

Bethel Village Council June 28, 2010

The Council of the Village of Bethel, Ohio, met in regular session in Council Chambers on Monday, June 28, 2010, with Mayor James T. Dick presiding.

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, Tim Cherry, Mary Daugherty; Fiscal Officer Angel Burton and Village Administrator Travis Dotson. Solicitor Leicht arrived after roll call.

A motion to approve the minutes from the May 17, 2010 special meeting, as written, was made by Ms. Ireton. Seconded by Ms. Gunn. 4 yeas, Mr. Cherry abstained.

A motion to approve the minutes from the June 14, 2010 meeting, as corrected (grammatical corrections), was made by Ms. Gunn. Seconded by Ms. Ireton. 4 yeas, Mr. Cherry abstained.

COMMUNICATIONS

Mr. Ron Dunn, Zoning Administrator and Code Enforcement Officer, addressed Council regarding the past month's activities. He has issued 17 permits, made 125 phone contacts, and sent out 30 property code violation notices, in addition to numerous other correspondences.

He asked Bethel residents to step up and help deal with property maintenance issues in the Village. If a neighboring property is overgrown, he encouraged neighbors to mow the yards – he and a neighbor take turns mowing an adjoining unkempt property. Pursuing absentee landlords and banks is frustrating and often to no avail. If a neighbor is volunteering to mow a property, that person is at no greater liability than walking on the property.

Out of 700 single family homes, there are 5 notable problem properties in town, and all but one has absentee landlords. Following are the properties:

- 303 N. Charity, owned by Mr. James Bryant of Amelia
- 139 Clark, owned by Mr. Jimmy Dabney, property in foreclosure
- 134 Clark, owned by Mr. Charles Cook
- 214 N. Main, owned by Mr. James Lewis of Milford
- 365 S. Charity, owned by Mr. Philip Sharp of Goshen

Violation letters are sent regular mail, not certified, and cite violation of the property maintenance code Section 901, not the noxious weed ordinance. The property maintenance code deals with the overall aesthetics of the property, and is stricter than the noxious weed ordinance.

Mr. Frank Manning, caretaker for the Grant Memorial, addressed Council regarding repairs needed at the Grant Memorial building. Two quotes have been received for both plaster and interior painting, and Mr. Manning is confident the Burke Trust Commission would approve the funds for the projects. Mr. Manning believes the condition of the building is a disgrace, and he would like Council to make a move on having the repairs done. It was mentioned the Grant Memorial driveway and parking lot, as well as the Burke Park roads, will be included in the Village's upcoming paving project bid. The quantity of work should lower the overall price. Mr. Manning stated that if the Burke Trust pays for the paving at the park and the Grant Memorial, the amount may be spread out over two years.

COUNCIL SEAT APPOINTMENT

Mr. Hutchinson's council seat remains vacant, and Mayor Dick is not going to make the council seat appointment. Two of the three candidates are present, and Council was copied on a letter from the third candidate, Mr. Jeff Coulter, explaining his absence. Mayor Dick asked the candidates to introduce themselves again.

Mr. Rus Whitley introduced himself and believes his work experience will benefit the Village, and, because he's retired, his schedule is flexible. He attends almost all committee and council meetings.

Ms. Gunn addressed Mr. Whitley about his intentions in the past when bringing issues to Council. She believes he has operated partly in his business' best interest, and partly on behalf of the Village, and she asked Mr. Whitley how he was going to separate the two, citing an example he brought to Finance regarding a carpet business' suspected building code violations. Mr. Whitley had stated he didn't want to take the matter to Mr. Dunn, because he did business with the owner, and found it to be a conflict. Mr. Whitley responded he was not on Council, and felt it was Council's job to address the matter. Ms. Gunn stated there were no building violations, and now the issue is out in the open.

Mr. Ausman asked Mr. Whitley about his work with the Village. Mr. Whitley has done construction work for the Village, and supplies ammunition to the police department through his gun shop.

