

VILLAGE OF SEVILLE
Minutes September 13, 2010

The meeting was called to order at 7:02 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 Carol Carter- Mayor
James Carrick-Fiscal Officer Ted Lesiak-Solicitor

Absent: Rick Stallard

Mr. Lovejoy made a motion to approve the minutes from the August 09 council meeting. The motion was seconded by Mr. Barbera. The motion passed unanimously.

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

Food Pantry discussion

Courtney Harlan spoke concerning the food pantry contract with The Village of Seville for the old city hall building. Mayor Carter explained that the idea of putting a separate meter on the building so that the Food Pantry could be billed by BOPA for utility use was not feasible. Council cannot decide on the payment for electric, water and sewer use, only The Board of Public Affairs can decide that. Solicitor Ted Lesiak explained that until BOPA has determined the billing procedure, council should not enter into any agreement with the Food Pantry. Mr. Harlan said that if the Food Pantry was not there, the Village would still be liable for any utility costs. Nancy Boomhower asked why the Village could not charge the Food Pantry for the utilities. Mr. Lesiak explained that the Village could do that but without knowing what the amount would be, it exposed the Village to potentially having to use general fund money to pay the utility bill. Mrs. Boomhower said that the contract could be adjusted if the \$100.00 per month offer was not sufficient to cover the utility costs. There was a discussion concerning the possible tax change on the building. Mr. Harlan emphasized that the Food Pantry was not using any money from the Methodist church to pay for utilities. Mr. Lesiak said that if Council wanted to move forward on this issue at this meeting, an agreed upon amount to cover rent and utility costs should be decided upon tonight. Mrs. Schwartz pointed out that it was not just utility usage but what the billing amount would be that would affect council's decision. Mr. Harlan said that 60-70 percent of the funding for the Food Pantry would be coming from outside the village. He also noted that he has a limit for utility expenses in order to receive some of the grant money he had applied for and \$1,200.00 per year was the limit. Mrs. Woodring said the Food Pantry was a non-profit organization and she felt the Village should be responsible for all of the costs of the Food Pantry. She said that God expected the Village to feed the people that needed to be fed. Mrs. Rhoads said council's hands were tied until BOPA came up with an amount. Mr. Barbera said that he was uncomfortable with using public funds on this project and he would support the Food Pantry as long as it was self-sustaining. He also said that there could be problems down the road for the Village with other groups asking for the same considerations from the

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Village. The Mayor pointed out that the Food Pantry was not using the entire building. Larry Landis brought up the kilowatt tax but Mayor Carter felt that the kilowatt hour tax should be left alone. Mrs. Rhoads suggested having a combined meeting with BOPA on Monday in order to work out the final details. The meeting could be advertised in plenty of time to hold a special meeting. Mrs. Boomhower said the basement area of the building was not being used by the Food Pantry. She also said that her home utility usage was more than what the Food Pantry's would be and her bills were less than the \$100.00 per month figure. Mrs. Schwartz said that there were too many variables with BOPA and that the meeting with them would clear up many of the problems being discussed. Maryann Rogers said going back to BOPA may not help because the Food Pantry cannot spend more than the \$100.00 figure being discussed. She asked that the Village be fair in their assessment of costs. Mr. Lovejoy read a letter from Mr. Stallard that was in support of the Food Pantry. A copy is attached to these minutes. Stan Sheetz said that the contract could be re-evaluated at the end of one or two years. The council could pass it as a conditional measure. Al Pipa said the current bills averaged less than \$100.00 per month including gas. The Mayor asked if there was something council could do to solve the issue. Mrs. Rhoads said that this could be solved at the Monday night joint meeting. Mr. Lesiak re-iterated that if the Village gave any special considerations to the Food Pantry, the Village would be obligated to give those considerations to anyone that asked for them. Mr. Weston asked how close the Food Pantry was to opening and would delaying the vote seriously affect the Food Pantry. Mr. Harlan said that it would affect the Food Pantry because he had inspections scheduled for licensing. Mrs. Schwartz said that the questions she was asking were to make sure that both of the parties were protected in the future.

Mr. Lesiak said the Methodist Church would not be responsible for anything more than the \$100.00 per month fee. Mrs. Schwartz asked about the maintenance of the building and trash renewal. The Village would be responsible for maintenance and the Food Pantry would take care of trash removal. It was agreed that a special meeting on Monday night September 20th would be the best way to solve the issues being discussed.

Nancy Girton of the Medina County Auditors said that there is assistance for anyone facing home foreclosure. Anyone needing assistance should contact the Auditor's office. There are 84 homes up for sheriff sale in October. There is a design contest for the new auditor stickers for gas pumps and other measuring devices throughout the county. High school student are being asked to submit ideas for the new stickers.

Privilege of the floor
None

Solicitor's Report
None

COMMITTEE REPORTS:

Finance – Mrs. Schwartz gave a synopsis of the August 16nd and September 7th committee meetings. Copies of those minutes are available in the fiscal officer's office.

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

Zoning & Planning-Mr. Stallard was absent so there was no report.

Streets-Mr. Kilgore went over the minutes of the last street committee meeting. The minutes are available in the fiscal officer's office.

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

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

Utilities-Mrs. Rhoads summarized the utility committee actions. BOPA minutes are available in the fiscal officer's office.

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

LEGISLATION UNDER CONSIDERATION:

ORDINANCE NO. 2010-36

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO ADOPTING SECTION 1501(C) OF THE SEVILLE VILLAGE ZONING CODE WITH REGARD TO THE BOARD OF ARCHITECTURAL REVIEW.

