

Minutes
Regular Council Meeting
3 South Main Street
Thornville Ohio
October 26, 2015

Council Members Present:

Heidi Robinson, Council President
Lynnie Snider
Dale Brussee
Mary Renner
Ryan Yzenski
Olivia Newbold

Other Village Officials

Gavin Renner, Mayor
Beth Patrick, Village Administrator
Sharon Brussee, Clerk of Council
Melissa Tremblay, Fiscal Officer
Darrell Ball, Chief of Police

Guests Present:

Beth Dannaher	Deb Moyer	Willis McNabb	Ann Cooperrider
Carly Snider	John Borland	Patricia Reinhart	

Call to Order/Pledge of Allegiance:

The Village of Thornville regular Council meeting was called to order by Mayor Gavin Renner on October 26, 2015 at 7:00 p.m. by saying the Pledge of Allegiance.

Roll Call:

Roll call taken with all members in attendance.

Review and Approval of Agenda for October 26, 2015:

Discussion was held. Councilwoman Olivia Newbold asked if citizen comments would be allowed before the voting of Unfinished Business. Mayor Gavin Renner responded that it could be done at that time, if that is okay with Council. Councilwoman Mary Renner commented that was at the Public Hearing and it was done at the last meeting. Mayor Gavin Renner responded that there is no Public Hearing because that was done at the last meeting. Councilwoman Mary Renner stated that citizens can raise their hands and ask for permission to speak, but there is no Public Hearing. Councilwoman Olivia Newbold asked if there needed to be a motion for that, and the response was no. Council President Heidi Robinson stated that Citizens Comments is the order stated in the Council Rules.

With no further discussion, a **motion** was made by Councilwoman Mary Renner to approve the agenda for October 26, 2015 and was seconded by Council President Heidi Robinson. A roll call vote was taken with all members voting yea. **Motion passed 6-0.**

Review and Approval of Minutes from Regular Council Meeting September 28, 2015:

A **motion** was made by Councilwoman Heidi Robinson to approve the Minutes from September 28, as written, and seconded by Councilwoman Mary Renner. A roll call vote was taken with all members voting yea. **Motion passed 6-0.**

Police Report for September 2015:

Police Chief Darrell Ball presented the September Police Report.

Cases Handled:

Total Call/Case
1 Crash
1 Complaint
1 Lockout
1 Traffic Cases

Auxiliary Hours Worked

Total: 58
Craig Garver – 12
Chuck Sutphen – 14
Brett Blake – 10
Jamie Sickels - 10
David White – 0 On Leave Air National Guard
Mark Stoneman – 0 Took part-time position with New Lexington Police

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Wendy Swinehart – 12

Chief Ball stated the Officer Stoneman will be resigning and he will be taking applications for a qualified officer.

Trainings Attended:

Chief Ball added that all officers re-qualified for firearms in September with the exception of Officer Swinehart. Officer Swinehart was scheduled for October 23, 2015, and is up-to-date now. Chief Ball stated there is on 1 officer that needs the 4-hour continuing education for this year. Chief Ball informed Council that next year the continuing education will be going up to 11 hours, and he thought the officers will need to attend training seminars, which are not free.

Items of Importance:

On September 15, 2015, Chief Ball was stopped by a resident advising he had been struck by a Dollar General semi-trailer while parked on Columbus St in front of the pharmacy. Chief Ball caught up the semi at the Dollar General store in Pleasantville, Ohio. After exiting his vehicle while he was behind the semi, the semi backed up into the Ford Explorer cruising causing damage to the front end. The Fairfield County Sheriff's office handled the accident and the semi driver was cited for improper backing. The accident caused \$3,000 worth of damage to the cruiser, and it was paid.

On September 23, 2015, Officer Sutphen and Chief Ball were on patrol after Mayor's Court. They received a call of two suspect(s) on a fire escape in the area of the Police Department. They responded to the area and located the two suspect(s) both juveniles in the area of the old Urban Farmhouse located a 1 North Main St. The juveniles were attempting to enter the building by the fire escape. The juveniles were charged with criminal trespassing and possession of criminal tools.

Discussion was held regarding the continuing education. Councilwoman Mary Renner asked if some of the training could be done on-line. Chief Ball responded that some of it could be. He added there is some additional training is done during the day, which may be difficult for some of his officers to attend.

