

DAYTON LEGAL BLANK, INC., FORM NO. 1014B

Held Thornville Village Office

January 27, 2014

Council Members Present:

Brandt Hawkins, Council President
Lynne Snider
Mary Renner
Dale Brussee

Other Village Officials

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

Guests: None**Call to Order/Pledge of Allegiance:**

The Village of Thornville Regular Council meeting was called to order by Mayor Gavin Renner on January 27, 2014 at 7:00 p.m. by saying the Pledge of Allegiance.

Roll Call

Roll call was taken with all Council members present with the exception Councilwoman Heidi Badders.

A **motion** was made by Councilwoman Mary Renner to excuse Councilwoman Heidi Badders because of a back injury and was seconded by Council President Brandt Hawkins. A voice vote was taken with all members present voting yea. **Motion passed.**

Review and Approval of Agenda for January 27, 2014:

A **motion** was made by Councilwoman Lynne Snider to approve the Agenda for January 27, 2014 and was seconded by Council President Brandt Hawkins. A voice vote was taken with all members present voting yea. **Motion passed.**

Discussion was held. Mayor Renner stated there would be no Fiscal Officer's Report because Fiscal Officer Melissa Tremblay was not in attendance due to weather.

Review and Approval of Minutes for January 13, 2014:

A **motion** was made by Councilman Dale Brussee to approve the Regular Council Minutes for January 13, 2014 and was seconded by Councilwoman Lynne Snider. A voice vote was taken with all 3 members voting yea. Council President Brandt Hawkins abstained from voting due to absence at that meeting. **Motion passed.**

Public Hearing:

- **Ordinance 14-01** AN ORDINANCE ESTABLISHING AND ADOPTING SECTION 27.06 (REGULATING FAMILY SWIMMING POOLS) TO THE 2008 VILLAGE OF THORNVILLE PLANNING AND ZONING CODE AND REPEALING ORDINANCE 12-04.

Mayor Gavin Renner opened the Public Hearing for **Ordinance 14-01** at 7:03 p.m. Councilwoman Mary Renner reviewed the last sentence under the Location of Pool Section of **Ordinance 14-01**, which stated "no Kiddie/Blow-Up/Wading Pool may be placed, located, or stored in the front yard and/or side yard when not being used." She asked what the thought was about "not being used." Village Administrator Beth Patrick responded that the pools are to be emptied each night, and the thought was not to leave it out each night. Councilwoman Mary Renner stated her concern was about what the definition is for "not being used". She asked the Village Administrator if she would be enforcing it or the Zoning Inspector. Village Administrator Beth Patrick responded that it would be the Zoning Inspector. Mayor Gavin Renner agreed with the Village Administrator that it would be the Zoning Inspector since it is the Zoning Code. Councilwoman Mary Renner still has concerns over that because it is a day-to-day thing. She added that she understands there is a concern about stagnant water in the pools. Councilwoman Mary Renner also felt that it is a little vague. Councilman Dale Brussee stated that if there is no one in the pool, then it is not being used. Councilwoman Mary

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Renner stated that water coming out of the faucet can be very cold and it can take up to 4 hours for the water to warm up in the kiddie pool before she wants to put her kids in it, and is that considered "not being used". Councilwoman Mary Renner stated that if the Zoning Inspector sees it not being used during this time, would she be cited because the pool is out there for 4 or 5 hours without being used. Councilman Dale Brussee asked if she is using yesterday's water in the same pool and Councilwoman Mary Renner responded no, but if she fills it up at 9 a.m. and the kids aren't in it until 1 p.m., it is not being used. Councilman Dale Brussee stated the intent is for it to be used that day. Councilwoman Mary Renner responded yes, but it is her opinion there wasn't enough specific definition on what not being used is. Village Administrator Beth Patrick asked Councilwoman Mary Renner if she thought this should go back to Zoning and have them revisit this. Councilwoman Mary Renner stated she didn't think that necessarily needs to happen. Councilman Dale Brussee asked Councilwoman Mary Renner how she would like to see if worded, and what is wrong with "not being used." Councilwoman Mary Renner responded that she doesn't want her kiddie pool out there for 4 hours and have the Zoning Inspector coming around and not seeing a kid playing in the pool, and she may get a fine for it. Mayor Gavin Renner stated that is not going to happen at this time because our Zoning Inspector has enough to deal with. Councilwoman Mary Renner stated this is being put into law. Councilman Dale Brussee commented that aside, don't you think the Zoning Inspector would inquire as to why the pool is left unattended. Councilwoman Mary Renner responded that she hoped not. She added that the Zoning Inspector should not be coming to her door and asking her questions. Village Administrator Beth Patrick asked Councilwoman Mary Renner if "not being used" should be taken out. Councilwoman Mary Renner stated that we should think about this for the next 2 weeks, and see if we can up with something. She doesn't like to see the pools left out overnight standing stagnant as a mosquito breeding ground. Councilman Dale Brussee asked if people need to use commonsense on this. Councilwoman Mary Renner responded no, and that laws cannot be written on commonsense.

