

**VILLAGE OF PEMBERVILLE  
COUNCIL MEETING  
November 4, 2014**

Mayor Bowman opened the November 4, 2014 council meeting at 7:00pm with a prayer and led those present in the Pledge of Allegiance.

**Roll Call:** Present at the regular meeting of council was Rothenbuhler, Campbell, Long, Opelt, Sautter and Schuerman. Others present were Ed Wozniak, Russell Eby, Joanne Busdeker, Kevin Philips with Capital Telecom, and the clerk.

**Minutes:** Sautter moved and Schuerman seconded to approve the October 21, 2014 regular meeting minutes. Motion passed unanimously.

**Treasurer's Report:** Rothenbuhler moved and Campbell seconded to approve the bills in the amount of \$1,738.69. Long questioned the notes on the Village MasterCard statement. Clerk explained that the a hotel room was reserved for a water treatment class in Put-In-Bay Resort & Conference Center for the continuing education for the Water Superintendent, Landry Sheets. However, when Sheets arrived, he had to use his personal credit card due to not having the Village card with him at the time of check-in. The amount on the statement to reserve the room was reimbursed; however, was reimbursed to Sheets personal card instead of the Village card. Mr. Sheets will reimburse the Village for the amount refunded to his card in error in the amount of \$70.63. Council was satisfied with the explanation and had no further concerns. Motion passed unanimously.

**ORDINANCE 1529 – ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH CAPITAL TELECOM FOR PLACEMENT OF A TELECOMMUNICATIONS STRUCTURE ON VILAGE PROPERTY. 2<sup>nd</sup> reading**

Mayor introduced Kevin Philips with Capital Telecom. Philips was in the area and thought he would stop by and meet council and answer any questions they may have. Long asked if council would see any of the engineer drawings prior to construction and the time frame of which they would be made available for review. Mr. Philips responded that all drawings would be presented to council as council ultimately has the full power to approve the plans. Mr. Philips stated that once the lease is signed, title searches completed, then a site walk with the engineer firm completed, and then drawings would then be in the works and made available for review as early as the end of November to the middle of December. Long asked, if the actual height of the tower had been decided on. Mr. Philips stated that it could range from 160' to 190' that he did not know the specifics for this particular tower. Mayor responded that the information forwarded to him from the home office of Capital Telecom, that the actual height will be 160'. Shuerman asked what the time frame of starting the construction. Mr. Philips answered that it is ultimately up to Verizon, that the project is budgeted for the middle of 2015 for Verizon to have site on air at that point and time. Mr. Philips stated that they are a big company and things could push forward or back and that construction would start as soon as Verizon has budgeted their portion. Mr. Philips stated he can foresee starting construction the beginning of second quarter.

Mayor had a discussion with Capital Telecom to reach an accommodation with them and add to content of the lease agreement that states in section 3(a)(iii)

"At such time that a second carrier subleases or licenses the Leased Premises and commences paying Sublease Fees, then in addition to the amount paid in clause (i), the Tenant shall pay a Two Hundred Dollars (\$200.00) per month as an additional Rent ("**Additional Rent**"). Thereafter, Tenant shall pay Additional Rent for each Additional Carrier to sublease the Lease Premises as of the date that Additional Carrier commences paying sublease fees to Tenant. (The second carrier and each additional carrier thereafter are referred to individually and collectively as "**Additional Carriers**").

Mayor stated that he has reviewed the new lease and that the balance is equal to the original with exception to the added clause. Sautter asked about the letters that were sent to area residents and if

there was any response. Mayor stated that he has not received anything in writing; however, he has had a few that have gained curiosity and have asked as to when it will be completed. Mayor stated he has not received any objections or negativity.

Long moved and Rothenbuhler seconded to suspend the rules. Motion passed unanimously.

Rothenbuhler moved and Sautter seconded to pass Ordinance 1529. Motion passed unanimously.

**ORDINANCE 1530 – ORDINANCE AMENDING ORDINANCE NUMBER 1414 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF PEMBERVILLE RELATING TO COMPENSATION FOR VILLAGE OFFICIALS** – 2<sup>nd</sup> reading

Mayor stated that he did a little research and the last time compensation for elected officials took place was in 1999 in which was voted to approve the pay package that the current elected officials receive now. Long asked how the amounts were determined. Mayor stated there was no scientific or mathematical theory, it was just something he felt appropriate. There was further discussion among council and the Mayor as to the pros and cons of passing such ordinance. Opelt stated he was not in favor when money is needed for the pool, streets, park, and salt and so on. Opelt stated that elected officials has always known that this is a volunteer job. Rothenbuhler voiced his concerns that we will be losing an elementary school. However, we are looking at a housing development to hopefully replace that. Rothenbuhler stated he felt there will be an overlap in time where we are missing the income from the schools before the housing development is up and going. Rothenbuhler will consider all options and listen to all sides but stated that at this time he is not in favor of it. Mayor expressed that as expenses rise that the value of time has increased but there is no compensation for it and no way to reward those who work so hard. Mayor stated that although there is no amount of money that would fully compensate the time spent, there are many members that spend countless hours working alongside of the employees and he feels their efforts alone would merit the increase.

**ORDINANCE 1531 – 2015 ORDINANCE ESTABLISHING MUNICIPAL EMPLOYMENT POSTIONS, DEFINING DUTIES AND PROVIDING FOR THE COMPENSATION THEREOF.** – 2<sup>nd</sup> reading

Discussion among council as to a better structure with managing employees with different scenarios' that would benefit the Village and employees as a whole, including a merit based system, day to day oversight function and accountability. Sautter stated she would like to see an Org chart created allowing the employees to see where they actual sit within the organization. Further discussion will proceed with the Personnel Committee and any recommendations will be brought to council.