Mayor's Report for October 26, 2015

Mayor Gavin Renner gave a verbal Mayor's Report to Council for October 26, 2015.

Correspondence:

- No written correspondence or email.

Need to advertise for Zoning Secretary position.

Traffic on the Facebook page. A lot of people like the pictures of the Country Fair.

Monthly Water Report to Perry County Commissioners for September 2015:

With no discussion held, a **motion** was made by Council President Heidi Robinson to receive the Monthly Water Report to Perry County Commissioners for September 2015 and was seconded by Councilwoman Mary Renner. A roll call vote was taken with all members voting yea. **Motion passed 6-0.**

Monthly Water Report to Council for September 2015:

With no discussion held, a **motion** was made by Councilwoman Mary Renner to receive the Monthly Water Report to Council for September 2015 and was seconded by Councilwoman Olivia Newbold. A roll call vote was taken with all members voting yea. **Motion passed 6-0.**

Mayor's Court Report for September 2015:

With no discussion held, a **motion** was made by Council President Heidi Robinson to receive the September 2015 Mayor's Court Report and was seconded by Councilwoman

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Mary Renner. A roll call vote was taken with all members voting yea. **Motion passed 6-0.**

Administrator's Report:

Village Administrator Beth Patrick gave the Administrator's Report.

- Received a call of Columbia Gas about the replacement of lines from Thornport to the green box, which is located in the alley between the Shelly Lab and the Methodist Church. The project is slated for sometime in December. The affected customers will be notified by Columbia Gas prior to the commencing of the project, and there may be interruption of service for a day. Village Administrator Beth Patrick advised Columbia Gas there is the elementary school that could be affected, and they should contact the school regarding this project.
- Met with Gary Smith – Planning and Design for Thorn Township Trustees. They are in the process working on projected growth and water and sewer information.
- Perry County Commissioner Jim O'Brien would like to schedule a meeting with Village representatives to discuss the Burr Oak Water Regional Water District Proposal.
- Reminder there is a 2-year meeting with the Commissioners regarding the sewer contract and there needs to be a meeting scheduled to go over the contract. Discussion held. Councilman Dale Brussee stated that the purpose of the meeting is to discuss the capacity of the sewer plant and not the contract. He added there has been some confusion over the purpose of the 2-year meeting. Village Administrator Beth Patrick responded that she had spoken with Solicitor Zets regarding meeting with the Commissioners and he recommended meeting with them. Councilman Dale Brussee commented that is okay and he reiterated the purpose of the meeting is for capacity of the sewer plant. Village Administrator Beth Patrick stated that she would like to have the same group of people meet with the Commissioners, and this can be discussed at the meeting with Commissioner O'Brien. Village Administrator Beth Patrick stated that she wants to make sure that the Village is compliant with everything in the contract.
- Received a few calls today from residents regarding **Ordinance 15-07** (Tree and Shrubs) and **Ordinance 15-06** (Grass and Weeds). Their concerns were that it should be the responsibility of the Village for the trees the Village planted, the financial burden of trimming trees to residents, no place to dispose of branches and yard waste, hardship on the elderly residents, and residents do not have proper equipment to trim.
- Triple H has re-lined the parking spaces and the school crosswalk at the school with no cost to the Village.
- Bleachers have been painted and the under side of the bleachers are to be painted.
- Play equipment has been painted.
- Crack and seal of streets has been done.
- J. Jennie has been repairing 4 storm drains.
- The concession stand floors, breezeway, office and both bathrooms have been painted.
- Purchased new computer for Anna for utility billing.
- New printer will be purchased by the end of the year for printing bills.
- Work has been completed on the transfer of data from the old computer to the new computer.

Presentation and Payment of Bills:

Village Administrator Beth Patrick presented the bills to Councils

Discussion was held regarding reimbursement for the repair of the cruiser. It was stated there was partial reimbursement because there was additional cost that had not been included on the estimate. Chief Ball stated that he would re-submit the difference to U.S. Cargo Express.