Mayor Gavin Renner asked for if there were additional comments. Sharon Brussee stated that she understands Councilwoman Mary Renner's concerns, as a citizen and as a grandmother. She added that the Village cannot legislate ever single incident, as much as we want to.

Mayor Gavin Renner closed the Public Hearing for **Ordinance 14-01** at 7:08 p.m.

Police Report

Chief Darrell Ball presented to Council the December 13, 2014 Police Report. Police Ball report that December 2013 was relatively quiet month as compared to the month before.

Cases Handled:

- 1 Assistance Calls regarding an injury to a small child in Robinwood, and that was turned over to the Sheriff's Office.
- 1 Threat/Harassment by the school and that has been resolved.
- 3 Traffic Cases.

Auxiliary Hours Worked:

Total: 84 Hours

Training Attended: None.

Mayor's Report

Mayor Gavin Renner presented the January 27, 2014 Mayor's Report Council.

RECORD OF PROCEEDINGS

Minutes of January 27, 2014

Regular Council

Meeting

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20**Office Hours:**

Mayor Renner will be in the office on the 2nd and 4th Mondays of each month as appropriate. His contact information is 614-745-4802 or mayor.thornville@gmail.com

Correspondence:

- Received letters from Bricker & Eckler LLP, W. E. Quicksall and Assoc. regarding their services for hire.
- Received email from Clerk of Court regarding report to the Ohio Supreme Court for 2013 cases and 2014 registration.

Solicitor:

- Phone call on January 15, 2014 to discuss various topics: Zoning, Police, Water.
- Sent follow-up email for various topics including zoning process for accessory structures on vacant lots, driveway surfacing, police department and Village responsibility for water lines.

Miscellaneous:

- Meeting with County on January 29, 2014 at 7:00 p.m. at Village Office with Village Administrator, Solicitor, Engineer and Mayor. Topic of the meeting is their concerns around water and sewer contracts. Will update Council at next meeting.

Press Contacts:

- Article published in *The Beacon* for the weeks of the 13th and the 20th.

Administrator's Report

Village Administrator Beth Patrick presented the Administrator's Report to Council.

- She received a call from Bill Beal from Dawson Insurance Co. regarding Ohio Joint Self-Insurance Property and Casualty Company. He will be attending the March 17, 2014 Public Facilities Committee Meeting to discuss insurance.
- Ohio Department of Natural Resources Grant has been approved and the grant deadline is December 31, 2014. The grant is for \$2,631.74.
- At the last meeting, Village Administrator Beth Patrick stated that the Village would be receiving \$10,389.06 from the sale of the 6 South Main Street property. Given the clerical mistake she had discovered on the closing document, she felt it was in the best interest of the Village to purchase closing protective coverage at a cost of \$55. The final amount from the sale was \$10,334.06 that went into the General Fund.
- Received an email from Lauren Purdey from Department of Transportation asking all municipalities to report the current and anticipated amount of road salt. Currently, the Village has about 5 tons in salt reserve. Cargill will be delivering an additional 25 tons later this week.
- Today Mayor Renner and Village Administrator Patrick met with Brian Winkler from GGC regarding the Deer Trail Estates road issue. Brian Winkler is currently working on a design plan for the asphalt issue. As soon as she gets a copy of the design, she will forward it to Council.
- Village Administrator Beth Patrick informed Council there was a problem on Saturday regarding the tire on the snowplow. After calling numerous places for a tire, she called County Commission Ed Keister for assistance. Commissioner Keister was very gracious and offered to have one of the County's employees come to Thornville, at no cost to the Village, to plow the streets. In addition, the Commissioner called Dick Newlon from Newlon Tires to get replacement tires. They were able to bring 2 tires to the Village. She called Dick Newlon to thank him for assisting with getting the tires. TCI Road Unit came out to put the tires on. Both tires were put on the snowplow, and she will be getting a third tire with a rim. Village Administrator Beth Patrick wanted to thank Mr. Newlon and Commissioner Keister for helping the Village
- Scott Vest will be attending the next Council Meeting on February 10 to discuss I&I issues and concerns that Council might have.

