

**Village of South Bloomfield Council Meeting
Minutes
March 18, 2014**

Council members present: Jane Ramey, Jill Roese, Roger Hopkins , Rick Sowers, Stephen Nicklas and Mayor Wilson.

Council members absent: Matt Pettibone

Pledge to the flag

Approval of Minutes: February 18, 2014 Council Meeting: Motion was made by Roger to suspend reading of minutes, Stephen seconded the motion. Mayor called for vote: Rick, Jill, and Jane yes, motion carried. Mayor asked for any corrections or additions? Roger made motion to approve February 18, 2014 minutes, second by Stephen. Mayor called for vote: Rick, Jill and Jane yes, motion carried.

Roger made a motion to approve March 6, 2014 Special Council Meeting Minutes, Stephen seconded the motion. Mayor called for vote: Rick, Jill, and Jane yes, motion carried.

Old Business:

Ordinance 2014-03 Planning & Zoning Fees Second Reading

Roger made a motion to accept as second reading, Jane second, Mayor asked for questions or comments, Mayor called for vote: Rick, Jill, and Stephen yes, motion carried.

Pickaway County Hazard Mitigation Resolution 2013-06 (Mayor)

Mayor will redistribute it, the resolution to council members. Issue has been passed by the county. We must pass a resolution in council to accept. Mayor will table issue. Chief county wide plan, but no cost involved for VOSBF. Roger made a motion to pass, to second reading, Stephen second motion, Mayor called for questions or comments, Mayor called for vote: Rick, Jill, and Stephen yes, motion carried.

Circus (Jane)

Jane received email today from Donna from the Meriwether Circus, she will be receiving the posters soon. Circus in May 14th. Jane will be getting with Woody Blanton to distribute the posters and ticket information to the community. Advance tickets will be available at the office and some of merchants will have tickets available for sale also.

Annexation (Jill)

Annexation of the Waste Water treatment property has been in process with County and Surveyor. Rob Rishel gave update, plat has been surveyed and received 24 days ago, and Rob filed the plat under type two development with the County Commissioners for their

approval at their next meeting. Once approved by the County Commissioners, the issue will come back to the Village Council for approval.

Records Retention (Mayor)

Mayor stated Resolution 2007-11 Public Records and Records Requests was passed, therefore, we do not need a new one. CFO noted that according to the Village Officer Handbook, we are still required to create a retention schedule that is approved by the State of Ohio Auditor and the Ohio Historical Society.

Attorney Rishel noted that he will meet with CFO to discuss schedule.

BPA New Appointment (Mayor)

Mayor has not decided on new appointment.

Telephone System (Matt)

Matt not available at meeting today. Move forward or take off agenda per McCoy. Warrantly was the question, one year warrantly available. Stephen suggested that we leave it tabled, since Matt is not here and the information is not available from Sgt. Cline. Rick motion to table for up/down vote at next meeting, Jill second. Mayor called for vote: Rick, Jill, and Stephen yes, motion carried.

Violation of Employment Law(Stephen)

Rob Rishel attorney asked permission to speak on subject. Matt Pettibone received a memo from Councilman Nicklas relating to violation of employment law.

Attorney was asked by President of Council, Matt Pettibone to validate the issue.

Mr. Rishel stated that this violation did not meet qualifications of Civil Rights Violation.

1. BPA is an elected position, so not employees under 1964 Civil Rights. Definition of employee does not cover elected official. They are on par with Council members; the employment law does not apply.
2. Subject of "Morals", failed under law, no violation of Civil Rights for Employment Matters
3. The constitution does protect religious belief, cannot discriminate, moral believe does not qualify, in Ohio only in a narrow standard as it reflects to religious belief. Contentious objectors for military beliefs cannot be discriminated for those morals.

Attorney Rishel submitted a summary memo detailing his response to the CFO to attach to minutes of this meeting.

Conclusion: No cognizable discrimination can be discerned from the facts as described. The mayor may evaluate morals as part of his appointment calculus. Further the evaluation of morals is prudent in such a calculation.

Mayor wanted to make a statement: I was talking about the gentlemen I choose, not the gentlemen who was not chosen. Roger disagreed; he stated that Mayor was referring to John Serio as he was talking to Dan Gwinn.

Roger requested that all council meetings be video taped from now forward. He will not attend any future meetings without it being recorded.

Solicitor Issues

Rob one issue still open, which is a procedure for appointment of BPA official. Mr. Gwinn had called the attorney regarding the open position on the BPA. What do you do while waiting on appointment of BPA member. 735.28 section of ORC states that appointment of BPA is an elected position, but if not elected, Mayor must appoint and council must approve. No restriction on how long it can take. Law is designed to force cooperation between the Mayor and the BPA board.

Officers of the BPA do not have to be board members. Council creates position, authorized the \$ for that position. The Village has to have a board, minimum of three and need quorum at the meetings to complete tasks. What if the BPA member not performing by attending meetings; there is a procedure for that situation. Dan Gwinn as Chairman can swear in but cannot appoint a BPA member.

Mr. Rishel stated that the process we are using now to communicate issues via President of Council Matt Pettibone, to relay to the attorney has been using is working quite well.

Question or comments from Residents

Shawn Davidson asked about being charged to use the baseball fields, why?
Jill asked about using the ball field last year and was told not available.
Jim Kendig, park commissioner stated that he helped last year to clean up the ball park, paid for home plate out of his pocket. Tax payers should not have to pay to use this park. These teams that want to play, but it would cost them \$250 for the season.