With no further discussion, a **motion** was made by Councilwoman Lynne Snider to pay the bills and was seconded by Councilman Dale Brussee. A roll call vote was taken with all members voting yea. **Motion passed 6-0.**

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Bank Reconciliation:

With no discussion held, a **motion** was made by Council President Heidi Robinson to receive the Bank Reconciliation for September 2015 and was seconded by Councilwoman Lynne Snider. A roll call vote was taken with all members voting yea. **Motion passed 6-0.**

Fiscal Officer's Report:

Fiscal Office Melissa Tremblay stated that the 2016 Appropriations is under New Business and it's the first Reading. She stated if there were any questions to contact her or Village Administrator Beth Patrick. She added it is straightforward.

Zoning Report – Council Representative Dale Brussee

Council Representative Dale Brussee gave the October Zoning Report to Council.

- Meeting was short.
- Zoning Inspector's Report was received.
- No Old and New Business.

Committee Reports

Public Facilities and Safety – Chairperson Dale Brussee

- Meeting was short.
- Passed the September meeting minutes.
- No Old and New Business.

Parks and Recreation – Chairperson Lynne Snider

- No New Business
- Old Business:
Bleachers were painted and the underside of the bleachers to be painted.
The playground equipment has been ground and painted.

Personnel – Chairperson Heidi Robinson

- Old Business:
Working on final review of Personnel Manual.
- New Business:
Reviewed 2016 Pay Ordinance and decided line items would be up for pay increases. This ordinance is before Council this evening.

Finance – Chairperson Mary Renner

- Old Business:
Review of 2015 Appropriation with no changes.
- New Business:
Reviewed 2016 Proposed Appropriations which is before Council this evening.

Unfinished Business:

Ordinance 15-06 AN ORDINANCE TO AMEND ORDINANCE 11-15 (WEEDS AND GRASS MAINTENANCE) AND DECLARING AN EMERGENCY. 3rd Reading.

A **motion** was made by Councilman Dale Brussee to pass **Ordinance 15-06** and was seconded by Councilwoman Lynne Snider.

Citizens Comments for Ordinance 15-06:

Discussion was held and opened to citizens comments for **Ordinance 15-06**. Patricia Reinhart voiced her concerns regarding noxious weeds and she stated that she likes the balance of nature. Discussion followed.

John Borland voiced his concerns regarding the spraying of chemicals, and the effects of chemicals can have on health.

Debbie Moyer voiced her concerns regarding the rain water, and the effects that it can have on the growth of grass. She added that she is not going to treat her dandelions, and

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she is not going to treat her yard, and let it go into the ground and the water system. Discussion was held.

Beth Dannaher voiced her concerns about the strict zoning ordinances and she stated that other areas have friendlier ordinances. She added it is more like a Home Owners Association, and she felt that it was affecting basic property-owners' rights. She also voiced her concern that millennials will not move to Thornville because of Zoning restrictions. Discussion followed.

Willis McNabb voiced his concern about the definitions of words in the ordinance. Councilwoman Olivia Newbold provided the definitions. Discussion was held.

Village Administrator Beth Patrick asked the citizens what length grass would be considered reasonable. Discussion held. After discussion, Village Administrator Beth Patrick informed the citizens there are openings on the Zoning Board. Further discussion held.

Councilman Dale Brussee clarified the intent of **Ordinance 15-06**. He stated that **Ordinance 11-15** still exists but with the changes from **Ordinance 15-06**. It was clarified that **Ordinance 11-15** will be amended with the changes and not replaced with **Ordinance 15-06**. Further discussion was held.

Councilman Ryan Yzenski stated that part of the reason that he moved to Thornville was because it was so clean. Discussion was held.

Mayor Gavin Renner asked if Council wanted to vote on the motion that is currently on the table to pass **Ordinance 15-06**. Councilwoman Mary Renner stated that she would like the ordinance to be reviewed again by the Zoning Board to tighten it up. Councilman Dale Brussee stated that the Mayor is correct there is a motion on the floor. Councilwoman Mary Renner stated that this is the time for discussion.

A **motion** was made by Councilwoman Olivia Newbold to send **Ordinance 15-06** back to Zoning and seconded by Councilwoman Mary Renner. Discussion was held. Mayor Gavin Renner asked if there was a date to come back to take ordinance back off the table.

A **motion** was made by Councilwoman Olivia Newbold to move to amend the **motion** to table and add until first meeting in February and seconded by Councilwoman Mary Renner.

