

Mayor Opelt called the regular meeting of Council to order on Tuesday, April 5, 2005 at 7:30 p.m. He offered a prayer followed by the Pledge of Allegiance to the Flag.

Present for roll call were Panning, Vandersall, Sharp, Brann, Donaldson and Barnes. Also attending the meeting were Police Chief/Personnel Supervisor, Robert Vespi; Solicitor, Michael Marsh; BPA members Charles Aring, Chuck Schulte and Nelson Busdeker; Adam Wright from the Sentinel-Tribune and residents-- R. Nigel & Trudy Davies, Larry Moore, Mike & Tracy Griswold, Homer Bejarano, Eric Campbell, Bud Kahler, Kathy Barnes, Joanne Busdeker, Don & Teri Gentry.

The minutes from March 15, 2005 were reviewed. As there were no additions or corrections, the minutes stand approved as submitted.

Bills in the amount of \$16,906.94 were presented for approval of payment. Brann moved, seconded by Vandersall, to pay the bills. The motion carried unanimously.

BPA-Members attended the Council meeting to discuss their concerns with Ordinance #1315, Reinstating Payment Requirements from the Sewer Fund to the General Fund. They asked why after two and one half years Council was changing their minds, they do not feel it is right to go back in history and this would make the improvements they are trying to make to the sewer system more difficult. Sharp responded that we are experiencing a decline in the General Fund and are in a position where we have to do something and there would be no other way to get that \$135,000.00 back. Panning suggested the Ordinance be tabled and the BPA and Council work together on this with members making suggestions on ways to save money. They will meet Monday, May 2, at 7:00 p.m.

Donaldson brought up the sewage backup in the valley during the flood. Residents would like to know if their backyards are contaminated and would like to have them sprayed. The BPA said that bacteria can't live in cold weather but they will look into it and get more information before committing one way or another. The Griswold's bought the house at 365 E. Front Street last year. They want to know why water came out of the sewer system and their drains and toilets and what we are going to do about it. They also can't flush their toilets when there is a heavy rain. Larry Moore, 355 E. Front Street said that raw sewage comes up out of the cleanout in the valley every time there is a heavy rain. The Mayor said everyone shares their concerns and they will make it a priority to solve the problem. The BPA has a study underway with Feller, Finch & Associates, Inc. to review our sewer operations, our current situation and make recommendations to remedy what we have right now. The Mayor suggested getting another engineering firm to look at this and get a comparison.

Ordinance #1314, Ordinance Accepting Annexation of Approximately 3.8088 Acres from Freedom Township, Trudy E. Davies, Petitioner, had its third reading. Vandersall moved to pass Ordinance #1314. Seconded by Brann, the motion carried unanimously.

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Ordinance #1315, Ordinance Reinstating Advance and Periodic Payment Requirements from the Sewer Fund to the General Fund, had its third reading. Panning moved to table Ordinance #1315. Seconded by Vandersall, the motion carried unanimously.

Ordinance #1316, Ordinance Designating Memorial Park in Its Entirety as a No Smoking Area, had its second reading.

Ordinance #1318, Ordinance Amending Ordinance Number 1134, Concerning Discharges to the Municipal Sewer System, had its first reading.

Resolution #673, Resolution Transferring Previously Appropriated Funds, had its second reading.

Ordinance #1319, Ordinance Amending Ordinance Number 943 Concerning 15 Minute Parking Spaces on Walnut Street, had its first reading.

Ordinance #1320, Ordinance Amending Section 76.10 of the Codified Ordinances of the Village of Pemberville, Concerning Parking Upon Sidewalks, Street Lawns or Curbs, had its first reading.

Ordinance #1321, Ordinance Amending Codified Ordinance Number 76.08 Concerning Parking More than 72 Hours on Village Streets or Alleys, had its first reading.

Ordinance #1322, Ordinance Amending Ordinance Number 318 Passed February 7, 1955, Concerning Regulation of Parking in the Business District of the Village of Pemberville, Ohio, had its first reading.

Ordinance #1323, Ordinance Authorizing the Purchase or Lease/Purchase of a Police Vehicle with Permanent Improvement Funds, had its first reading. The Clerk sent a copy of Ordinance #436 passed in 1965, An Ordinance Establishing a Permanent Improvement Fund, to the State Auditor for an opinion regarding the purchase of a police car out of the Permanent Improvement Fund.