Ms. Gunn questioned the ethics behind Mr. Whitley's stated Village residence. Though the Board of Elections may be satisfied with his residency address at 408 S. Main, Ms. Gunn stated that, from an ethical perspective, Mr. Whitley does not reside there. Mr. Whitley replied he owns many properties and farms, and is often out of town on business or caring for his ailing mother, but his permanent residence is 408 S. Main.

Mr. Alan Ausman introduced himself, and cited his previous experience serving as a council member. He intended to run for Council during the November election, but his petition was denied by the board. He grew up in Bethel, he lives here and is raising a family here, he shops in Bethel and he goes to church in Bethel.

Ms. Gunn noted some council members are concerned his personal relationship with Mr. Dotson would interfere with his ability to serve the Village and work on Council objectively, and asked Mr. Ausman to respond. Mr. Ausman stated it's a small town, and he is friends with a lot of people. He does not believe his relationship with Mr. Dotson interfered during his previous term on Council, and noted they disagreed on various business issues before.

Ms. Burton asked Mr. Ausman if he would be able to work with her, stressing Council has to work with both Mr. Dotson and her. Mr. Ausman stated he could, and noted he commended Ms. Burton's work as fiscal officer.

Ms. Gunn made a motion nominating Mr. Alan Ausman to fill the vacant council seat. Seconded by Mr. Cherry. By roll: Ms. Gunn "yea", Mr. Cherry "yea", Ms. Daugherty "nay", Ms. Ireton "nay", Ms. Johnson "nay". Motion failed.

Ms. Ireton stated she considered all the candidates, including Mr. Coulter. She found them all qualified, and has no animosity toward any of them, though she does question every one. She is saddened that more residents didn't apply for the position, and despite the difficult decision, she will vote from her heart.

Ms. Gunn read the following letter to Council:

"There are 5 of us on this council who were elected by the voters of the Village of Bethel. It is our duty to do what we feel is best for the residents, and when possible, follow their wishes. Sometimes there are circumstances that prevent us from doing so, but I do not feel this is one of them.

In last November's general election, we had two candidates running for Mayor, Mr. James Dick and Mr. Rus Whitley. If you look at the certified results on the Board of Election website, you will see that Mr. Dick defeated Mr. Whitley by the largest margin of any contested race in Clermont County. Of the 614 votes cast, Mr. Dick received 63.03% to Mr.

Whitley's 36.97%. I think the voters sent a strong message, since Mr. Dick was virtually unknown to many voters at that point.

The four women on this board were all elected as write-in candidates. Four seats, four write-in candidates, if you voted for yourself, you were guaranteed a seat. Mr. Ausman attempted to seek a place on the ballot, but his petition was disqualified. If his name had been on the ballot, I believe he would have received more votes than all 4 of the write-in candidates. Since write-in ballots had to be asked for, only 247 total votes were cast. 29 votes would have been all he needed to be elected, and one of the four women would not be sitting here today. Keep in mind the least number of votes I found for a Bethel Village Council candidate in recent history on a regular ballot was 86.

On April 26th, Mr. Whitley came before this council. He said that he was representing a property owner on West Plane Street. He said that if we did not cooperate with the property owner and take partial responsibility for the sinkhole on her property that he would cut off the storm sewer pipes, concrete over them and then we would have flooding in front of McDonald's and the Middle School. It was later found that the Village had NO responsibility in the problem. This potentially could have cost the Village thousands of dollars and with Mr. Whitley doing the work, be of great benefit to him. Did he have the best interest of the Village in mind when he came before us? In another committee meeting he identified what he thought was a code violation. I asked if he had informed Mr. Dunn. He said no, that he has a working relationship with the business in question and did not want to put that in jeopardy. Again, did he have the best interest of the Village in mind?

Ultimately, the decision to select a replacement for Mr. Hutchinson lies with the 5 of us, but it should not be the person Mrs. Johnson, Mrs. Ireton, Mr. Cherry, Ms. Daugherty or myself want as individuals. It should be who our constituents would want us to put in the vacant seat. I hope my fellow council members will keep this in mind prior to nominating and casting their votes here tonight.

