

## **Bethel Village Council January 25, 2010**

The Council of the Village of Bethel, Ohio, met in regular session in Council Chambers on Monday, January 25, 2010, with Mayor James T. Dick presiding. The meeting was called to order at 6:35 p.m.

The meeting was videotaped, to be aired on cable television, and sponsored by Bethel Building and Loan.

Mr. Cherry delivered the invocation, followed by Mayor Dick leading the Pledge of Allegiance to the American Flag. Upon roll call, the following members were counted as present: Council Members Priscilla Johnson, Janice Ireton, Donna Gunn, Gary Hutchinson, Tim Cherry, Mary Daugherty; Solicitor George Leicht, Village Administrator Travis Dotson and Fiscal Officer Angel Burton.

A motion to approve the minutes from the January 22, 2010 meeting, with a street name correction, was made by Ms. Gunn. Seconded by Ms. Johnson. All yea.

Mr. Rus Whitley questioned the legitimacy of Ms. Gunn's appointment as President Pro-Tempore at the January 22, 2010 Council meeting. Ms. Gunn was appointed before she was officially sworn-in to her new Council term. Mayor Dick stated he was aware of the timing, and Mr. Leicht recommended Council consider a new President Pro-Tempore vote.

### **COMMUNICATIONS**

Nil.

### **ADMINISTRATION AND COMMITTEE REPORTS**

#### **Mayor James T. Dick**

Nil.

#### **Village Administrator, Travis Dotson**

Shutoffs were not done last month, due to the cold weather, however there are a few this month.

#### **Fiscal Officer, Angel Burton**

Ms. Burton stated the Village's medical insurance renewal date is approaching, and rate quotes will be gathered. Both the Village Administrator and the Police Chief were given the information needed to get their employees started on the electronic applications. The electronic apps will allow multiple quotes to be gathered at once.

The 2009 annual financial report was submitted to the state on January 6, 2010, and all other annual filings have been completed, including the delivery of employee W-2's.

Ms. Burton requested the Village either reimburse her, or pay for directly, the expenses related to obtaining her notary commission. The Village has paid for employee notary commissions in the past.

A motion approving Notary Commission expenses, including application and seal/stamp expenses, was made by Ms. Daugherty. Seconded by Mr. Hutchinson. All yea.

#### **Solicitor George Leicht**

J & E Properties has proposed a \$15,000 settlement, to satisfy the legal matter involving the Village. Mr. Leicht recommends the settlement, for the reasons stated in prior executive sessions.

A motion accepting the \$15K cash settlement from J&E Properties was made by Mr. Cherry. Seconded by Ms. Ireton. All yea.

Chief Planck brought the expiration of the Police Levy to Mr. Leicht's attention. The levy applies to tax years 2005 through 2009, with collections and settlements ending the first half of 2011. He recommends submitting the levy for the Primary Ballot in May, meaning all the documents must be received by the county by February 18, 2010.

The Safety Committee's next meeting is Monday, February 1, 2010 at 5:30 p.m.. The Finance Committee will reschedule their regular meeting from February 8, 2010 to February 1, 2010 at 6:30 p.m. Both committees may discuss the levy that evening, and make recommendation to Council on February 8, 2010.

If there are no changes to the proposed Zoning fees, Mr. Leicht will compose an ordinance. No changes were noted.

### **Police Chief Mark Planck**

Chief Planck updated Council on cruiser repairs. One of the Dodge Cruisers ended up having just a minor computer issue, costing the Village less than he originally expected (\$319, compared to \$500 anticipated) A few issues came up with the Explorer, delaying its return to the department, but it should be back by the end of the week.

Chief Planck gave a "shout out" to Mitch Hatfield and Bob Collins for repairing cruiser #501 in-house.

### **Finance Committee**

Nil.

### **Public Works Committee**

Mr. Cherry spoke on behalf of the Public Works Committee. The Committee met this evening before Council.

The meeting consisted mostly of an overview of 2010 plans, to familiarize Ms. Daugherty and Ms. Johnson, the two new committee members.

The committee did discuss the accumulation of debris in creeks, and methods to encourage property owners to maintain the waterways. The debris often leads to erosion, resulting in more costly repairs. The maintenance of creeks is the same as keeping grass and weeds under control, and fall under the property maintenance code. Village-paid maintenance could be assigned to the property owners taxes.

The next Public Works Committee meeting will be Monday, February 22, 2010 at 5:30 p.m.

### **Safety Committee**

Mr. Cherry mentioned an issue brought up in Public Works, but more relevant to Safety. A residence on N. Union Street has painted the curb yellow, implying a no parking zone. This was done years ago, and has been brought up before, however Council is not aware of anything definitive. Ms. Daugherty stated it is causing problems for the apartment tenants in the area.

Chief Planck knows former Chief Wallace checked into the matter, and he does not believe the property owner has the authority to paint the curb; however Mr. Leicht stated there is nothing that says the property owner can't paint his own curb.

