

**VILLAGE OF SEVILLE**  
**Minutes January 10, 2011**

The meeting was called to order at 7:00 PM by Mayor Carol Carter. The meeting began with the pledge of allegiance. A prayer followed.

Present:

Barb Schwartz          Roger Kilgore          James Lovejoy  
Richard Barbera      Rick Stallard          Kathy Rhoads  
Carol Carter-Mayor   James Carrick-Fiscal Officer   Ted Lesiak-Solicitor

Absent: None

Mayor Carter gave out the committee appointments for the year. A copy of the appointments is attached. There was a brief discussion concerning mandatory attendance and recommended attendance.

Mrs. Schwartz said she had e-mailed the Mayor on December 30<sup>th</sup> of 2010 stating that she could not serve on the Cemetery Committee again this year. After a brief discussion Rick Stallard said he would take the committee assignment in place of Mrs. Schwartz. There was still a need for a village resident to sit on the public records committee but the Mayor indicated she was searching for someone to fill the need.

Mr. Kilgore stated his disappointment that Mrs. Schwartz would not chair the finance committee this year. He felt she had done a good job and he asked the Mayor why Mrs. Schwartz was not appointed to the same position this year. The Mayor stated that these were her decisions and that she did not owe anyone an explanation for her choices.

Don Burson was sworn in as Chief of Police.

John Sobczak was sworn in as Street/Parks Superintendent.

Mrs. Schwartz made a motion to approve the minutes from the December 13<sup>th</sup> council meeting. The motion was seconded by Mr. Lovejoy. The motion passed unanimously. Mr. Stallard made a motion to approve the minutes from the December 20<sup>th</sup> council meeting. The motion was seconded by Mr. Lovejoy. The motion passed unanimously. Mr. Lovejoy made a motion to approve the minutes from the December 28<sup>th</sup> council meeting. The motion was seconded by Mr. Stallard. The motion passed unanimously.

Mr. Stallard made a motion to approve the payment of the bills. The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

Nancy Girton from the Medina County Auditor's Office gave a brief presentation. She placed a newsletter on the table in the rear of council chambers that contains information on the current happenings in the Auditor's Office.

She also said renewals for dog licenses are due by January 31, 2011.

Fiscal Officer Jim Carrick announced that a representative from CCA will be at the Village Hall on March 10<sup>th</sup> from 1:00 PM to 7:00 PM to help residents with their taxes.

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Baseball and softball sign-ups will be held at the Village Hall on February 19<sup>th</sup> and 20<sup>th</sup> from noon to 4:00 PM.

Jeff Plumer has suggested an increase in insurance in the amount of \$432.00. It will be discussed at the next finance meeting.

There was a brief discussion concerning having the correct people bonded for check signing. The Fiscal Officer will make sure that the correct people are bonded.

Privilege of the floor:

Courtney Harlan, the Director of The Seville Food Pantry, said that the food pantry has given out over 8,000 pounds of food so far. All of the Pantry's bills have been paid and two new energy efficient coolers have also been purchased.

Gene Sulzener had several comments concerning committee appointments. He said there was not an even distribution of assignments. He also asked if the Mayor had communicated with council members concerning interest, availability and qualifications for assignments prior to making the assignments. Mayor Carter answered "no". He also stated the Mayor's position was not the equivalent of a CEO. Mr. Sulzener said that several residents had formed a concerned citizens public action committee and that the committee would be keeping a watchful eye on the Mayor. He further stated that a petition to recall the Mayor was not being circulated at this time, however there is a potential that one could be circulated in the future.

Al Pipa had questions concerning resolution 2011-2. He asked if The Village had ample money why it was necessary to ask for advances on real estate taxes. Fiscal Officer Jim Carrick explained that it was not necessary for The Village to ask for advances but the money would be earning interest for The Village until it was needed. This seemed better than letting the County Auditor earn the interest. Mr. Carrick admitted that because the interest rates are low the amount of interest earned would be minimal but even a small amount is better than nothing.

Sue Frey asked about dismantling of the police department. Mayor Carter said that was not true. Mr. Barbera said the Sheriff was contacted to provide additional support while the police department was short-handed. Mrs. Frey also asked about her public records request. Ted Lesiak said that the request was prepared and she could pick up the records at any time. She also reminded everyone that all e-mails are public records. Mrs. Frey also questioned whether the appointing of Rick Stallard to the Zoning Committee is a conflict of interest because Mr. Stallard works for the company that is marketing the property along Route 3. Mr. Stallard said that he is an independent contractor and has absolutely no financial stake in the property. He further stated that in taking his seat on council he actually gave up some money because it would be illegal to be affiliated with certain land deals.

Sandy Bridenthal asked what the Mayor's goals were for the coming year. The Mayor said she wanted to improve communications with council members. She also wanted to improve the Police Department. She also wanted to improve the look of the Village by beautifying the Village through zoning.