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- The audit is over. Council will be getting an email from them regarding the findings within the next few months.

Discussion was held regarding the cost of the tires and the army truck to be used as a snowplow back-up. Village Administrator Beth Patrick responded that it was approximately \$220 per tire. Village Administrator Beth Patrick added that she may get the army truck worked on, and this could be a spare plow. She added it is not known what is wrong with it, but she is interested in getting it fixed for use as a back-up plow.

Presentation and Payment of Bills

Village Administrator Beth Patrick presented and reviewed the bills to Council. A **motion** was made by Councilwoman Mary Renner to pay the bills and was seconded by Council President Brandt Hawkins. A voice vote was taken with all members present voting yea. **Motion passed.**

Fiscal Officer's Report

No Fiscal Officer's Report. Mayor Renner stated the audit is over.

Committee Reports:

Parks and Recreation – Committee Chair Lynne Snider

- Adding \$10 across the board for pool memberships.
- Pool Salaries the biggest number. Not a lot of money for salaries.
- Discussed Co-Managers without changing the appropriations @ \$8.75 hourly pay. She would like to try it this year.
- Discussed the cost of repairs for painting, caulking and labor.
- Need to decide to see if Council is interested in doing the gutter study.

Village Administrator Beth Patrick found another company and has forwarded that information to Councilwoman Heidi Badders.

Discussion was held if money has been appropriated for the study, and it has not been. It was stated that it would be a good idea to get a consensus of Council. Councilwoman Mary Renner stated that she has seen first-hand the disrepair of the pool, and the injuries that have occurred due to chipped paint. She also stated that if the Village is interested in painting the pool that the Village should look into replacing the liner, but she doesn't want to do this without knowing about the shape of the gutters. It was asked if Council wants to ahead with doing the study. Councilman Dale Brussee disagreed because of the amount of money being spent is a lot. He stated if it would cost over \$100,000 to repair the pool, and is Council willing to fix it. If the Village doesn't have the money to do the recommended repairs, then it makes no sense to spend \$6,000 to find out it costs \$100,000 for repairs. Further discussion was held regarding the concrete and getting a pool liner. Councilman Dale Brussee stated that certain concrete would need to be replaced in order to have a good foundation to put a liner in. Councilman Dale Brussee stated that he is not in favor of it, and it is not a good use of the Village's money. Village Administrator Beth Patrick asked if Council wants the pool opened. Currently, she only has \$300, and it is not enough to do anything, and if the Council wants to open the pool, then they need to fund it. Councilwoman Renner stated the Letherman Fund may be a way to fund the pool. Village Administrator Beth Patrick suggested putting a resolution up for a vote to use that money at the next Council meeting.

- Update on the slide – hasn't had a chance to look at other places. Discussion was held on how the grant can be used.

2014 TYRA Agreement

Committee Chair Lynne Snider would like to hold off on this because of the talks with Lakewood.

2014 Timberwolves Agreement

Discussion was held regarding the Timberwolves mowing the ball field. Committee Chair Lynne Snider voiced her concern because the Village doesn't allow anyone else to mow in the Village because it is a liability. Village Administrator Beth Patrick responded this has been done for years, and she can get Timberwolves to sign a waiver.

