

## REGULAR COUNCIL

December 9, 2015

The Public Hearing was called to order by Council President Tom Hardesty with Mayor Rick Patrick, Steve Hadzinsky, Sheri Johnson, Chris Anderson, Solicitor Michele Stuck, Jeff Kaiser, Becky Harrington, Dave Friess, Fran Teresi, Bob Matson, Chuck Klamer, Jeff Sheehan, Joe Leonard, Keith Whan, Julie Whan, Tim Christopher, Jan Boehm, Carolyn Owens, Debbie Wordell, Nick Schkurko, Andrew Bugel of the Record Courier, Chris Gerez from the Weekly Villager and Linda Hartman for Clerk Nancy Baldwin.

Ordinance 2015-40 An Ordinance enacting Section 1165.031 of the codified Ordinances of the Village of Garrettsville relating to portable storage units.

The floor was open for discussion. No discussion.  
Council President Tom Hardesty closed the Public Hearing.

## REGULAR COUNCIL

Mayor Rick Patrick called the regular council meeting to order with Tom Hardesty, Steve Hadzinsky, Sheri Johnson, Chris Anderson, Solicitor Michele Stuck, Jeff Kaiser, Becky Harrington, Dave Friess, Fran Teresi, Bob Matson, Chuck Klamer, Jeff Sheehan, Joe Leonard, Keith Whan, Julie Whan, Tim Christopher, Jan Boehm, Carolyn Owens, Debbie Wordell, Nick Schkurko, Andrew Bugel of the Record Courier, Chris Gerez from the Weekly Villager and Linda Hartman for Clerk Nancy Baldwin.

Moved by Anderson, seconded by Harrington to approve the November 9<sup>th</sup>, 2015 minutes as presented by the clerk.

VOTE: AYES- Hadzinsky, Hardesty, Anderson, Johnson, Harrington  
ABSTAIN- Kaiser

Moved by Kaiser, seconded by Harrington to pay the bills.  
VOTE: AYES-Unanimous

The Revenue, Expenditures, Cash Balances and Income Tax reports were reviewed. Steve Hadzinsky commented that the revenues and expenditures were best in history and it looks as if the Village would end the year in the black.

Ordinance 2015-37: AN ORDINANCE TO ENACT CHAPTER 173 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF GARRETTSVILLE REGARDING MUNICIPAL INCOME TAX, AND DECLARING AN EMERGENCY. This was on Third Reading in November and tabled. Moved by Hardesty, seconded by Kaiser to un-table Ordinance 2015-37.  
VOTE: AYES-Unanimous

Solicitor Stuck addressed four areas that Council could have input on in Ordinance 2015-37 Exhibit A which must be passed and enacted before January 1, 2016.

- Page 53 173.135(d) “Non-resident employers providing courtesy withholding as a service to their employees and remitting such withholding to the Municipality shall provide the following information on such form as prescribed by the Administrator: company name, federal employer identification number, mailing address, contact person, phone number, e-mail address and the names and addresses of the employees on whose behalf the courtesy withholding is occurring”. This is something Val would like to have added in order to help her keep track of employers conducting courtesy withholding and the residents on whose behalf it is occurring. Council agreed that this would be a good addition to our tax code.
- Page 56, 173.18(a) (2); regarding whether or not the members of the Local Board of Tax Review must be Village residents or may reside outside the Village. