

Regular Council Meeting
March 9th, 2011

The meeting of the March 9th, 2011 Regular Council Meeting was called to order with the Pledge of Allegiance by Mayor Robert C. Bickley.

Roll call: present- Dickman, Fox, Jenkins, Maloney, and Wolf. Absent-Kovesdi Also present- Administrator Bruce Bowie and Solicitor Vickie Ruffing.

Motion by Fox, seconded by Maloney to approve the Minutes of the February 23rd, 2011 Council Meeting. Wolf stated she wanted to clarify something for the minutes. In the New Committee Business, Utilities- Pabodie is the Village webmaster. Also, in the last paragraph it should read the word constituents, not constitutes.

Vote-all yeas, motion carried.

There were no bills at tonight's meeting as the Fiscal Officer was not in attendance.

Citizens Participation

Fernando Ybarra, representing the property owners of 47 Front Street asked Council the status of the petition presented to council for Kelley Street. The Solicitor said the petition does not meet the requirements of the Ohio Revised Code for an assessed street improvement project. She also said Ybarra does not have 60% of the front footage or 75% of the lot owners along the unapproved street. The actions that Council did take were meetings with the Village Administrator, consideration of a street improvement project along with a referral Erie County Regional Planning for suggestions they may have. The Solicitor stated at this time Council will no longer do anything. Ybarra told the Solicitor he followed the Solicitor's instructions, otherwise had she told him how to do it so it did qualify as a petition for an assessed street project, he would have done it. The Solicitor did research the tax map of the unapproved street, and Ybarra does not qualify for the assessed street project. Ybarra stated this will not stop here. Ybarra felt it was the responsibility of Council to assist property owners to have full access. He said the street has been plotted for a number of years, and does not know why the Village hasn't improved it. He said the Village was getting paid for a small part of the street but have lost the revenue coming in. Ybarra said he would like to know the amount of monies received for license fees and registrations fees. He would also like know the amount of tax money from taxes. He feels working things out feasibly is not the intent of Council. He stated Council and Mayor are elected officials, elected by the people and here to serve the people. Ybarra continued, asking about a letter the property owners received from the Solicitor about the garbage on the front sidewalk situation. He asked Council what was discussed with residents that complained. About the cans being out on days other than trash days. The Solicitor said the Administrator had received complaints about trash, which was the basis for the letters. Ybarra says the ordinance is an ambiguous ordinance, because garbage cans are visible around the Village. The Solicitor said the Village would like to work with the property owners on this matter, but it could come down to interpretation for a decision a judge would make. The Village is required to have a Solicitor on retainer by the ORC. This was an administration level situation not a Council level situation, and it was complaint based. The violation is the garbage cans are out on days other than collection day. Ybarra stated there are other cans out past pick up days all around the Village.

Lee Jennings asked if there had been any response from the error and omission claim. The Solicitor said the insurance company will need much more detailed information. He also questioned if AMP was working on error proofing the spreadsheet.

Vic Mooney stated he read in the paper and heard from residents that Council went into Executive Session at the last meeting and decided to punish Bruce Bowie and Mary Bruno. The Mayor stated that was a correct statement. Mooney then asked what the criteria was for punishing Mary Bruno. Mooney told Council to not tell him this wasn't punishment for Bruno that this will go on her record for life. Mooney said it will be on Bruno's resume until the day she dies. Maloney said Bruno accepted it and Mooney asked if she had a choice. Mooney asked why only a few Council showed up at the Town hall Meeting when AMP and John Courtney were in town. Bowie stated he was not comfortable with the reduction in his salary and he was not going to express his opinion on Bruno's punishment. Mooney said he doesn't feel Council has heard the last of it. The Solicitor said Bowie and Bruno were ordered to participate in the Ohio Commission of Dispute Resolution. She said Bruno was not punished. Mooney asked what the dispute was, and the Solicitor said the process is where they select individuals from other local governments who have been involved in government and understand local government come in and conduct interviews with individuals to see if they can help the local government run more smoothly. This was Councils way to way to address the concerns they heard. Council is also going to do training. Mooney stated he is not buying anything Council or the Solicitor said tonight about it not being punishment for Bruno. Mooney issued an apology but still doesn't buy it.