Roger said that we set these fees at the park committee; we did agree to charge to use the park, but not to charge for ball diamonds. Roger doesn't remember anything about charging to use the ball field. Shawn Davidson said teams are willing to bring money in to fix up ballpark. Jim Kendig stated that he would like to have a posting box placed in the park.

Jill stated that we have residents who want to use the park.

Rick Sowers asked if they have another meeting, will you all be there to revamp the park rental agreement, because we were told that we didn't have teams who were wanting to use the ball fields.

Mayor stated that there is no new business listed on this agenda, just committee reports, so there is no new business to discuss. There was a heated discussion on the validity of the agenda, who is supposed to create the agenda and who has been creating the agenda. Rob Rishel stated as long as the person is listed as in Executive branch they can prepare the agenda, but Mayor says we have an ordinance that says that the Mayor has to be the one to make the agenda. Roger wants to continue the meeting as to not waste tax payer money to pay for meeting that was not productive. Mayor asked will he be accused of not following the law by following this agenda. 2011-06 Ordinance Council Agenda shall be provided by Mayor.

NEW BUSINESS:

COMMITTEE REPORTS

Safety Committee (Hopkins)

February 13, 2014 held.

Ordinance Committee (Sowers)

2/25/14 met, cost of living adjustment, wrote resolution for one time, Ordinances on record, without proper signatures, Mayor and CFO required to become law.

Jane Ramey said not signed any minutes as President of Council

Stephen distributed a worksheet of all ordinances he has scanned.

Livestock ordinance, numerous suggested that the Village does have an animal ordinance. Subject brought up to have chickens on her property. We have noise, animal, property ordinances. Ordinance committee does not feel that a special ordinance for approval of chickens. They recommend that we do not have a special chicken ordinance.

Village Handbook, we understand falls under executive authority, not sure how to approach any review of the handbook, since they cannot make changes.

Stephen asked Mayor to provide the ordinance that says we cannot have livestock. Mayor states there is an ordinance that is prior to 1976.

Special Technology Committee (Stephen)

Stephen stated that they reviewed the Cyber Insurance question.

Red Flag rules, fair credit when they met on February 26, 2014

Finance Committee

Met February 20th and March 13, 2014.

Matt Pettibone not available for report.

Additional Temporary Appropriations for 2014 Ordinance 2014-04

Roger made motion, Rick second for additional appropriations 2014-04

Mayor called for vote: Jane, Jill, and Stephen yes, motion carried.

Roger motion to pass as emergency, Mayor asked why emergency, Stephen second motion. Mayor wanted to question why Seizure Funds were being placed into General Fund, where as they could possibly be transferred to other department funds.

Roger with drew his motion and Stephen motion to table for further investigation.

Ordinance 2014-05 Permanent Appropriations

Roger made a motion to table since it includes items listed in 2014-04 Ordinance, Rick second. Mayor called for vote: Jane yes, Jill yes, Stephen yes. Motion carried.

Resolution 2014-01 to award a one time cost of living adjustment for 3.5%. Village Solicitor noted that this would be considered a one time cost of living adjustment for Employees and would not be considered a raise in salary because:

1. Village employees have not received a raise in many years and,
2. Better than expected Village revenues in 2013

Motion was made by Roger, via line items 2013 gross pay, not exceed revenue, 6/10th of appropriations for six months. This is a Cost of living adjustment, not a bonus. Rick second. Shawn Davidson asked why no raise for eight years? Total raise will cost \$12,000. Mayor called for vote, Jane yes, Jill yes, Stephen yes, motion carried.

Vacation and Sick Policy

Handbook passed in 2009 since it was passed by council. No limit sick leave Ordinance carries over policy, so the 2002-19 section 6 "Sick leave may be accrued until the employee terminated employment can receive up to 25% after 30 days notice.

Vacation is 40 hours maximum carry over. Joe has been here six years, 40 hours carried over in all years past. Roger wants to address the shortage on vacation.

Roger made a motion to retroactive create a resolution to allow employees not to loose vacation time not carried over for previous year to ordinance committee, second by Stephen, mayor called for vote: Jill yes, Jane yes, Rick yes, motion carried.

Pay Park Commissioner

April – September, \$100 per month. Stephen found ordinance eliminate Park Commissioner and duties done by Park Committee 1991. He cannot find amendment to rescind, Roger made motion and Stephen second to send to ordinance committee, Mayor called for vote: Jill yes, Jane yes, Rick yes, motion carried.

Cell Phone Management

Ordinance 2012-08 was never passed by council and will be sent to Ordinance Committee for review. Currently the responsibility falls back to department head for control of expenses.

Dale Hoover Contract

OPERS will no longer accepted for benefits, has to make \$1000 per month between Ashville and South Bloomfield. He is asking for \$500 salary per month. Walnut Township will help out. Work done through Planning and Zoning, did board of P&Z voted on his contract. We would have to hire an inspector to cover if we don't hire Dale Hoover to continue as building inspector.

Roger made motion and Stephen second to send to Ordinance committee to amend Ordinance 1999-34, Mayor called for vote: Jill yes, Jane yes, Rick yes, motion carried.

Deposit for Water \$150

2002-13 Ordinance states that the \$150 deposit is for renter's only, homeowners do not have to pay. Stephen asking money refunded already collected on homeowners since policy in affect. Solicitor will have to review.

Next Meeting Agenda Subjects:

Motion to pay bills:

Motion to pay bills made by Roger, and Jane second. Mayor called for vote: Stephen, Rick, Jill yes. Motion carried.

Motion to Adjourn was made by Roger and Jane second, Mayor called for vote: Jill, yes, Rick yes, Stephen, yes. Motion carried. Meeting adjourned at 9:45 pm

Next Meeting 4/7/2014