Discussion was held. Councilwoman Lynne Snider commented that this has been going on for 4 to 5 years, and at some point, you have to put it to bed. She added we never get it right and we never do anything, and some point you have to do it. Councilwoman Olivia Newbold responded that if we can't get right, then we need to continue to table it until our constituents are happy with the Zoning regulations in place. Councilwoman Lynne Snider responded that you never make all of the residents happy you can't even try. Councilwoman Olivia Newbold stated that it would be the majority of people. Councilwoman Lynne Snider also stated this is the first time anyone has come to the Council meeting, and Council has been working on this for 4 years. Carly Snider asked what the difference is between what you have (**Ordinance 11-15**) and what is being voted upon **Ordinance 15-06**. Mayor Gavin Renner responded that it is to clean up procedural issues around the process. Mayor Gavin Renner added it is the enforcement part that needed to be tightened up.

After discussion, the vote was taken to amend to table **Ordinance 15-06** to include the date of the first meeting in February. A roll call vote was taken as follows:
Heidi Robinson - Yea
Dale Brussee - Nay

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Mary Renner – Yea
Lynne Snider – Yea
Ryan Yzenski – Yea
Olivia Newbold – Yea

Motion passed 5 yeas -1 nay.

After discussion was held, the vote was taken to table **Ordinance 15-06** until the first regular meeting in February. With no further discussion held, a roll call vote was taken as follows:

Heidi Robinson – Nay
Dale Brussee – Nay
Mary Renner – Yea
Lynne Snider – Nay
Ryan Yzenski – Nay
Olivia Newbold – Yea

Motion failed 4 yeas -2 nays.

Further discussion was held regarding the motion to approve **Ordinance 15-06**.

Councilwoman Lynne Snider stated that she thought it should be done until January – not February.

A **motion** was made by Councilwoman Olivia to table until the first meeting in January and was seconded by Councilwoman Mary Renner. A roll call vote was taken as follows:

Heidi Robinson – Nay
Dale Brussee – Nay
Mary Renner – Yea
Olivia Newbold – Yea
Ryan Yzenski – Yea
Lynne Snider – Nay

In the middle of the vote, a recommendation was made to contact the Village Solicitor about procedures. It was stated by Village Administrator Beth Patrick that this is too important to not get it right. It was advised to citizens that there can be no discussions during the vote. Point of order was called by Councilwoman Lynne Snider.

Mayor Gavin Renner – Nay

Motion failed 3 yeas-4 nay.

Further discussion was held, regarding the original **motion** of the approval of **Ordinance 15-06**. Councilwoman Mary Renner stated that if it fails that she would like Zoning to look at this again because in her opinion, it still needs to be tightened up. Councilwoman Olivia Newbold reminded Council of how many people are in the audience as guests and their feelings on the ordinance. Councilwoman Olivia Newbold commented that she did not think they were properly informed about the Public Hearing before, and she didn't believe this should be passed as an emergency and there also could be problems in the future with the language. With no further discussion held, a roll call vote was taken on the original motion to pass **Ordinance 15-06**. The voice vote as follows:

Dale Brussee – Yea
Mary Renner – Nay
Ryan Yzenski – Yea
Lynne Snider – Nay
Olivia Newbold – Nay
Heidi Robinson – Yea
Mayor Gavin Renner – Nay

Ordinance 15-06 failed 3 yeas – 4 nays.

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Discussion was held on the failure of **Ordinance 15-06**. It was stated that **Ordinance 11-15** is still a valid ordinance.

Ordinance 15-07 AN ORDINANCE CREATING AND ADOPTING REGULATIONS GOVERNING THE TRIMMING OF TREES AND SHRUBBERY AND DECLARING AN EMERGENCY. **3rd Reading.**

A **motion** was made by Council President Heidi Robinson to table **Ordinance 15-07** sending it back to Zoning and back to Council by the February meeting and was seconded by Councilwoman Mary Renner.

Discussion was held. Councilwoman Olivia Newbold stated there is a roomful of people who are ready to speak, and that Council should be ready to hear them before **Ordinance 15-07** is sent back. Councilwoman Mary Renner commented that she didn't mind listening to them, but they really need to go to the Zoning meeting, if this goes back to Zoning. Council President Heidi Robinson stated that citizens need to go to Zoning meetings to give their input before a lot of time and money is spent on doing this legislation. Council is responsible for the legislation, but Zoning it where it happens. Councilwoman Lynne Snider addressed the citizens in the audience that they may be negative to it, but the rest of the Village is positive towards it, so when a decision is made it is not based on 5 people sitting here. She added their decisions are made for the whole Village. Discussion was held on allowing citizens comments at this time. Councilwoman Lynne Snider stated this is the time for Council discussion.

