

**VILLAGE OF SEVILLE
COUNCIL MEETING
September 12, 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 Kathy Rhoads Rick Stallard
Ted Lesiak-Solicitor Carol Carter-Mayor

Absent: none

Mr. Lovejoy moved to accept numerous donations for flags. A list of the donations is attached. The motion was seconded by Mr. Barbera. The motion passed unanimously.

Mr. Stallard moved to accept a donation from First Baptist Church for the use of the Pavilion (\$25.00). The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

Mr. Lovejoy moved to accept a donation from the Detwiler Family for the use of the pavilion (\$50.00). The motion was seconded by Mr. Stallard. The motion passed unanimously.

Mrs. Rhoads moved to accept a donation from United Friends Class for the use of the pavilion (\$25.00). The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

Mr. Stallard moved to approve the minutes from the 08-08 regular council meeting with the change showing Mrs. Rhoads was not present at the meeting. The motion was seconded by Mr. Lovejoy. The motion passed unanimously with the exception of Mrs. Rhoads who abstained. Later in the meeting Mrs. Rhoads moved to accept the original minutes as written when she discovered she was in attendance at the August 8th meeting. The motion was seconded by Mr. Stallard. The motion passed unanimously and the minutes were approved as originally presented.

Mr. Lovejoy moved to approve the minutes from the 08-22 special council meeting. The motion was seconded by Mr. Stallard. The motion passed unanimously.

Mr. Lovejoy moved to approve the bills paid from 08-09 to 09-12. The motion was seconded by Mr. Barbera. The motion passed unanimously.

Dick Detwiler from the Friends of Seville/Guilford Schools gave a presentation to Council. The group is working on possible uses for the Seville Elementary School. The school is scheduled to close in January of 2012. A copy of the presentation is attached. The school system can sell the property if they wish.

Nancy Girton from The Medina County Auditor's Office gave her monthly report. The Auditor's Office is conducting re-appraisals and will notify the police when they will be in the Seville area. She also said that she will be retiring at the end of the year but her replacement is currently being trained to take over. The 17th annual top dog essay contest for fourth graders is currently being held.

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Privilege of the floor

Village resident Al Pipa gave an example of the type of people that are currently being helped at The Seville Food Pantry. The Food Pantry has helped over three thousand people since they opened.

Village resident John Clevidence said he believed that Council should vote to allow the Food Pantry to continue to operate in the current location.

Mr. Stallard moved to go into an executive session of Council for the purpose of discussing legal and contract issues with the Mayor and the Solicitor being invited. He also asked that the Mary Anne Rogers, Courtney Harlan, Jim Woodring, representatives of the Seville Food Pantry, be available should they be called into the executive session. The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

Executive Session began at 7:40 PM.

Mr. Barbera moved to return from executive session. The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

Council returned from Executive Session at 8:40 PM.

Solicitor's Report

Mr. Lesiak gave the background and current status of the nuisance house at 83 West Main Street. Chase Bank is not showing any sign that they tear the building down. The Village does have the legal authority to tear the house down if Council is so inclined. This would be done at Village expense. Contractors will need to be contacted to see what the expense would be to tear the house down and whether it will require a public bid process.

Summary of committee activity:

Finance-Mr. Barbera gave the Finance Committee Report. The Committee is currently working on 2012 budgets and developing a 5 year appropriation plan.

Government-Mr. Barbera gave the report. The committee is exploring better ways to have residents have the opportunity to express their concerns at council meetings.

Zoning-Mr. Stallard reported that a shed on Homestead Street that was encroaching on a property line has been moved. Zoning recommended to Council that they move forward with appropriate action concerning the house at 83 West Main. BMT Firearms has opened a store at 115 Greenwich.

Safety- Mrs. Rhoads said that the committee has decided on a candidate for the open patrolman position and will make the recommendation during old business.

Parks-The last spraying for mosquitoes has been completed. The new truck will be arriving soon. The roof at the Leohr Park pavilion has been repaired. Donations for flags continue to come in. The advertisement for the sale of firewood will be in the papers in September.

Utilities-Mr. Lovejoy said a resident asked about installing solar panels at his residence. Brian Schwartz is fixing the computer problems that the BOPA office computers were experiencing.

Technology-Mrs. Rhoads said that the committee is recommending that council adopt resolution 2001-08 to advertise the bid specifications for information technology services.

Streets-The department budget for 2012 was reviewed. Street repairs are ongoing

Cemetery-Mr. Stallard made a brief report.

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Ordinances under consideration:

Ordinance 2011-22 remain tabled.

