

**VILLAGE OF PEMBERVILLE, OHIO COUNCIL MEETING APRIL 15, 2008**

Mayor Opelt opened the April 15, 2008 meeting at 7 pm. A prayer was offered and the Pledge of Allegiance recited.

**Roll Call:** Miesmer, Bowman, Campbell, Cox and King. Madaras came in late at 8:30 pm. Others present were: Mayor Opelt, Russell Eby, Bud Kahler, Gene Steele, Will Malone from the Sentinel Tribune, Larry O'Brien, Vickie and Jim Knauss and the clerk.

**Minutes:** The minutes of the April 1, 2008 meeting were approved by Council.

**Treasurer's Report:** Bills in the amount of \$7,126.86 were submitted for payment. Cox made a motion to pay the bills and Miesmer seconded. The motion passed unanimously.

**Ordinance #1421 – 3<sup>rd</sup> Reading – ORDINANCE AUTHORIZING PARTICIPATION IN THE 2007 CDBG FORMULA PROGRAM WITH THE BOARD OF WOOD COUNTY COMMISSIONERS, AND AUTHORIZING THE EXPENDITURE OF \$9,525.00 FOR HANDICAP ACCESS IMPROVEMENTS TO THE VILLAGE HALL INCLUDING AN EXTERNAL ADA ACCESS RAMP AND ADA COMPLIANT RESTROOM IMPROVEMENTS IN THE OVERALL CONTRACT TO BE AWARDED BY THE BOARD OF WOOD COUNTY COMMISSIONERS.** Bowman made a motion to pass Ord. #1421 and King seconded. The motion passed unanimously.

**Ordinance #1422 – 2<sup>nd</sup> Reading – ORDINANCE AUTHORIZING THE PURCHASE OF A NEW POLICE CRUISER, INCLUDING EQUIPMENT, AND DECLARING AN EMERGENCY.** King explained to Council the details of purchasing a new 2008 Ford Crown Victory Cruiser at the cost of \$31,584.97 at delivery. A payment plan of two years was also offered at 6.2% interest rate making the total cost at \$32,895.00. The deadline to order was May 12, 2008. Bowman made a motion to suspend the rules and Campbell seconded. The motion passed unanimously. King made the motion to pass Ord. #1422 and pay on delivery the \$31,584.97 to Statewide Ford. Cox seconded the motion and the motion passed unanimously.

**Ordinance #1423 – 1<sup>st</sup> Reading – ORDINANCE TO PROVIDE FOR CLEAN RENTAL HABITATIONS.** Campbell thought that four lines of the ordinance should be removed which requires landlords to provide trash receptacles for their tenants. This would be changed for the second reading.

**Ordinance #1424 – 1<sup>st</sup> Reading – ORDINANCE TRANSFERRING PREVIOUSLY APPROPRIATED FUNDS** – To transfer funds from Swimming Pool Wages to Swimming Pool Professional Services for the two managers service for the 2008 pool season.

**Ordinance #1425 – 1<sup>st</sup> Reading – ORDINANCE PROVIDING SUPPLEMENTAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF PEMBERVILLE, OHIO, DURING THE FISCAL YEAR BEGINNING JANUARY 1, 2008, AND ENDING DECEMBER 31, 2008.** – To appropriate \$53,975 for the Town Hall ADA Restrooms.

**Resolution #695 – 1<sup>st</sup> Reading – RESOLUTION AUTHORIZING THE VILLAGE TO APPLY FOR THE SOLID WASTE DISTRICT GRANT.** Campbell asked if this could be passed as an emergency since the application was due on May 1, 2008. It is planned to use the grant for a new leaf box. Kalida truck has quoted around \$5,000 for a new box. Campbell made a motion to suspend the rules and Cox seconded the motion. The motion passed unanimously. Campbell made a motion to pass Res. #695 and Bowman seconded the motion. The motion passed unanimously.

