

Bethel Village Council December 8, 2008

Council of the Village of Bethel, Ohio, met in regular session in Council Chambers in the Bethel Municipal Building on Monday, December 8th, 2008 at 6:30 pm with Mayor John Swarthout presiding.

The meeting was video taped, to be aired on cable television.

Mr. Cherry delivered the invocation followed by Mayor Swarthout leading the Pledge of Allegiance to the American Flag. Upon roll call, the following were counted as present: Council Members Joe Houlihan, Donna Gunn, Gary Hutchinson, Tim Cherry, James Dick. Also present: Village Administrator Travis Dotson, Fiscal Officer Angel Burton, Solicitor George Leicht. Council member Alan Ausman was not present.

A motion to approve the minutes from November 24, 2008, as written, was made by Mr. Dick. Seconded by Mr. Cherry. All ye.

COMMUNICATIONS

Mr. Brett Gaspard, the Public Sector Representative from Rumpke, addressed Council regarding the Village's contract with his company for garbage collection.

The Village's 2009 contract rate will increase by the CPI of 5.4%, bringing the Village's rate to \$12.60 per unit. (Currently 11.95) The rate does not include billing and administrative fees. Mr. Leicht pointed out the Village is guaranteeing Rumpke payment of \$12.60 per unit, whereas the Village risks a loss due to nonpayment by residents.

The Village contract with Rumpke includes garbage totes for residents, and the rate is still less than township residents pay without a garbage tote.

The apparent damage to Village streets caused by the Rumpke garbage trucks was briefly addressed, and Mr. Cherry asked if the company had seen any similar problems in other communities. Mr. Gaspard stated company engineers believe the streets are the problem and are not sufficient enough to handle the truck weight, either due to age or design. Mr. Hutchinson suggested an extension of the truck arm length. Mr. Gaspard stated the arms are standard length, and most likely too long to begin with.

Mr. Dick asked for information regarding curbside recycling. Mr. Gaspard informed Council that Rumpke does offer curbside recycling, and would provide a bin to every resident for an additional \$3/unit per month. There's also a subscription based program, where at least 300 residents would need to subscribe for the service for an additional \$5/unit per month, and Rumpke would determine the route. An alternative to curbside recycling is placing recycle dumpsters in central locations, and that cost is between \$75-300/month. The Clermont County Solid Waste District has a similar agreement with Rumpke, with various recycle dumpster locations, including Bethel Village Jubilee.

Because the Village is going into the 2nd year of a 3 year contract extension with Rumpke, no action is required from Council at this time. A letter of intent will be sent to the Village Administrator.

Mr. Bob Nye from the Antique Machinery Group addressed Council on Glenn Beyer's behalf. The Antique Machinery Group has held their meetings at the Community Center for the past few years, and would like Council's permission to continue doing so. The group makes a yearly in-kind donation to the Village for the center's use. Council did not object to the continuance of Community Center use for the group's meetings.

Mr. Clayton Meadors spoke before Council regarding unpaid utilities at an apartment complex he owns on Angel Drive. Mr. Meadors received a letter stating an unpaid utility bill amount of \$660.25 would be certified to his property taxes if not paid. The total amount is the result of tenants leaving their final Village utility bills unpaid, and dates as far back as September 2005.

Mr. Meadors believes the bill is unfair to him, even though he is the property owner. He signed a letter denying any utility extensions for his tenants in 2005, and believed that would protect him from

such a scenario. Mr. Meador stated had he known the tenants left the bills unpaid, he would have withheld the amount from their deposits.

Council stated the unpaid balance is the responsibility of the property owner. A utility deposit is collected from tenants to offset the final bill, and that deposit amount is being increased to \$250 in January 2009 to be more inline with the current average utility bill.

Mr. Meador's total bill is \$660.25, and he would like Council to forgive \$532.75 from the amount due, because that total was incurred after he signed the extension denial letter. Prior to receiving the letter from the Village Utilities, he did not know the unpaid amounts were the property owners responsibility, and he will work more closely with the Village in the future to ensure this does not happen with his tenants again.

The final amount due to Mr. Meadors has been adjusted, removing late fees. Mr. Meadors agrees the amount due was incurred by his tenants. The amounts accumulated are one billing, and do not reflect any extensions were given.

Council stated the amount could not be forgiven nor reduced, though the Village would be willing to work out a payment plan with Mr. Meadors. Council does not believe it would be fair to the other residents to forgive unpaid utilities, and it would set a precedence for other delinquent tenants and property owners.