**MAYOR:** Presented a proposal for street cleaning from Dublin. The cost is \$60.00 per hour not to exceed \$600.00 for the first sweep and additional sweeps \$60.00 per hour not to exceed \$360.00. The cost would be approximately \$1,400.00 for the season. It was decided it was not needed this year and would be a way to save money. It was suggested that residents sweep their own curbs and the Street Department will keep the catch basins clean.

Speed bumps were placed on East Street because it was being used as a drag street. The Township Trustees are upset about the speed bumps since part of the road is in the Township and they don't want the liability. Residents Don and Teri Gentry are concerned about the safety of the children and put together a petition to reinstate the speed bumps. They have signatures from nine of the eleven homes on the street. Solicitor Marsh informed Council that there is a state law that says that those maintaining the roads are not permitted to put obstructions in

the right-of-way. If someone hit a speed bump and damaged their car, the Village is liable. He also said the speed bumps were bought to use in alleys. The Solicitor will check with the City of Toledo to find out how they justify the speed bumps on their streets. The Mayor said the Village wants to solve the problem but wants to do it legally.

The purchase verses lease of a police car was discussed. It was voted to lease a car at the last meeting making monthly payments but purchasing it outright would save interest rates. The need for a second car was also discussed. It was decided to stay with the municipal lease and make yearly payments if money is available.

The Mayor has concerns about the BPA spending the money to purchase easements from Davies & Hirzel for property within the 300-foot radius of the north well field. Since letter agreements will be accepted from Burtchin and Dusing, he thinks we should just get a signed agreement with everyone concerned. Solicitor Marsh said that letter agreements are not binding but the best we can do with these two people. The diameter easement is a necessity by EPA rules. The effect of EPA rules is to condemn these people's properties but stuck us with the burden to make the peace with property owners. We have to maintain the clear zone for wells that pre-existed. The EPA could make us quit using the wells so we have to do this. This is the biggest problem the Village has and the BPA is doing the right thing. This is an easement that gives us the right to maintain a clear zone that complies with the EPA so they won't require us to shut down that well field.

**COMMITTEE REPORTS:**

**SHARP:** A lot of topics were discussed by the Lands and Buildings Committee—The welcome signs on the west end of SR 105 is gone and they are looking into a replacement which would include Rodinghausen as Friendship Village; the repair work on the beam above the Opera House is scheduled for sometime this summer; they have a problem with the no smoking ban in Memorial Park regarding shelter house rentals and special events not sponsored by the Village such as the Fair, Danger Brothers concert and Autumn Fest; the gazebo has not been moved from the park; they are working on a request for the Penta County Building Trades classes to build a new gazebo; the restrooms in the old street garage will probably be closed again this fall for the winter; the title search for the Police Station was questioned and they were told one of the options for the old street garage was to make it a police station and the grant required a title search; the carpeting in the Town Hall office needs to be replaced as a future project; the new waste receptacles and benches should be put out as soon as possible and weather protection needs to be applied to the signs on the trail as the wood is starting to split.

The Finance Committee questioned whether we can afford to have Spring Cleanup this year as last years cost was approximately \$3,000.00. It was decided to go ahead with it this year and see if Buckeye Sanitation has some ideas about restricting the amount of stuff people put out.

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We will be looking at alternative plans for our liability insurance.

**BRANN:** Lou Fairbanks, 115 Joyce Avenue, has a spot in her yard that has never grown grass since the sewer project.

Asked about the removal of the sandbags behind the businesses. The Mayor said the Street Department will start taking them to the Little League Diamond the end of this week and finish up next week. The Little League will empty the bags and use the stone. The bags are breaking apart and rotting.

A Planning & Steering Committee needs to be set up for the first part of Tier I. We will be getting \$30,000.00 in grant money for this phase at a cost of \$2,400.00.

The Library would like to display the gifts from Rodinghausen, Germany for a while. There were no objections.

Homer Bejarano aired concerns he has regarding accountability, etc.

As there was no further business to be brought before Council at this time, Brann moved, seconded by Vandersall, to adjourn the meeting at 10:00 p.m.

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Mayor

Clerk