Darrell Maines spoke, thanking Dickman, Maloney and the Solicitor for going to the Town hall Meeting, but felt he had some issues to address tonight. He said in February he attended the Finance and Utilities Meetings asking if anyone from Council understood how the rates were set up and he said no one on Council could tell him. Wolf said

she could tell him how it is done, but would have to have the sheet with the rate structure in front of her to do so. Maines asked why, if Council was able to do it they didn't tell him how to do it in February. He said he and Tina Frederick spend 2 1/2 hours with the Fiscal Officer Mary Bruno to try and learn it. Wolf stated she spent 3 hours with Bruno and Solicitor to learn it, but Council has deferred this to the experts. Maines then asked her who did the PPC for the last 7 years or so and was told the Administrator. Maines then said Council depended on an expert who got the Village into this trouble. Wolf stated things happen, and they are very sorry for it and have taking the actions they thought they needed to take. She said Council members each bring something different to the table. Wolf asked if Maines second guesses his doctor, and he said he would get a second opinion, which is something Council did not do. Maines asked what Council did when Mr. Maloney read the letter Maloney wrote in October at a Council meeting and Wolf said they did nothing because it did not strike a sharp enough chord and that was Council's mistake. Maines then read: Ignorance of the law does not excuse, ignorance of the law excuses no one. Again Maines asked how did the Village get into this mess and Wolf said sometimes things happen, they just happen. Maines responded it was a poor answer. Maines asked Council why, in Council's own words, this went on for 5 years. Stating Bruno and Bowie are ordered to participate in mediation through the Ohio Commission of Dispute Resolution, Maines said this goes back to accountability. He said this isn't Bowie's accountability, this is Councils' accountability. The Mayor said this 5 year problem with personalities wasn't constant, that some days they would talk to each other, some days they wouldn't and he would think some days it was solved, but he isn't here to referee. Fox stated there are 2 Council members up for election in November and it is the public's chance to make changes if they are not happy. Maines said if he were a contractor and came to a house to fix a roof and was asked how he was going to put the shingles on and he responded I don't know, and then was asked what kind of shingles and said I don't know he wouldn't probably be hired for the job. Simply enough, this is the answer that Council continually gives to the residents "I don't know". Mooney said he is embarrassed for all of them, and they are an embarrassment to the Village.

Ybarra questioned why Fox would make the statement he is glad to see residents at the meeting. Ybarra said he doesn't come because he trusts the elected official's to do the right thing. Wolf stated they are doing what they can do.

Linda Sherk asked what will happen if the Administrator and Fiscal Officer go to mediation and cannot work together. Fox said they work at the pleasure of the Mayor and if this continues, the Mayor will go to Council and ask that one or both be terminated. Sherk then said so in other words, Mary Bruno will be punished. The Mayor said to see how it works and not anticipate the command like Gomer Pyle.

The Mayor said we are all in this together, and the residents act like they are the only one with the bills, we all had the bills. He said this one department problem just won't go away; it is being beaten to death. Sherk if there is animosity and it has been going on for 5 years, it should have been nipped in the bud, and it wasn't. The Mayor said, and said Bruce could testify, sometimes it is one of them then the other and if he were here every day he could referee. Sherk asked if a complaint, whether it be by a Village employee or not, will the Mayor investigate immediately? The Mayor stated he has done it several times.

Mooney said people can argue until they are blue in the face, but at this point it doesn't matter because the perception in the community is not good. The Mayor said it isn't good because this thing is being dragged on, he thought it was solved, but it looks like it will never be solved.

OLD COMMITTEE BUSINESS

Streets, Sidewalks and Storm Sewers-Rattlesnake Creek Bridge has been delayed, at this point, for 2 weeks.

RA Bores repaired 2 storm sewer catch basins.

The street sweeper came in at a price of \$5,453.00

Safety-None

Finance-None

Regional Planning, Building Codes & Inspection- None

Utilities-None

Civic Contact and Historical Preservation-None

Parks and Trees-None

NEW COMMITTEE BUSINESS

Streets, Sidewalks and Storm Sewers-Flooding on February 28th lead to road closures and damage on Old State Road.

Safety-None

Finance-None

Regional Planning, Building Codes & Inspection-None

Utilities-The Ohio EPA will perform an on-site sanitary survey of the Water Plant.

Civic Contact and Historical Preservation-The placement of signs in the square was discussed.

A proclamation honoring March 10, 2011 as Kyle Burns Day as a tribute of his state wrestling title.

Parks and Trees- None

UNFINISHED BUSINESS

All council members now have a Village e-mail account.

There was discussion on the status of Johns Manville, with a meet and greet on March 9-10. Wolf commended Bowie for his part on bringing Johns Manville to the Village.

The Mayor paid his own way to Washington this year.

Legislation

AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 917-12-92 Motion by Maloney seconded by Fox to bring this ordinance to its first reading by title only. Vote-all yeas, motion carried. Motion by Jenkins, seconded by Fox to excuse Kovesdi. Vote-all yea, motion carried.

Motion by Dickman, seconded by Fox to adjourn. Vote-all yeas, motion carried.

Mayor Robert C. Bickley

Fiscal Officer Mary Bruno