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It was stated that TYRA has mowed in past as well. Village Administrator Beth Patrick will check with Kevin Howell to see if a waiver is enough. Further discussion was held regarding the agreements about the flat fee for each team paying 1/2 of electric. Councilman Dale Brussee asked what happens if there is only 1 team, and it is a flat fee for \$150, and who would pick up the additional \$150. Councilman Brussee gave an example of no TYRA team. Committee Chair Lynne Snider responded there would be a TYRA team because there would still be girls' softball and t-ball.

A motion was made by Councilwoman Lynne Snider to approve Village Administrator Beth Patrick to sign the Timberwolves 2014 Contract and was seconded by Councilwoman Mary Renner. A voice vote was taken with Committee Chair Lynne Snider voting yea, Councilwoman Mary Renner voting yea, Council President Brandt Hawkins yea, and Councilman Dale Brussee voting nay. Motion passed 3 yeas and 1 nay.

Public Facilities & Safety- Committee Chair Dale Brussee

- Discussed Shelly Lift Station Upgrade.

Council Rules

- No meeting held due to lack of quorum.

Personnel

- No meeting held due to lack of quorum.

Finance

- No meeting held due to lack of quorum.

Unfinished Business:

- **Ordinance 14-01** AN ORDINANCE ESTABLISHING AND ADOPTING SECTION 27.06 (REGULATING FAMILY SWIMMING POOLS) TO THE 2008 VILLAGE OF THORNVILLE PLANNING AND ZONING CODE AND REPEALING ORDINANCE 12-04. **2nd Reading.**

New Business:

- **Ordinance 14-02** AN ORDINANCE APPROVING, ADOPTING, AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2014 EDITION, AS THE CODE OF ORDINANCES FOR THE VILLAGE OF THORNVILLE, OHIO, AND DECLARING AN EMERGENCY. **1st Reading.**

A motion was made by Councilwoman Mary Renner to suspend rules for **Ordinance 14-02** and declare as an emergency and was seconded by Councilwoman Lynne Snider. A voice vote was taken with all members present voting yea. **Motion passed.**

Discussion was held if these books have already these new books. Village Administrator Beth Patrick responded that they have already been purchased.

A motion was made by Councilwoman Mary Renner to pass **Ordinance 14-02** and declaring as an emergency and was seconded by Councilwoman Lynne Snider. A voice vote was taken with all members voting yea. **Motion passed.**

Council Comments:

Councilwoman Mary Renner thanked County Commissioner Ed Keister, Dick Newlon, Beth Patrick and J. Jennie for all of the hours they put in Saturday night and Sunday trying to get the tires fixed. Big thanks to J. for all of the hours he put in plowing the streets. They looked really nice.

Councilman Dale Brussee also wanted to thank Beth and J. for all of the work this weekend. He knows it was tough on a Saturday night not to have a truck with all of the roadways to do. Secondly, he wanted to clarify that he is not against the Timberwolves in the park, but he is against the wording of just the \$150. He felt it needed to be adjusted

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because it is fixing an amount per that team, which may or may not happen. The worst case scenario, the whole sentence should have been left out. That is why he was against it. It is not the correct wording.

Council President Brandt Hawkins also wanted to thank Beth, J. and the Commissioner for the time and effort for making things happen that needed to happen this weekend. The streets look nice.

Councilwoman Lynne Snider stated that it was still slippery at the top of Maple St. Village Administrator Beth Patrick will have J. look at it again to see if it can be bladed again.

Citizen Comments:

Chief Darrell Ball wanted to update Council on the high grass/weed trial that was held on January 22. The trial lasted an hour and 22 minutes. There were interesting questions that were asked. At the end of the trial, the Magistrate Nancy Ridenour said she would give a written ruling in 10 days.

Meeting Announcements: None


Adjournment:

A **motion** was made by Councilwoman Mary Renner to adjourn the meeting and was seconded by Councilwoman Lynne Snider. A voice vote was taken with all members present voting yea. **Motion passed.**

Meeting adjourned at 7:59 p.m.



Gavin Renner, Mayor



Sharon Brussee, Clerk of Council