ADMINISTRATION AND COMMITTEE REPORTS

Mayor Swarthout

Mayor Swarthout thanked all those involved with the Down Home Christmas for a job well done. It's a great event for the Village.

Various awards are granted during the event for items such as the best float, the most spirit and the best window painting. The Village Municipal Building Windows won first place this year. Kathy Howison, Jessica Martin and Abby Cherry, art students at Bethel-Tate High School, painted the windows. Mayor Swarthout thanked the ladies for the window artwork, and presented each of them with a Best Buy gift certificate.

Mayor Swarthout read a thank you note from Neyota Stober, on behalf of the Cancer Family Care. The group sponsored a mammography project for at-risk women at the Community Center. Over 30 women took advantage of the program. Mayor Swarthout stated his appreciation for the work the group is doing.

Village Administrator, Travis Dotson

The Rules of Council have been copied to Council for review, and the Employee Handbook draft is available. Mr. Dotson asked that any suggestions or changes be forwarded to him. The handbook can be changed with just a motion from Council.

The Public Works department used approximately 5 tons of salt during last weekend's snow fall, and the bin has been restocked in preparation for the next snowfall.

The guardrail at 133 and Kennedy Ford is damaged, and the repair is not included in the Village's agreement with the State Highway Department. Mr. Leicht expressed his surprise, considering the Village is not permitted to do typical maintenance on a state highway, and would like to know the cost of having such an agreement with the state.

Fiscal Officer, Angel Burton

Ms. Burton relayed Frank Manning's commendations and pride for the work done by Mitch Hatfield and Chief Planck during the Down Home Christmas event. Mr. Manning even commented on Chief Planck's son's assistance with the barricades.

Due to the upcoming end of the Village's fiscal year, and the desire to get all 2008 expenses paid prior to December 31, 2008, Ms. Burton requests a blanket bill payment approval from Council. The matter was discussed at today's Finance meeting, and comes with the committee's recommendation. If Council approves the measure, Ms. Burton has prepared a signature sheet and will copy Council members, via e-mail, on all checks issued during the month.

A motion to give the Fiscal Officer a blanket approval for bill payments during the month of December, 2008 was made by Mr. Hutchinson. Seconded by Ms. Gunn. All yeas.

Solicitor, George Leicht

Nil.

Police Chief Planck

Chief Planck mentioned how impressed he was by the parade attendance, despite the weather. Officers Wallace and Teague, along with himself, will be helping with the Village of Amelia's Christmas Parade this Sunday, December 14th.

Chief Planck informed Council he has granted Officer Brian Perry a leave of absence. Ofc Perry broke his right wrist while trying to subdue an out-of-hand inmate during his full-time job at Lebanon Correctional Institute. Ofc. Perry has also received notice of his military deployment, and it is likely Ofc Perry will not return to the force until after 2009.

Finance Committee, Chairperson Gary Hutchinson

The committee met prior to tonight's council meeting.

The group discussed 2009 Appropriations, and recommends Ordinance 1606 be passed, with a suspension of the 3 readings.

The water property bids were due Thursday, December 4, 2008, and the Village received one bid. The bid amount was \$313,922, which is about half the property's appraisal. The committee recommends all bids be rejected.

A motion to reject all water property bids was made by Mr. Cherry. Seconded by Mr. Houlihan. 4 "yeas", Ms. Gunn abstained. Motion carried.

Mr. Hutchinson suggested the Village consider delaying any future bids on the property until the easement is cleared.

The next Finance meeting will be Monday, January 12th, 2009 at 5:00 p.m.

Public Works, Chairperson Tim Cherry

The next meeting will be Monday, December 15th at 5:30 p.m. The group will be discussing water plant property options.

The construction of the skate park is proceeding, and the ramps should be delivered by next Monday. Mr. Cherry stated he will be reaching out the community kids for their help in the project.

Safety Committee, Chairperson Joe Houlihan

The committee met on December 4th, but has no pressing matters.

The next Safety Committee meeting will be Monday, January 5th at 5:30 p.m.

Personnel Committee, Chairperson Donna Gunn

The committee met last Tuesday, December 2nd to discuss handbook revisions and the Village pop machine. Sardinia operates a pop machine, with the proceeds going toward the purchase of police equipment. The committee will continue to review the matter, and will make a recommendation to Council.

Burke Trust Committee, Chairperson Donna Gunn

The skate park funding request was denied by the Burke Trust Commission. Ms. Gunn expressed her disappointment in the decision.