No known parking tickets have been given for parking in the location, and the street department has even repainted the curb in the past.

### **Personnel Committee**

Needs assignments, if Council is going to keep the committee permanent.

### **Burke Trust Commission**

Ms. Ireton spoke on behalf of the commission, noting she is looking forward to meeting all the members and working with them.

## **Planning Commission**

Ms. Johnson spoke on behalf of the commission. She is reviewing notes and looking forward to meeting the members.

## **CALL OF MEMBERS**

Priscilla Johnson: Nil.

Janice Ireton: Nil.

Donna Gunn: Addressed the appointment of a Personnel Committee. She is concerned about employee matters that the Personnel Committee may know about, prior to being addressed in Executive Sessions. A council hearing may not be fair at that point, and prior knowledge may foster bias. Mr. Hutchinson likened it to polling a jury.

The past personnel committee met regarding employees, then requested Executive Sessions on the employee matter with Council. The process should not work that way.

Mr. Leicht pointed out there will always be employees that confide in a few council members. Mr. Cherry mentioned the “itchy ears” that a council person may have in hearing employee gossip.

Following the Chain of Command for employee matters, as dictated by the Organizational Chart, was recommended. The Personnel Committee would then be a policy making committee only, as it is described and intended to be in the Rules of Council.

The 2010 President Pro-Tempore appointment was revisited.

A motion nominating Ms. Gunn as the 2010 President Pro-Tempore was made by Mr. Cherry. Seconded by Ms. Ireton. 5 yeas, 1 nay – Mr. Hutchinson. Motion carried.

The 2010 Committee Appointments are:

### Finance

Donna Gunn (Chair)

Gary Hutchinson

Janice Ireton

### Safety

Gary Hutchinson (Chair)

Tim Cherry

Mary Daugherty

### Public Works

Tim Cherry (Chair)

Mary Daugherty

Priscilla Johnson

### Personnel

Mary Daugherty (Chair)

Donna Gunn

Priscilla Johnson

### Burke Trust

Janice Ireton (Chair)

Gary Hutchinson

Donna Gunn

### Planning Commission

Priscilla Johnson

Ms. Gunn went on to request clarification as to why the Village won't sponsor community events, such as BAMFest, and why such events can't ride on the coattails of the Village's insurance coverage. The BAMFest committee is losing members, due to personal liability.

Mr. Leicht stated the Village has sponsored many events in the past, though a 1 day insurance rider has been required of the organizing committee. He knows New Richmond requires the same of their events. The rider then covers the committee members and the Village can sponsor the event if it so chooses.

If the event takes place on Village owned properties, the Village's insurance would apply, but that does not exempt the planning committee from needing their own auxiliary insurance coverage for the event.

Mr. Dotson did mention that New Richmond has the same property insurance plan and representative as the Village, and the representative has advised against Village sponsorship.

Gary Hutchinson: Nil.

Tim Cherry: Forgot to mention that the Public Works committee recommends the water rate analysis be handled by Finance.

Mary Daugherty: Recommends the Village pay for a new council member seminar, put on by the Ohio Municipal League, taking place March 6, 2010 at the Kings Island Conference Center, for all members that would like to attend. The cost is \$50.

Ms. Gunn mentioned she attended the seminar in the past and found it very informative.

A motion to pay the \$50 fee for any council member wishing to attend the March 6, 2010 OML New Council Member training was made by Ms. Gunn. Seconded by Mr. Hutchinson. All yea.

Ms. Daugherty questioned why a Village employee was issued zoning permits in both 2008 and 2009 at no charge? She doesn't believe it looks right, and finds it to be unethical.

Mr. Leicht stated if there is no waiver process for zoning fees, then the employee should pay.

It was noted that no waiver had been requested from Council, and the fees should have been paid. Employees are not excluded from following procedures. Ms. Gunn believes the employee will pay the fees.

## **PUBLIC INPUT**

Mr. Rus Whitley thanked Ms. Gunn for addressing the BAMFest sponsorship and insurance issue.

## **LEGISLATION**

Nil.

Mayor Dick addressed the posting of the Bethel Building and Loan logo sign. He approved the posting, due to the bank's sponsorship and payment of the council meeting videos; however, he would like Council's approval.

A motion approving the posting of Bethel Building and Loan's logo sign because of their sponsorship of the Council videos was made by Ms. Ireton. Seconded by Ms. Johnson. 5 yeas, 1 nay – Ms. Daugherty. Motion carried.

## **PAYMENT OF THE BILLS**

A motion to approve the payment of the presented bills and expenses (checks 20575-20603) was made by Ms. Gunn. Seconded by Mr. Cherry. All yea.

A motion to adjourn was made by Ms. Gunn. Seconded by Ms. Ireton. All yea. 7:35 p.m.