Respectfully,
Donna Gunn
President Pro-Tempore
Bethel Village Council"

Ms. Daugherty made a motion nominating Mr. Rus Whitley to fill the vacant council seat. Seconded by Ms. Johnson. By roll: Ms. Daugherty "yea", Ms. Johnson "yea", Ms. Ireton "yea", Ms. Gunn "nay", Mr. Cherry "nay". Motion carried.

After being sworn-in to office by Mr. Leicht, Mr. Whitley took his seat on Council.

REPORTS

Mayor James T. Dick

The Zoomba classes will begin June 30, 2010, and be held the 1st, 2nd and 4th Wednesdays of the month. Ms. Kim Coniglio is the instructor.

The Bethel Boosters have a Motorcycle Ride scheduled for 08/14/2010 with the proceeds going toward the ball field improvements.

A thank you letter was received from the Grant Vocational students, thanking the Village for the great experience they've gained working on the police department's cruisers.

Village Administrator, Travis Dotson

The County has been testing sanitary sewer lines with green dye, along South Street and South Main. There is no cause for concern of any toxic chemicals in the lines.

Fiscal Officer, Angel Burton

Nil.

Solicitor George Leicht

Mr. Leicht has prepared a resolution regarding the review of the Tate Run Subdivision. Because Tate Run is a planned unit development, many lots are involved in the zoning.

Police Chief Mark Planck

At 10:30 a.m., the Key Bank was robbed. No weapons were involved, and no one was injured. The suspect got away with 100s and 50s. It is an ongoing investigation.

The department does have ammunition on order through Mr. Whitley's business. Mr. Leicht advised getting with Ms. Burton regarding the proper handling of the payment, since Mr. Whitley is now a council man. The auditors may need to be contacted.

Ms. Burton stated the Village had a similar situation when Ms. Johnson was sworn-in to Council. Mr. Whitley should abstain from voting on the payment.

Finance Committee, Chairperson Donna Gunn

The Finance Committee will meet Thursday, July 8, 2010 at 5:00 p.m.

Public Works Committee, Chairperson Tim Cherry

The Public Works committee met last Monday, June 21, 2010.

Mr. Cherry made a motion accepting Vic Suttles bid to plaster the Grant Memorial for \$1150 and Todd Brooks bid to paint the interior of the Grant Memorial for \$1875. Second by Ms. Daugherty. All yea.

Ms. Ireton made a motion requesting \$3025 from the Burke Trust Commission to cover the plaster and interior painting expenses at the Grant Memorial. Second by Mr. Whitley. All yea.

The Public Works department will not be able to make the necessary repairs at the playground. The slide has to be replaced entirely, as well as other repairs, totaling \$5116. The money for the repairs has been appropriated in the Burke Park fund.

The Village received a donation from Duke Energy to go toward work along the Village walk path. The property involved is owned by the school.

A motion to give the \$1000 Duke Energy donation to the Bethel Tate Schools for improvements surrounding the Walk Path was made by Mr. Cherry. Second by Ms. Daugherty. All yea.

The public input related to storm water at the past Public Works meeting was appreciated, and the Village is addressing drain blockage and other issues on private properties. The Village is getting a GIS map from the County. Storm water will be an ongoing task over the next few months.

The next Public Works committee meeting is Monday, July 19, 2010 at 5:30 p.m.

Safety Committee

The next Safety Committee meeting will be Monday, July 12, 2010 at 5:00 p.m.

Personnel Committee, Chairperson Mary Daugherty

The Personnel Committee met June 21, 2010, and discussed consistency between the job descriptions.

The next Personnel Committee meeting will be Monday, July 26, 2010 at 5:00 p.m.

The committee asked that Mr. Dotson forward the current employee handbook and job descriptions to all the committee members.