Village Administrator Beth Patrick voiced her concern about tabling **Ordinance 15-07** there are issues with branches and it won't be long until it is plowing season and there are already problems with schools buses (hitting low-hanging branches). She added that Council had directed Village Administrator Beth Patrick not to allow J. Jennie to cut any branches shrubbery off the roadways. She asked what is she supposed to do, if this ordinance is tabled, and what is she supposed to do when there are calls about school bus windshields hitting low-hanging branches. Councilman Dale Brussee commented this is the whole point of this ordinance was to make the existing roadways passable. Councilwoman Mary Renner commented this ordinance was much more of concern than the grass and weed ordinance because it is a safety issue. Council President Heidi Robinson commented this should go back to Zoning.

A **motion** was made by Councilwoman Olivia Newbold to allow citizens comments.
Motion failed due to lack of a second.

Councilwoman Olivia Newbold asked if this goes back to Zoning. Would it come back as a new ordinance, and it would be a first reading again or what does it come back as. Councilman Dale Brussee explained that Zoning changes would be based upon recommendations from Council to amend the ordinance with those recommendations. The process was discussed on how to proceed with recommendations to Zoning. Councilwoman Olivia Newbold asked about who is on the Zoning Board. It was stated that Mayor Renner and Councilman Dale Brussee are on the Zoning Board. Councilwoman Olivia Newbold stated that since there are 2 members of the Zoning Board and there is a city hall of people here at this meeting that recommendations could be made. Councilman Dale Brussee stated this meeting is not the venue for Zoning and this not the procedure to conduct a Zoning meeting, and the Zoning Chairperson is not present. The process was explained. Councilman Dale Brussee stated that sending this ordinance back to Zoning stating there needs to be changes does nothing without the recommendations from Council. Councilman Dale Brussee also stated that Council must direct Zoning as to what those changes are. Councilman Dale Brussee also added that he is looking at an ordinance from Zoning that was reviewed by the Village Solicitor, and is now in Council's hands. He added that Council wants this ordinance sent back to Zoning with no recommendations. He stated that those changes need to be written down by Council if this ordinance is tabled, and those recommendations given to the Zoning

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Chairperson. Councilwoman Olivia Newbold stated that she would like to give recommendations to Zoning but she needs to know the opinions on how the majority of citizens think and not just the people sitting here. Village Administrator Beth Patrick asked what needs to be changed. Mayor Gavin Renner responded there is an opportunity under Citizens Comments at the end of the agenda. Councilwoman Olivia Newbold listed her questions that she raised at the Public Hearing. Discussion was held regarding designee in Section 1b and 1c, and does the language set up employee/employer relationship between the Village and whoever is the designee of the Zoning Inspector and/or the Village Administrator. Village Administrator Beth Patrick responded that each member has the answer to those questions is an envelope included in their folders from Solicitor Zets.

Councilman Dale Brussee made a **motion** to release these letters for Public Record and was seconded by Councilwoman Mary Renner. A roll call vote was taken with all members voting yea. **Motion passed 6-0.**

Mayor Gavin Renner read the response from Solicitor Zets to the question regarding "designee." His response is as follows: "This language allows the Zoning Inspector to have another Village employee perform some task if the Zoning Inspector cannot. It was not meant to create a new position, but merely allow for things to get done." Councilwoman Olivia Newbold stated this wasn't meant for that but could the language be interpreted as that in the language. Mayor Renner responded not according to what Solicitor Zets responded. Councilwoman Olivia Newbold stated that her conflict is that the Villagers that she has talked to have a problem with the easement way between the sidewalk and the streets with trees that they did not plant. She knows that this has been discussed before, but she is relaying this information to Council to take back to Zoning or recommendations to take back to Zoning. Councilwoman Olivia Newbold added that some citizens have a problem with maintaining the Village streets signs. It was asked what was meant by maintaining the streets signs. Councilwoman Olivia Newbold responded that if trees overhanging over a stop sign, and they feel it is not their responsibility. Village Administrator Beth Patrick responded the Village is currently maintaining street signs, and that Council did allow J. Jennie and her to cut brush or trees at street signs because it was a public safety issue. Discussion was held regarding the maintenance of the street signs. Councilwoman Olivia Newbold asked this ordinance places the responsibility on the homeowner or the Village. Mayor Gavin Renner added that the placement of signage is up to the Village. It was stated by Councilwoman Mary Renner it is the homeowners' responsibility to maintain their vegetation, whether it's trees, grass or anything else so that it is not in the way of the signs or traffic lights. Councilwoman Olivia Newbold asked if this included the easement way. Councilwoman Mary Renner responded that an easement is not ownership. Further discussion was held regarding easements. Mayor Gavin Renner called Point of Order, when a citizen spoke during Council discussion. Discussion was held regarding Point of Order that is written in the Council Rules.