ORDINANCE NO. 2011-22
AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO
REGULATING AMUSEMENT ARCADES.

Ordinance 2011-41 remained tabled.

ORDINANCE NO. 2011-41
AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO
AMENDING THE RULES OF ORDER OF THE COUNCIL OF THE VILLAGE OF
SEVILLE.

Mrs. Schwartz made a motion to table ordinance 2011-42. The motion was seconded by Mr. Lovejoy. The motion passed unanimously. A public hearing will be held prior to the next council meeting for ordinance 2011-42.

ORDINANCE NO. 2011-42
AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO
AUTHORIZING THE APPLICATION OF SECTION 608, THE COMMERCIAL MIXED
OVERLAY DISTRICT TO PPN 012-21A-17-080 WITHIN THE VILLAGE.

ORDINANCE NO. 2011-45
AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO,
AMENDING ORDINANCE 2005-59 ESTABLISHING AN EMPLOYEE HANDBOOK
SETTING FORTH THE PERSONNEL POLICIES AND PROCEDURES FOR VILLAGE
EMPLOYEES TO AMEND THE ON-CALL PAY SECTION FOR BOARD OF PUBLIC
AFFAIRS EMPLOYEES

The third reading was completed. Mr. Stallard moved to adopt ordinance 2011-45. The motion was seconded by Mrs. Schwartz. The motion passed unanimously.

ORDINANCE NO. 2011-47
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.

The second reading was completed. Mr. Stallard moved to add emergency language to ordinance 2011-47. The motion was seconded by Mr. Lovejoy. Voting for the motion were Mr. Stallard and Mr. Lovejoy. Voting against the motion were Mr. Barbera, Mr. Kilgore, Mrs. Schwartz and Mrs. Rhoads. The motion failed. No further action was taken by council.

Mr. Stallard moved to table ordinance 2011-48. The motion was seconded by Mrs. Schwartz. The motion passed unanimously.

ORDINANCE NO. 2011-48
AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO,
AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A LICENSE
AGREEMENT WITH SEEK AND THE GIANT FEST COMMITTEE.

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ORDINANCE NO. 2011-50

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO AN AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF MEDINA COUNTY, OHIO RELATIVE TO THE PURCHASE OF MATERIALS.

The first reading was completed.

ORDINANCE NO. 2011-51

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO, AMENDING ORDINANCE 2010-46 AND 2010-54 AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A LICENSE AGREEMENT WITH THE SEVILLE UNITED METHODIST CHURCH FOR THE USE OF THE OLD VILLAGE HALL, AND DECLARING AN EMERGENCY.

The first reading was completed. Mr. Stallard moved to add emergency language to ordinance 2011-51. The motion was seconded by Mr. Lovejoy. Voting for the motion were Mrs. Schwartz, Mrs. Rhoads, Mr. Barbera, Mr. Lovejoy and Mr. Stallard. Voting against the motion was Mr. Kilgore. Emergency language was added by a 5-1 vote.

Mr. Stallard moved to suspend the three reading rule for ordinance 2011-51. The motion was seconded by Mrs. Rhoads. The motion passed unanimously.

Mr. Stallard moved to adopt ordinance 2011-51 with contract 1 as printed. The motion was seconded by Mr. Lovejoy. Voting for the motion were Mr. Barbera, Mrs. Schwartz, Mr. Kilgore and Mrs. Rhoads. Voting against the motion were Mr. Stallard and Mr. Lovejoy. The ordinance was adopted with contract 1.

ORDINANCE NO. 2011-52

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO, AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO CONTRACTS WITH MAYSVILLE CONTRACTORS, LLC AND MARK'S CLEANING SERVICE, INC FOR THE PROVISION OF MOLD REMEDIATION SERVICES TO THE OLD VILLAGE HALL BUILDING AND DECLARING AN EMERGENCY.

The first reading was completed. Mr. Stallard moved to add emergency language to ordinance 2011-52. The motion was seconded by Mrs. Rhoads. Voting for the motion were Mr. Stallard, Mr. Lovejoy and Mrs. Rhoads. Voting against the motion were Mr. Barbera, Mrs. Schwartz and Mr. Kilgore.

Mrs. Rhoads moved to suspend the three reading rule for ordinance 2011-52. The motion was seconded by Mr. Lovejoy. Voting for the motion were Mr. Stallard, Mr. Lovejoy and Mrs. Rhoads. Voting against the motion were Mr. Barbera, Mrs. Schwartz and Mr. Kilgore.

No further action was taken by council.