Leslie Miller asked if the Mayor would reconsider any of the committee assignments. The Mayor said she would not change the assignments. Mrs. Miller asked if it was necessary to swear in the police chief. Ted Lesiak said it was not necessary to swear in the police chief, but The Auditor said that he should be sworn in. Mrs. Miller has also

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called the Ohio Ethics Commission concerning the issue of Rick Stallard being on the zoning committee. Mr. Stallard had no problem with that. Billie Carter, husband of the mayor, chastised the people critical of The Mayor saying that those people did not know as much as they think they know. He also accused them of trying to bully The Mayor. Mr. Carter felt The Mayor was putting a lot of thought and effort into her job and was doing what she thought was best for the Village. Mr. Carter challenged people to be more positive and that if anyone did not like the way The Mayor was handling her duties that they should run for office.

**Solicitor's Report:**

Mr. Lesiak said:

“Mr. Kilgore, before the meeting, asked me a question and I told him I would bring it up and let you, give you some clarification on this. There have been some accusations with regard to ethical issues with regard to Council Members and I wanted to be clear with regard to what my role in that is. I do not give opinions as to whether or not someone is acting in an unethical manner on this Council or any other Public Officer in this Village and there is a reason for that. As was just said, “I called the Ethics Commission”. The Ethics Commission is the arbiter of whether or not someone has acted in an unethical manner. I am not, and the reason that I do not give an opinion is because the Ethics Commission could determine that someone has or they believe that there is probable cause that someone has acted in an unethical manner. If that's the case, they may request that I do something about that be it a criminal matter or just to remove that officer from office and that is why I do not give you opinions. However; Mr. Kilgore told me how he is dealing with it and I would give you the same advice that he took upon himself. I believe that if you have a question, you should contact your own personal counsel to determine whether or not you are clear with regard to ethical issues and I believe Mr. Kilgore's done that and I believe it was a very good idea.”

**COMMITTEE REPORTS:**

Finance – Mrs. Schwartz gave a synopsis of the current committee activity. Copies of the minutes of the committee meetings are available from the fiscal officer.

Government- Mr. Barbera went over the last government committee meeting. Copies of those minutes are available from the fiscal officer.

Zoning & Planning-Mr. Stallard reported on the current activity of the zoning committee.

Streets-Mr. Kilgore went over the minutes of the last street committee meeting. The minutes are available from the fiscal officer.

Safety – Mr. Barbera provided a synopsis of the safety committee meeting. Copies of the minutes to that meeting are available from the fiscal officer.

Parks- Mr. Lovejoy gave the minutes to the last park committee meeting. Copies of the minutes to that meeting are available from the fiscal officer.

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Utilities-Mrs. Rhoads summarized the utility committee actions. BOPA minutes are available from the fiscal officer.

Cemetery-Mrs. Schwartz reviewed the actions of the cemetery committee.

Technology- None

Ordinances under consideration:

Mr. Lovejoy moved to untable ordinance 2010-50. The motion was seconded by Mr. Stallard. The motion passed unanimously.

ORDINANCE NO. 2010-50

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO AMENDING SECTION 704(A) OF THE SEVILLE ZONING CODE ADOPTED IN ORDINANCE NO. 2007-12 WITH REGARD TO SIGNS

(3<sup>rd</sup> reading)

Mr. Stallard moved to adopt the ordinance. The motion was seconded by Mr. Lovejoy. The motion passed unanimously and the ordinance was adopted.

ORDINANCE NO. 2010-70

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO, ESTABLISHING AN INDIGENT BURIAL POLICY

The 2<sup>nd</sup> reading was completed. No further action was taken.

ORDINANCE NO. 2010-74

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO AMENDING THE RULES OF ORDER OF THE COUNCIL OF THE VILLAGE OF SEVILLE AND DECLARING AN EMERGENCY.

(1<sup>ST</sup> READING)

Mr. Stallard moved to add emergency language. The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

Mr. Lovejoy moved suspend the three reading rule. The motion was seconded by Mrs. Rhoads. The motion passed unanimously.

Mr. Lovejoy moved to adopt the ordinance. The motion was seconded by Mr. Stallard. The motion passed unanimously and the ordinance was adopted.

ORDINANCE NO. 2010-76

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO REPEALING ORDINANCE 2007-72 ESTABLISHING A PUBLIC RECORDS POLICY FOR THE VILLAGE AND ESTABLISHING A NEW PUBLIC RECORDS POLICY FOR THE VILLAGE, AND DECLARING AN EMERGENCY.

(1<sup>st</sup> reading)

Mr. Lovejoy moved to add emergency language. The motion was seconded by Mrs. Rhoads. The motion passed unanimously.

Mrs. Schwartz moved suspend the three reading rule. The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

Mr. Stallard moved to adopt the ordinance. The motion was seconded by Mr. Lovejoy. The motion passed unanimously and the ordinance was adopted.