Councilwoman Olivia Newbold made a motion **suspend** Council Rules and open the floor for citizen comment and was seconded by Councilwoman Mary Renner. A roll call vote was taken as follows:

Olivia Newbold – yea
Ryan Yzenski – yea
Lynne Snider – nay
Mary Renner – yea
Dale Brussee – yea
Heidi Robinson – nay

Motion failed 4-2 because the vote did not reach super majority.

Councilwoman Mary Renner stated the devil's strip has been a concern with many people, and it was finally decided it was the homeowners' responsibility. She added that the Village didn't want to micromanage the ownership of that property and people were

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getting upset about the Village removing trees because of the root system were growing under the streets and causing damage to the streets. Council President Heidi Robinson voiced her that it is more of a public safety issue, and it doesn't matter who put the trees in. She added that Council cannot let large trucks and buses risking damage to their windshields. She stated realistically people will need special equipment to trim trees. She stated that it is difficult for the elderly and it is very expensive to hire someone. Council President Heidi Robinson stated really it should be the Village trimming the trees out of the roadway. Councilwoman Mary Renner asked if the Village has the equipment to do this. Village Administrator Beth Patrick stated that in past she didn't have a problem with J. trimming the trees. She asked if Council wants to allow J. to trim trees. She added it is a safety issue. Councilman Dale Brussee stated that in the past there were complaints about the Village trimming the trees, and the Villagers did not like the way it was done. Village Administrator Beth Patrick asked if Council wants to have the streets plowed this winter. Administrator Beth Patrick asked if this ordinance is tabled would Council allow her to direct J. to trim the trees. Mayor Gavin Renner responded that according to the Ohio Basic Code that addresses need to be listed and they need to come before Council. Councilman Dale Brussee stated that the residents need to know their trees are going to be trimmed. Point of order called by Mayor Gavin Renner, when multiple Council members were speaking. Mayor Gavin Renner read from the Ohio Basic Code regarding the procedure to trim trees. Mayor Renner stated that the Village cannot go onto private property to trim trees. The devil's strip question needs to be sent to Solicitor Zets.

During the course of Council discussion, Solicitor Zets called into the meeting at 7:33 p.m.. A question was asked if J. Jennie could trim the trees and branches if this ordinance is tabled, and there is concern about the timing. Solicitor Zets responded there is an ordinance on the books already so follow the current ordinance, and it (**Ordinance 15-07**) is just to clean up the process. Councilwoman Mary Renner asked his opinion about the devil's strips and trees, and is it the Village's responsibility or the homeowners. Solicitor Zets responded that it is the homeowners' responsibility, and he added that it is the homeowners' responsibility. He added is a road right-of-way easement to the Village and it is still the homeowners' property and they need to maintain it. He also added that it is the property between the street and the sidewalk, and it is the homeowners' property. He added every road has a road right-of-way. Councilman Dale Brussee asked for clarification of what **Ordinance 15-07** is doing, and that it is strictly procedural. Village Solicitor Zets responded that it was procedural, and all it is during is to create a more user-friendly process. Solicitor Zets added that even if these 2 pieces of legislation are not passed, the Village still has legislation currently in place the Village would use the current ordinances on the books. Village Administrator Beth Patrick asked Solicitor Brian Zets what a good definition for "devil's strip" is because this was asked by a resident. Solicitor Zets responded that he didn't where this slang came from, but basically defines the strip between the sidewalk and the roadway. Village Administrator Beth Patrick the stated that basically the Village cannot trim trees on the devil's strip, Solicitor Zets responded no, unless it is an emergency. He added the Village cannot go around on private property trimming their trees. Councilwoman Olivia Newbold asked the definition of emergency because buses may have the potential for having windows broken out. Solicitor Zets responded that the homeowner would needed to be contacted, but it could be trees falling down into the streets. Mayor Gavin Renner added that an example of an emergency may be the situation when there was a windstorm that came through and knocked down several trees, and the Village has to clean up. Village Administrator Beth Patrick asked Solicitor Zets if he had a problem with the Village trimming trees if they hitting school buses. Solicitor Zets asked if the Village was going to trim the trees, and then ask the homeowners to pay. Village Administrator Beth Patrick responded no, the Village would just trim. Village Administrator Beth Patrick stated that it probably simpler to just notify the homeowners. Solicitor Zets voiced his concern that the Village would become a tree trimming service.