(3rd reading)

Mrs. Schwartz made a motion to untable the ordinance. The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

Mrs. Schwartz made a motion to withdraw the ordinance from consideration. The motion was seconded by Mr. Lovejoy. The motion passed unanimously and the ordinance was withdrawn.

ORDINANCE NO. 2010-41

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO LIMITING THE NUMBER OF EMPLOYEES IN THE POSITION OF STAFF SERGEANT OF THE VILLAGE.

(2nd reading)

No action was taken and the ordinance remained tabled.

ORDINANCE NO. 2010-42

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO RENEW AN AGREEMENT WITH CLEMANS, NELSON & ASSOCIATES, INC., FOR CONSULTING SERVICES RELATIVE TO EMPLOYEE HUMAN RESOURCES.

(3rd Reading)

Mr. Lovejoy made a motion to adopt the ordinance. The motion was seconded by Mr. Barbera. The motion passed unanimously and the ordinance was adopted.

ORDINANCE NO. 2010-50

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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.

(2nd reading)

No action was taken on the ordinance.

ORDINANCE NO. 2010-52

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

(1st reading)

No action was taken on the ordinance.

ORDINANCE NO. 2010-53

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO AUTHORIZING THE SUPERINTENDENT OF THE BOARD OF TRUSTEES OF PUBLIC AFFAIRS TO APPROVE THE EXECUTION OF AN EFFICIENCY SMART POWER PLANT SCHEDULE-GORSUCH PARTICIPANT WITH AMERICAN MUNICIPAL POWER, INC., AND DECLARING AN EMERGENCY.

(1st reading)

Mrs. Rhoads made a motion to add emergency language. The motion was seconded by Mr. Barbera. Voting for the motion were Mrs. Schwartz, Mr. Barbera, Mrs. Rhoads and Mr. Kilgore. Voting against the motion was Mr. Lovejoy. The motion passed.

Mrs. Rhoads made a motion to suspend the three reading rule. The motion was seconded by Mr. Barbera. Voting for the motion were Mrs. Schwartz, Mr. Barbera, Mrs. Rhoads and Mr. Kilgore. Voting against the motion was Mr. Lovejoy. The motion passed.

Mrs. Rhoads made a motion to adopt the ordinance. The motion was seconded by Mr. Kilgore. Voting for the motion were Mrs. Schwartz, Mr. Barbera, Mrs. Rhoads and Mr. Kilgore. Voting against the motion was Mr. Lovejoy. The motion passed and the ordinance was adopted.

***It was discovered after the meeting that it requires a yes vote by 5 members of council to add emergency language to an ordinance. The motion received only 4 yes votes so the emergency language could not be added and the ordinance could not be passed at this meeting. A special council meeting was later called to reconsider the ordinance.

ORDINANCE NO. 2010-54

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

(1st reading)

No action was taken on the ordinance.

ORDINANCE NO. 2010-55

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO AMENDING THE VILLAGE OF SEVILLE'S ZONING MAP TO CHANGE THE ZONING CLASSIFICATION ON VILLAGE PERMANENT PARCEL NUMBER 012-

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21A-07-159 FROM ITS CURRENT CLASSIFICATION.

(1st reading)

No action was taken on the ordinance.

ORDINANCE NO. 2010-56

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO AMENDING THE VILLAGE OF SEVILLE'S ZONING MAP TO CHANGE THE ZONING CLASSIFICATION ON VILLAGE PERMANENT PARCEL NUMBERS 12-21A-04-033, 12-21A-04-034 AND 12-21A-05-098 FROM ITS CURRENT CLASSIFICATION.

(1st reading)

No action was taken on the ordinance.

ORDINANCE NO. 2010-57

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO, AMENDING THE 2010 APPROPRIATION ORDINANCE NO. 2010-01.

(Transfers 32,800.00 from general fund to police operating fund)

(1st reading)

Mrs. Rhoads made a motion to suspend the three reading rule. The motion was seconded by Mrs. Schwartz. The motion passed unanimously.

Mrs. Schwartz made a motion to adopt the ordinance. The motion was seconded by Mrs. Rhoads. The motion passed unanimously and the ordinance was adopted.

ORDINANCE NO. 2010-58

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO, AMENDING THE SANITARY SEWER USE ORDINANCE, AS AMENDED, AND DECLARING AN EMERGENCY.

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

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

Mr. Lovejoy made a motion to adopt the ordinance. The motion was seconded by Mrs. Rhoads. The motion passed unanimously and the ordinance was adopted.

Resolutions

RESOLUTION NO. 2010-09

A RESOLUTION OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO AUTHORIZING AND DIRECTING THE SUPERINTENDENT OF THE VILLAGE OF SEVILLE BOARD OF PUBLIC AFFAIRS TO APPLY FOR PARTICIPATION IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND DECLARING AN EMERGENCY.

(1st reading)

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

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

Mrs. Rhoads made a motion to adopt the ordinance. The motion was seconded by Mr. Lovejoy. The motion passed unanimously and the ordinance was adopted.

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Old business

None

New business

None

Mrs. Rhoads made a motion to enter executive session to discuss potential litigation issues. The motion was seconded by Mr. Lovejoy. The motion passed unanimously and executive session began at 8:40 PM.

Mrs. Rhoads made a motion to return from executive session at 8:49 PM. The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

Mr. Barbera moved to adjourn. The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

The meeting was adjourned at 8:50 PM.

CAROL CARTER - MAYOR

JAMES CARRICK-FISCAL OFFICER