil

Beggar's Night will be Saturday, October 31, 2009, from 6:00 p.m. to 8:00 p.m.

Ms. Gunn mentioned that Judi Adams, from the Bethel Building and Loan, is pursuing an upscale art festival to run in alignment with East Fork's rowing competition, scheduled for May 8 and 9, 2010. The event would appeal to the upper class crowd, and the art would be placed based on a jury vote. A preliminary planning meeting will be held Friday, September 25, at noon, and either Donna or Travis will be attending.

PUBLIC INPUT

Mr. Rick Moore, from 305 Brown Street, together with several neighbors, addressed Council regarding the Royse annexation petition (pay lake and R.C. track). Mr. Moore has a signed petition, with 41 signatures, from Brown and Osborne residents opposed to the R.C. track and the annexation. The township has ordered Mr. Royse to shut down the R.C. track and they believe Mr. Royse only wants to annex into the Village to continue operations. The track operates Friday through Sunday, and Mr. Moore believes the noise from the track is a nuisance, preventing him from going in his backyard. The track has no sound barrier, the cars and PA systems are loud. Mr. Moore has recorded the sound from the track. One of the ladies in attendance stated she was threatened with violence over signing the petition against the track.

Mr. Leicht considers this a pre-emptary matter to the annexation, and requests Mr. Ron Dunn investigate. The Village will need to consider any noise ordinances that may be in place. Mr. Leicht also advised the Village Administrator to obtain a copy of the recording made by Mr. Moore.

LEGISLATION

RESOLUTION 878 ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

Ms. Burton explained this resolution is routine, "cookie cutter" legislation -- relevant to the 2010 property tax collections -- composed and determined by the County Auditor's office for

Council's approval. The Village received the documentation on September 1, 2009, and it must be adopted and copied to the County by September 30th.

A motion to waive the 3 readings of RES 878 Accepting the Amounts and Rates was made by Mr. Hutchinson. Seconded by Mr. Ausman. By Roll: Mr. Hutchinson "yea", Mr. Ausman "yea", Mr. Houlihan "yea", Mr. Cherry "yea", Mr. Dick "yea". Motion carried.

A motion to adopt RES 878 Accepting the Amounts and Rates was made by Mr. Houlihan. Seconded by Mr. Cherry. By Roll: Mr. Houlihan "yea", Mr. Cherry "yea", Mr. Ausman "yea", Mr. Hutchinson "yea", Mr. Dick "yea". Motion carried.

ORDINANCE 1626 AMENDING 2009 APPROPRIATIONS, 1st reading

AUGUST EXPENSES, AS PRESENTED

A motion approving the August, 2009 expenses, as presented, was made by Mr. Ausman. Seconded by Mr. Houlihan. All yea.

PAYMENT OF THE BILLS

A motion to approve the payment of the presented bills and expenses was made by Mr. Dick. Seconded by Mr. Cherry. All yea.

EXECUTIVE SESSION

A motion to enter executive session to discuss pending litigation was made by Mr. Ausman. Seconded by Mr. Hutchinson. By roll: Mr. Ausman "yea", Mr. Hutchinson "yea", Mr. Houlihan "yea", Mr. Cherry "yea", Mr. Dick "yea". 7:44 p.m.

A motion to enter regular session was made by Mr. Hutchinson. Seconded by Mr. Dick. By roll: Mr. Hutchinson "yea", Mr. Dick "yea", Mr. Ausman "yea", Mr. Houlihan "yea", Mr. Cherry "yea". 7:52 p.m.

A motion to adjourn was made by Mr. Ausman. Seconded by Mr. Houlihan. All yea. 7:55 p.m.

Mayor John Swarthout

Angel Burton, Fiscal Officer