Discussion was held regarding the motion currently on the table. Council President Heidi Robinson stated that Council should list their concerns in writing and send it back to

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Zoning. She added that way they have a clear picture of what Council is looking for. Councilwoman Mary Renner stated that the main concern is who is going to trim the trees and bear the financial responsibility. Councilwoman Lynne Snider responded that Solicitor Zets just said that it is the homeowners' responsibility. Councilman Dale Brussee stated that **Ordinance 15-07** amends **Ordinance 11-15**, and what is changing is from **Ordinance 11-15** is procedural part. Councilman Dale Brussee asked if this is sent back to Zoning is to change the procedural part of the ordinance. Discussion was held on the procedure. Council President Heidi Robinson stated that no matter what Council does the homeowner is responsible, and that was her main concern the concern of people who had spoken to her and putting that responsibility back on the Village. Councilwoman Olivia Newbold asked why it changed and why at one point did Village take responsibility for trimming from the street up, and now the Village doesn't. Councilman Dale Brussee responded that at the time it was unknown and the Village wasn't doing it right (trimming trees), and it was corrected (by putting the responsibility on the homeowner).

With no further discussion, a voice vote was taken on the motion to table **Ordinance 15-07** sending it back to Zoning and back to Council by the February meeting. The vote is as follows:

Mary Renner – Nay
Lynne Snider – Yes
Ryan Yzenski – Nay
Olivia Newbold – Nay
Dale Brussee – Nay
Heidi Robinson – Nay

Motion failed 5-1.

With no discussion held, a **motion** was made by Councilwoman Olivia Newbold to allow for citizens discussion and was seconded by Councilwoman Mary Renner. A roll call vote was taken with all members voting yea. **Motion passed 6-0.**

Citizens' discussion on Ordinance 15-07

Willis McNabb voiced his concerns regarding Ordinance 15-07 and the wording of "No person, whether as owner, lessee, agent, tenant, or any other person having charge or care of land in the Village", and isn't there a conflict. Discussion held. He stated he didn't like either one of these ordinances He also voiced his concern regarding people on social security, and the hardship of the expense of trimming trees on these residents. He thought this hardship may cause people to move out of the Village. Discussion held.

Debbie Moyer stated that she lives on SR204 and the stop sign at the end of the alley has been covered for 3 years, and her husband cleaned it up. Her other issue are the trees in her front yard where there are tire tracks. Drivers are driving off the street, and she is afraid that someone will go off the road, and into her trees. She stated there should be a guardrail there. She also stated that at one time a forestry service came through and marked trees that were taken down, and the Village planted something else in its place. She asked if it's her responsibility to take it down since it is dead. Discussion held. Point of Order called by Mayor Renner due to multiple conversations. It was stated that it is her responsibility to remove that tree. Point of Order called by Clerk of Council because of multiple conversations. Debbie Moyer also stated that back in 1978 the Mayor at the time told her that she couldn't take down the old maple tree. Debbie Moyer responded that she disagreed with that at the time. Chief Darrell Ball also responded that laws can change over time. Further discussion held.

Carly Snider commented that she thought at first when she read the ordinance that the Village no longer wanted to trim trees, but after reading the Ohio Basic Code, she

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changed her mind. She stated the basically the Village's hands are tied. She added that the Village can't do anything. Discussion held.