**Mayor:**

Mayor stated we had wonderful weather for the Autumn Fest. Halloween was cold and rainy. Mayor stated he had about half the number of kids for trick or treat than in previous years.

Mayor read a letter from Village resident Nick Pisula.

To the Mayor and all Council Members,

Can someone please explain to me why we still have ATV's (4-wheelers) flying through town. The past month or so there has been an ATV that speeds down Front Street (which happens to be a State Route) multiple times a day. The individual drives right by the Town Hall and past the Police Station, meanwhile, nothing has been done about it. Why has this been allowed? Why does it take a complaint before someone attempts to look into this situation or any illegal activity for that matter? I have spoken to Chief Darling last week on this problem and gave him a copy of the regulations on All-Purpose vehicles. He said he was aware of the ATV and that they would "catch up with the individual". To my surprise, this ATV is still going down Front Street as I am typing this. I find it frustrating that the Village officers are unable to correct a situation, on their own without a complaint, such as people still burning illegally, dogs not properly confined/restricted, vehicles blocking sidewalks and the list goes on. If the Mayor and/or Council is restricting the Officers from enforcing the Laws and Ordinances than we need to make it clear as to what Laws and Ordinances will not be enforced. If this is not the case, than we need to educate the Village Police Department on how "To Protect and Serve" the community. If we want to keep Pemberville a nice community than we have to keep these small things in order before they develop into larger problems!

Attached is a PDF copy of information on APV's that I gave to Chief Darling.

Thank you for your time,  
Nick Pisula

There was discussion about the letter with Chief Darling. Chief stated that he has been made aware of this concern and that he assured Mr. Pisula that the issue would be addressed the minute it presents itself.

Police report was presented. Chief Darling stated that the police handed out candy for Halloween which was the first time they have done this since he has been an officer with the Village.

### **Campbell:**

Campbell asked that an approval to buy salt take place before the season hits us. Campbell made a motion to purchase salt from Wood County not to exceed \$8,250 for no more than seventy-five ton. Rothenbuhler seconded. Motion passed with a 5/6 vote. Sautter abstained.

Campbell stated that the leaf machine had been down for thirty-six hours due to a bearing being replaced. Campbell made a motion to purchase a bearing to replace the one from the shelf used to fix the leaf machine. Rothenbuhler seconded. Motion passed unanimously.

Campbell explained that he received a complaint from Tim Toth of Forrest Ave. and the leaves not being removed on the Village right-away. Campbell stated he just received the complaint and will be looking further into it first thing tomorrow. Mayor suggested that a clear set of guidelines be made as to what the homeowner is responsible for and what the Village is responsible for with hopes to reduce future complaints.

Campbell announced that Lands, Building and Street meeting is at 7:00pm on November 20, 2014.

### **Long:**

Long stated BPA was cancelled due to two were unable to attend.

Planning commission is scheduled to meet November 19<sup>th</sup> at 7:00pm.

### **Opelt:**

Opelt reported that the Park and Recreation met out at Northwest Park and there are some buildings on the property and request that two of them be removed. Opelt explained that there is a white garage that stays however, the lean-to they would like removed. On the east and west side, there is a longer building that would stay, behind that on the north side is another lean-to with a lift, they would like that torn down. Opelt suggest the possibility of having the village employees remove the buildings and scrap the materials using the money from scrapping, to absorb the wages of the employees that remove the buildings. Long suggested that this be evaluated before allowing employees to remove along with any safety concerns. Campbell asked if there was any feedback from the street employees that he thought they could utilize one of the lean-tos to store #6 stone that is currently located in the salt bins. He was wondering if the condition would be suitable. Further research will take place. Sautter moved and Campbell seconded to research the possibility of having the two lean-tos dismantled and removed safely from the Northwest Park. Motion passed with a 5/6 vote. Campbell voted No.

### **Sautter:**

Sautter stated that Tim Murphy at the engineer's office asked if we would like for them to paint a centerline on Water St. from Kesson to State Route 105, approximately five-eighths of a mile. Opelt moved Rothenbuhler seconded to paint a centerline on Water St. not to exceed \$465. Motion failed. Rothenbuhler, Opelt, and Schuerman voted yes, Campbell and Long voted no, Sautter abstained.

**Other:**

Joanne Busdeker asked that council consider changing the time of trick or treat next year to an earlier time such as 4:00pm to 6:00pm on either a Saturday or Sunday. Ms. Busdeker feels this would be safer for the kids especially if we have cold and rainy weather like we did this year.

Ed Wozniak responded to earlier conversation with the council members as to who runs the town. Wozniak stated that it's the council and Mayor that run the town. Chairman of the committees report to council and they decide the outcome and the Mayor makes decisions based on emergencies. Wozniak also commented on the pay of council, he stated that there are a lot of others that do for the village with no compensation and do it for the love of their town.

Wozniak suggested that everyone should be letting each other know when things are brought to them. Big or small all things should be brought to council so that a solution can be made; there are many people who voice their opinions but have not brought things to council so that they can be resolved and he asked that council start bringing what they are presented with to council in hopes to work out a solution and that others will start to come forward because they know that things are being addressed and not shoved aside.

Mayor Bowman adjourned the meeting at 8:30pm.