**Clerk's Report:** None

**Mayor's Report:** The American Legion Post No. 183 requested Council to approve the closing of Memorial Drive on May 21<sup>st</sup> through May 26<sup>th</sup>, for their annual reverse raffle and Danger Brothers Concert. They would also like to use the picnic tables from the park shelter house on Friday and Saturday. Miesmer made a motion to give the American Legion permission for this event and King seconded. The motion passed unanimously.

Mayor reported that the Senior Citizen Center is going like gang busters. There was 41 people in attendance today for lunch. Mayor Opelt invited Council to come for lunch. There is an Open House from 2 to 4 pm on Sunday, April 20<sup>th</sup>. The Program starts at 2:30. Council members will be introduced at the open house. The Wood County Committee on Aging reported that they are extremely pleased with the attendance.

Since Modine Mfg. announced the closing of the Pemberville plant within 18 to 24 months, Mayor Opelt will appoint a Task Force to work on bringing new business to Pemberville. Bowman will lead the group with King assisting him. Citizen volunteers appointed to the group are: Nigel Davies, Denny Henline and Dave Marsh. Council gave the approval of the Task Force and the appointments.

**Miesmer:** There is an Army Corp of Engineers meeting in conjunction with TMACOG's Portage River Basin organization on April 17, 2008 at West Millgrove. The study of the West Lake Erie watershed will be discussed.

Great Lakes Concrete is back working on the swimming pool again.

The Personnel Committee is continuing to update the Personnel Manual.

The Planning Commission will meet on Wednesday, April 16, 2008.

Miesmer questioned the purpose to hold the May 6<sup>th</sup> USGS Presentation and wanted Council to discuss this. Campbell wanted the staff from USGS and ODNR to come to answer questions that Council may have about the benefits of the USGS study. He also reiterated that the Wood County Engineers said in a meeting they will help Pemberville pay for the USGS study, but they have not done so. Others felt that it was poor timing to proceed with the USGS study and the Village did not have available funds to pay for a study that would cost \$24,000. Having the USGS study done would give no guarantee that there would not be a flood in Pemberville. Another argument against the study is that the flood affects 12 homes and five businesses which is a minority of the 400 homes in town. Campbell debated that if Council opted to pass the USGS study now, then we will have a much larger cost to pay later. Cox made a motion to not have the USGS presentation. King seconded the motion. Roll call vote was: Cox – Yes, King – Yes, Miesmer – Yes, Bowman-Yes and Campbell – No. The motion passed.

**Bowman:** The Economic Development Committee will meet on May 7, 2008 at 6:30 pm. They have a lot of ground work to cover for the new Task Force committee.

**Campbell:** Bradley Gilbert from the Emergency Management Agency of Wood County sent a letter about the sand bags that the Village has obtained from them. Campbell will put together the quantities and cost of replacement sand bags. There are 11 bundles of sand bags in the Ford Garage that can be sent back to Emergency Management right away. For flood information, there were about 3,800 sand bags put on the flood barrier.

The CSX ditch near Gene Steele's house is completely obstructed. Campbell contacted CSX to request them to clean it out.

Mosquito spraying quotes were gathered and Fresh Cut Lawn Services came back with the best quote of \$1,350 for the first 6 applications. We can also go up to 12 sprays if needed at the same fixed rate. Campbell made a motion to accept Fresh Cut's quote and Miesmer seconded. The motion passed unanimously.

**Cox:** There are three trees and four stumps that need to be removed. Beeker Landscaping quoted \$1,405. Cox made the motion to have Beeker Landscaping do this work. Campbell seconded. The motion passed unanimously.

Cox expressed how John Lockard, Electric Supervisor, has done an excellent job in removing trees and trimming trees for the Village. Lockard has saved the Village a lot in tree removal costs over the years.