Patricia Reinhart stated she didn't know why this has to be so rigid. She stated that she really liked the way J. Jennie trims trees, and why can't this be done in conjunction with residents. Councilman Ryan Yzenski responded that the Village is not in the trimming business. Discussion held.

Councilwoman Olivia Newbold made a motion to table **Ordinance 15-07** and bring back to the table the first meeting in February and take it back to Zoning.

Motion failed due to lack of second.

With no further discussion held, a motion was made by Councilman Dale Brussee to approve **Ordinance 15-07** and was seconded by Councilwoman Mary Renner. A roll call vote was taken as follows:

Dale Brussee - Yea

Mary Renner - Yea

Lynne Snider - Yea

Olivia Newbold - Nay

Heidi Robinson - Yea

Motion passed 5-1.

New Business:

Ordinance 15-08 AN ORDINANCE ESTABLISHING THE COMPENSATION AND PAY SCHEDULES FOR CERTAIN POSITIONS WITHIN THE VILLAGE OF THORNVILLE, REPEALING ALL PRIOR SALARY ORDINANCES, AND DECLARING AN EMERGENCY. **1ST Reading.**

A **motion** was made by Council President Heidi Robinson to suspend the rules for **Ordinance 15-08** and declare as an emergency and was seconded by Councilwoman Mary Renner.

Discussion was held regarding why **Ordinance 15-08** is being passed as an emergency. A roll call vote was taken with all members voting yea. **Motion passed 6-0.**

A **motion** was made by Council President Heidi Robinson to adopt **Ordinance 15-08** and pass as on emergency and was seconded by Councilwoman Mary Renner. A roll call vote was taken as follows:

Heidi Robinson - Yea

Olivia Newbold - Nay

Ryan Yzenski - Yea

Lynne Snider - Yea

Mary Renner - Yea

Dale Brussee - Yea

Motion passed 5-1.

Ordinance 15-09 2016 ANNUAL APPROPRIATION ORDINANCE VILLAGE OF THORNVILLE AND DELARING AN EMERGENCY. **1ST Reading.**

A **motion** was made by Councilwoman Heidi Robinson to suspend the rules for Ordinance 15-09 and pass as an emergency and was seconded by Councilwoman Mary Renner.

Discussion held. Regarding the time of the **Ordinance 15-09**, and it would go through the whole process. It was stated by Village Administrator Beth Patrick that this ordinance needs to be in New Lexington by December 31, 2015 and it was a concern that meetings could be cancelled. The process of the readings was reviewed.

A roll call vote was taken with all members voting yea. **Motion passed 6-0.**

Minutes
Regular Council Meeting
3 South Main Street
Thornville Ohio
October 26, 2015

With no further discussion, a motion was made by Council President Heidi Robinson to adopt **Ordinance 15-09** as an emergency and was seconded by Councilwoman Mary Renner. A roll call vote was taken with all members voting yea. **Motion passed 6-0.**

Council Comments:

Councilwoman Olivia Newbold had no comment.

Councilman Dale Brussee asked Mayor Renner about the Stop Work Order across the street. Mayor Renner responded that he had not.

Council President Heidi Robinson had no comment.

Councilman Ryan Yzenski had no comment.

Councilwoman Lynne Snider had no comment.

Citizens Comments

Carly Snider would talk to someone later about her alley.

Willis McNabb stated there is a new council member that is very young to strive to get young people involved, and he thought she was doing a good job. He commended for speaking up and she doesn't have to win every argument, but there will some in the future. He stated this is what this country needs and this Village. We don't need to have everyone to be of the same opinion. He also voiced his opinion that emergency ordinances can be abused. He stated that this can be too big of a convenience for Council to pass as an emergency.

Patricia Reinhart commented that she feels the same way emergencies.

Meeting Announcements:

Next Zoning Meeting - November 2
December 1
Next Committee Meetings - November 16
Next Council Meeting - November 23

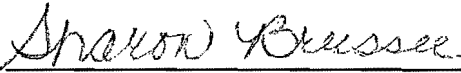
Adjournment:

With no further discussion, a **motion** was made by Councilwoman Mary Renner to adjourn and was seconded by Councilman Ryan Yzenski. A roll call vote was taken with all members voting yea. **Motion passed 6-0.**

Meeting adjourned at 9:31 p.m.



Gavin Renner, Mayor



Sharon Brussee, Clerk of Council