ORDINANCE NO. 2011-01

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AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO, AUTHORIZING THE MAYOR AND THE CLERK TO RENEW A CONTRACT WITH ANTHEM BLUE CROSS AND BLUE SHIELD FOR HEALTH INSURANCE COVERAGE FOR VILLAGE EMPLOYEES.

The first reading was completed. No further action was taken.

ORDINANCE NO. 2011-02

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A CONTRACT FOR LIFE INSURANCE COVERAGE FOR THE VILLAGE EMPLOYEES.

(1<sup>st</sup> reading)

The first reading was completed. No further action was taken.

ORDINANCE NO. 2011-03

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO, APPROVING, ADOPTING AND ENACTING THE 2011 EDITION OF THE MODEL OHIO MUNICIPAL CODE, PUBLISHED BY THE AMERICAN LEGAL PUBLISHING CORPORATION, FOR THE VILLAGE OF SEVILLE, OHIO; REPEALING ORDINANCES IN CONFLICT THEREWITH; AND PUBLISHING THE ENACTMENT OF NEW MATTER.

(1<sup>st</sup> reading)

The first reading was completed. No further action was taken.

ORDINANCE NO. 2011-04

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO, AMENDING THE VILLAGE OF SEVILLE'S SALARY AND BENEFITS CODE RELATED TO WAGES FOR THE YEAR 2011.

(1<sup>st</sup> reading)

The first reading was completed. No further action was taken.

ORDINANCE NO. 2011-05

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO AUTHORIZING THE APPLICATION OF THE INDUSTRIAL MIXED OVERLAY DISTRICT TO VARIOUS PROPERTIES WITHIN THE VILLAGE.

(1<sup>st</sup> reading)

The first reading was completed. No further action was taken.

ORDINANCE NO. 2011-06

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO, AMENDING THE 2011 APPROPRIATION ORDINANCE NO. 2010-61.

(1<sup>st</sup> reading)

Transfer ordinance for building payments

Mrs. Schwartz moved suspend the three reading rule. The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

Mr. Stallard moved to adopt the ordinance. The motion was seconded by Mr. Lovejoy.

The motion passed unanimously and the ordinance was adopted.

ORDINANCE NO. 2011-07

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO, AMENDING THE 2011 APPROPRIATION ORDINANCE NO. 2010-61.

(1<sup>st</sup> reading)

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Mr. Stallard moved suspend the three reading rule. The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

Mrs. Schwartz moved to adopt the ordinance. The motion was seconded by Mr. Lovejoy. The motion passed unanimously and the ordinance was adopted.

**ORDINANCE NO. 2011-08**

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO, AUTHORIZING THE SUPERINTENDENT OF THE BOARD OF PUBLIC AFFAIRS TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT ON BEHALF OF THE VILLAGE OF SEVILLE FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WASTEWATER FACILITIES; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN.

The 1<sup>st</sup> reading was completed. No further action was taken.

**Resolutions**

**RESOLUTION NO. 2011-01**

A RESOLUTION OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO DECLARING IT NECESSARY TO CONSTRUCT AND/OR REPAIR CERTAIN SIDEWALKS.

The 1<sup>st</sup> reading was completed. No further action was taken.

**RESOLUTION NO. 2011-02**

A RESOLUTION OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO APPLY FOR ADVANCES IN TAXES RECEIVED FROM THE MEDINA COUNTY AUDITOR FOR THE FIRST HALF OF THE TAX YEAR 2011 AND DECLARING AN EMERGENCY.

(1<sup>st</sup> reading)

Mrs. Schwartz moved to add emergency language. The motion was seconded by Mrs. Rhoads. The motion passed unanimously.

Mr. Stallard moved suspend the three reading rule. The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

Mr. Stallard moved to adopt the ordinance. The motion was seconded by Mr. Lovejoy. The motion passed unanimously and the ordinance was adopted.

**Old business**

Mrs. Schwartz asked which council members had not completed their NIMS training. It was determined that Mrs. Rhoads and Mr. Lovejoy had not yet completed the training but they would make arrangements to complete the training.

She also asked about the possibility of Schneider reopening their terminal in Seville. Stan Sheetz said that there were no new developments but he would advise council if there was anything to report in the future.

Leslie Miller asked about the Gary Eichler flag pole. She said that there was no light on the flag and it should be taken down at night. It was determined that there was a light that apparently was not operating properly. The matter was referred to Jon Sobczak for resolution.

**New business**

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All committee reports must be in writing according to the rules of council and approved by the committee. This is not always being done.

Mrs. Rhoads has asked for a safety committee work session for January 26<sup>th</sup> immediately after the streets committee meeting and a technology work session on January 18<sup>th</sup> immediately after the finance meeting.

Mr. Stallard moved to adjourn. The motion was seconded by Mrs. Rhoads. The motion passed unanimously.

The meeting was adjourned at 8:45 PM.

  
CAROL CARTER - MAYOR

  
JAMES CARRICK-FISCAL OFFICER