Council requested Ms. Gunn contact members of the Commission, and ask them to attend the next Council meeting. Council believes the commission is not heeding the purpose of the Burke Trust. The deed specifically states the purpose of the funds are for children and recreation.

Mr. Leicht stated all funding requests have to go through Council, and Council may tie funding issues together for approval.

Ms. Gunn will ask commission members to attend the next Council meeting.

Planning Commission, Councilperson James Dick

Nil.

Call of Members:

Mr. Houlihan: Had to work this past weekend, and apologized for missing the Down Home Christmas event.

Ms. Gunn: Thanked everyone that got involved in the DHC event, noting the Kids Fest was well attended. Valerie Zempter helped start the DHC event, and Ms. Gunn's sure she is proud it has continued.

Ms. Gunn also pointed out the Public Works Department is doing the best they can during snow events, due to the statewide salt shortage.

Mr. Hutchinson: Missed the DHC, due to volunteering with the Salvation Army.

Mr. Cherry: Visited small Village shops during the DHC event, and was pleased to find a commissioned bicentennial print of the Village.

Mr. Dick: Nil.

Mr. Leicht added state government is indicating the new presidential administration may release a stimulus package for infrastructure repairs to municipalities. Villages need to be "shovel ready" and the matter is not how the money will be spent, but how fast it can be spent. Mr. Leicht advised the Village Administrator to begin preparing project plans.

Public Input:

Nil.

Legislation:

ORDINANCE 1606 ANNUAL APPROPRIATION ORDINANCE FOR 2009 (Total Amount Appropriated: \$4,871,800)

A motion to suspend the 3 readings of ORD 1606 2009 Appropriations was made by Mr. Hutchinson. Seconded by Ms. Gunn. By roll: Mr. Hutchinson "yea", Ms. Gunn "yea", Mr. Houlihan "yea", Mr. Cherry "yea", Mr. Dick "yea". Motion carried.

A motion to adopt ORD 1606 2009 Appropriations was made by Ms. Gunn. Seconded by Mr. Cherry. By roll: Ms. Gunn "yea", Mr. Cherry "yea", Mr. Houlihan "yea", Mr. Hutchinson "yea", Mr. Dick "yea". Motion carried.

ORDINANCE 1607 SETTING WATER AND ELECTRIC DEPARTMENT RENTS FOR 2009

A motion to suspend the 3 readings of ORD 1607 Setting Department Rents, and declaring an emergency, was made by Ms. Gunn. Seconded by Mr. Houlihan. All yea. Motion carried.

A motion to adopt ORD 1607 Setting Department Rents, and declaring an emergency, was made by Ms. Gunn. Seconded by Mr. Hutchinson. By roll: Ms. Gunn "yea", Mr. Hutchinson "yea", Mr. Houlihan "yea", Mr. Cherry "yea", Mr. Dick "yea". Motion carried.

ORDINANCE 1608 GENERAL FUND TRANSFER TO POLICE CRUISER FUND FOR 2009, 1ST Reading

ORDINANCE 1609 GENERAL FUND TRANSFER TO POLICE PENSION FUND FOR 2009, 1ST Reading

ORDINANCE 1610 GENERAL FUND TRANSFER TO POLICE COMMUNICATIONS FUND FOR 2009, 1ST Reading

ORDINANCE 1611 WATER REVENUE FUND TRANSFER TO WATER EXTENSION AND REPLACEMENT FUND FOR 2009, 1ST Reading

ORDINANCE 1612 WATER REVENUE FUND TRANSFER TO 1ST WATER MORTGAGE FUND FOR 2009, 1ST Reading

ORDINANCE 1613 ELECTRIC REVENUE FUND TRANSFER TO ELECTRIC EXTENSION AND REPLACEMENT FUND, 1ST Reading

Payment of Bills:

A motion approving the payment of the presented expenses and bills was made by Ms. Gunn. Seconded by Mr. Dick. All yea.

November Finance Report

A motion approving the November Finance Report was made by Mr. Hutchinson. Seconded by Mr. Houlihan. All yea.

The special meeting scheduled for December 15th, 2008 has been changed to a regular meeting of Council. The December 22nd, 2008 meeting has been rescheduled to that date.

A motion to adjourn was made by Mr. Houlihan. Seconded by Ms. Gunn. All yea. 8:00 p.m.

Mayor John Swarthout

Angel Burton, Fiscal Officer