Burke Trust Commission, Janice Ireton

The committee has received a letter from Ms. Samantha Heist, a 2008 scholarship recipient, requesting the group release the remainder of her scholarship, due to improved grades.

Ms. Ireton will review the matter with Mr. Manning.

Planning Commission, Priscilla Johnson

The next Planning Commission meeting is Wednesday, July 14, 2010 at 6:00 p.m. They will be discussing the Tate Run zoning issue and reviewing the community survey. Mr. Dotson believes the software system can differentiate between tenants and property owners for the survey mailing.

CALL OF MEMBERS

Priscilla Johnson: Nil.

Janice Ireton: The girl scout groups are looking for information on Village recycling, and Ms. Ireton asked if a poll on recycling will be on the Village website. Mayor Dick advised the topic be avoided in the community surveys.

Donna Gunn: Will review committee assignments and get back to everyone in the next few days.

Rus Whitley: Questioned if he was still permitted to work with the Bethel Boosters on the concession stand. Mr. Leicht stated there is no prohibition against volunteering, though paying others to do one's work is questionable.

Tim Cherry: Nil.

Mary Daugherty: Nil.

PUBLIC INPUT

Mr. Ausman stated on behalf of Bethel residents, he believes what happened with the Council seat appointment was a travesty and he is embarrassed to be a part of Bethel.

LEGISLATION

ORDINANCE 1639 AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF A CASE CX36 EXCAVATOR WITH BUCKETS AND A TRAILER, 3rd reading

Mr. Whitley questioned why the trailer the Village already owns couldn't be used to transport the mini-excavator. Removing the trailer from the purchase would decrease the expense by \$4800.

Mr. Merz, from Southeastern, addressed Council regarding the trailer. Trailers are rated, and the current trailer with the addition of ramps would be rated for around 4500 pounds. The mini-excavator weighs 7734 pounds. Mr. Leicht encouraged the purchase of the trailer, due to the potential liability.

A motion adopting ORD 1639 Authorizing the purchase of a Case Cx36 Excavator was made by Ms. Gunn. Seconded by Ms. Ireton. By roll: Ms. Gunn "yea", Ms. Ireton "yea", Ms. Johnson "yea", Mr. Whitley "yea", Mr. Cherry "yea", Ms. Daugherty "yea". Motion carried.

RESOLUTION 888 REQUESTING THE VILLAGE PLANNING COMMISSION TO MAKE RECOMMENDATIONS REGARDING FEES AND CHARGES TO THE BETHEL ZONING CODE TO BE ADOPTED BY SEPARATE ORDINANCE, 2nd reading

RESOLUTION 890 REQUESTING THE VILLAGE PLANNING COMMISSION REVIEW AND MAKE RECOMMENDATIONS REGARDING THE ZONING OF THE TATE RUN SUBDIVISION

A motion to waive the 3 readings of RES 890 Tate Run Subdivision Zoning was made by Ms. Gunn. Second by Ms. Johnson. By roll: Ms. Gunn “yea”, Ms. Johnson “yea”, Ms. Ireton “yea”, Mr. Whitley “yea”, Mr. Cherry “yea”, Ms. Daugherty “yea”. Motion carried.

A motion adopting RES 890 Tate Run Subdivision Zoning was made by Mr. Cherry. Second by Ms. Daugherty. By roll: Mr. Cherry “yea”, Ms. Daugherty “yea”, Mr. Whitley “yea”, Ms. Gunn “yea”, Ms. Ireton “yea”, Ms. Johnson “yea”. Motion carried.

PAYMENT OF THE BILLS

A motion to approve the payment of the presented bills and expenses (checks 20928-20947, including the walk path donation from Duke to Bethel Tate Schools and the Zoning Administrator’s June, 2010 salary, OPERS and Medicare contributions) was made by Ms. Ireton. Seconded by Ms. Johnson. All yea.

A motion to adjourn was made by Ms. Ireton. Seconded by Ms. Johnson. All yea. 8:00 p.m.

James T. Dick, Mayor

Angelina Burton, Fiscal Officer