Mrs. Rhoads expressed her displeasure with the lack of action taken on ordinance 2011-52

ORDINANCE NO. 2011-53

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

The first reading was completed. Mr. Barbera moved to suspend the three reading rule for ordinance 2011-53. The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

Mr. Lovejoy moved to adopt ordinance 2011-53. The motion was seconded by Mr. Barbera. The motion passed unanimously.

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ORDINANCE NO. 2011-54

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 first reading was completed. No further action was taken by council.

ORDINANCE NO. 2011-55

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO, SETTING FORTH THE NUMBER OF FULL TIME POLICE OFFICERS TO BE EMPLOYED BY THE VILLAGE AND DECLARING AN EMERGENCY.

The first reading was completed. Mrs. Schwartz moved to add emergency language to ordinance 2011-55. The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

Mr. Stallard moved to suspend the three reading rule for ordinance 2011-55. The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

Mrs. Rhoads moved to adopt ordinance 2011-55. The motion was seconded by Mr. Stallard. The motion passed unanimously.

ORDINANCE NO. 2011-56

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO AMENDING §101.02 OF THE VILLAGE OF SEVILLE'S SALARIES AND BENEFITS CODE RELATED TO THE WAGES OF EMPLOYEES OF THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY.

The first reading was completed. Mr. Barbera moved to add emergency language to ordinance 2011-56. The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

Mr. Stallard moved to suspend the three reading rule for ordinance 2011-56. The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

Mr. Stallard moved to adopt ordinance 2011-56. The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

ORDINANCE NO. 2011-57

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO AN AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF MEDINA COUNTY, OHIO AND THE MEDINA COUNTY PUBLIC DEFENDER COMMISSION RELATIVE TO THE COST OF INDIGENT REPRESENTATION.

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

RESOLUTIONS

RESOLUTION NO. 2011-08

A RESOLUTION OF COUNCIL AND OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO AUTHORIZING THE FISCAL OFFICER TO ADVERTISE FOR BIDS FOR INFORMATION TECHNOLOGY SERVICES AND DECLARING AN EMERGENCY.

The first reading was completed. Mrs. Rhoads moved to add emergency language to resolution 2011-08. The motion was seconded by Mr. Stallard. Voting for the motion were Mrs. Rhoads, Mr. Stallard, Mr. Lovejoy and Mr. Barbera. Voting against the motion were Mrs. Schwartz and

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Mr. Kilgore. Emergency language was not added.

Mrs. Rhoads moved to suspend the three reading rule for resolution 2011-08. The motion was seconded by Mr. Stallard. Voting for the motion were Mrs. Rhoads, Mr. Stallard, Mr. Lovejoy and Mr. Barbera. Voting against the motion were Mrs. Schwartz and Mr. Kilgore. The three reading rule was suspended.

Mr. Stallard moved to adopt resolution 2011-08. The motion was seconded by Mrs. Rhoads. Voting for the motion were Mrs. Rhoads, Mr. Stallard, Mr. Lovejoy and Mr. Barbera. Voting against the motion were Mrs. Schwartz and Mr. Kilgore. The resolution was adopted.

Old Business:

After a brief discussion Mrs. Rhoads made a motion to hire Scott Phillips for the vacant police patrolman position with the applicable probationary period. The motion was seconded by Mr. Stallard. Voting for the motion were Mrs. Schwartz, Mr. Kilgore, Mrs. Rhoads, Mr. Stallard and Mr. Barbera. Voting against the motion was Mr. Lovejoy.

After a brief discussion, Mr. Stallard moved to purchase 52 flags out of the park donation budget. The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

Mr. Stallard made a motion to add the zoning issue surrounding 83 West Main Street to the agenda. The motion was seconded by Mrs. Rhoads. The motion passed unanimously. There was a discussion concerning the ongoing issue at 83 West Main Street. Mr. Stallard made a motion to have the Fiscal Officer to get at least 31 estimates for the cost to tear the house down. The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

There was a discussion about the need for the position of building inspector for the Village. Mr. Lesiak will check on the legal issues for hiring a building inspector. Mrs. Rhoads recommended the issue be sent to the government committee for further review.

Mayor Carter announced that Giant Fest will be on Saturday from 10AM to 6PM. There is also a POW/MIA ceremony at Western Reserve Cemetery this Saturday.

Several members of the audience spoke critically of Council's decision concerning the Seville Food Pantry contract.

Mrs. Rhoads said her vote concerning the Food Pantry was based on her concerns about putting Village assets at risk for a rental agreement.

The meeting adjourned at 10:03 PM



CAROL CARTER
MAYOR



JAMES CARRICK-FISCAL OFFICER
FISCAL OFFICER