Campbell explained to Council that a resident on 412 Pine Street, Bradley and Christina Yaniga, would like Council to write a letter absolving them of the sidewalks that were improperly replaced last year before they purchased the property. Three Council members decided that the sidewalk on Cedar Street was not done to specifications. If the sidewalks have to be replaced again and then assessed, the Village can only assess the current homeowner. Yaniga does have a signed document making the previous owner responsible for the sidewalk repair. If the homeowner wants Council to act on this problem, they should put their request in writing to Council. Council thought that our attorney, Mike Marsh, should write a letter to the previous owner and have them correct the problem.

Cox reported that the collapsed tile at the Bailey property will be probed by Brian Heestand to determine if it is a sewer line or some other type of drainage line.

The new water plant construction is progressing. They are hoping to have the softeners installed at the new plant and be back in working order by July.

The BPA is in major discussions on the waste water treatment plant.

Senator Sherrod Brown sent a congratulatory letter to the Village for receiving the Tree City USA Award. Three committee members will be attending the Tree City Award Ceremony tomorrow.

**King:** A resident needed information about sidewalk repairs. King asked Campbell to contact the resident.

The newsletter articles would be due by the next council meeting.

**Guests:** Gene Steele asked Gordon Bowman on the status of the grant writer that Council is considering hiring for minimal compensation. Steele would like to see the grant writer hired so the Village can pursue grants for the needs of the Village, especially for the USGS flood study. Steele has written many letters to government officials about the flood problem. He reports that the Federal government wrote and said the flood problems are a state problem. He will continue to write to the officials to get help for the Village.

Larry O'Brien brought up the Perry Street extension problem of potholes. O'Brien thanked Campbell for having the gravel put in the pot holes. However, he said this is a temporary fix and the residents are asking the Village to pave this street. O'Brien says they pay Village taxes and are connected to the sewer and water system. He has lived here for 28 years and feels he has paid for the paving

through his taxes. Vickie and Jim Knauss added to O'Brien's comments. Vickie questioned if there was a survey done when the sewer and waterlines were installed. Council explained to them that this street had to be given to the Village before they can make any paving improvements. The minutes to the September 18, 2007 were read to clarify the issue again. The minutes stated that to have the Village legally maintain the street, the property owners should petition Council to repair the alley and give the street to the Village by collectively deciding how much footage they will give to the Village. They must get a surveyor to write a description and then turn ownership over to the Village. The Village asks for about a 30 foot wide right-of-way. Presently, the residents on this street would have to hire a surveyor and split the costs between them. This has to be done to meet the legal requirements because this street is currently the resident's property. Knauss asked if the residents would give the street to the Village, will the Village require them to put in sidewalks, curbs, street lights, etc. Miesmer suggested to have the residents request the Planning Commission to waive these improvements due to the limitations of the street. Campbell questioned if the survey was necessary and who really owns the right-of-way. He reports that some of the surveyed maps he has looked at shows that the Village may own part of this right-of-way. Mayor responded by saying that Mike Marsh and some Council members have studied this right-of-way problem several times and found that the homeowners on that street own this right-of-way. Mrs. Knauss says that they cannot afford to have a survey done. Mayor Opelt thought that Attorney Mike Marsh should look into the survey information to see what can be determined. Council has to resolve this problem and must do it legally. Mayor asks the residents of Perry Street Extension to get together and proceed to get a quote on surveying the property.

Vickie Knauss also reported that their leaves were not picked up until January 2008. Their brush was not picked up for a long time, also. She felt that for the taxes they pay, they were not receiving Village services like other residents just because of the Perry Street right-of-way problem.

O'Brien brought up that the Moore property is an eye soar and hazardous. There are rodents around the buildings and kids that play around this dangerous area. Council could have the Village force the land owner to clean up this property through the nuisance ordinance. The Village needs to issue a notice and issue a ticket if it is not cleaned up by a specified time. The Village can also contract someone to clean up the property and assess this cost on to the landowner's real estate taxes.

Campbell wanted the Street, Sidewalks, Lands & Building Committee Meeting changed to April 24, 2008 at 5 pm.

There was no other business to discuss, so the meeting was adjourned at 9:00 pm.

Debra L. Cartledge

James R. Opelt

---

Fiscal Officer

Mayor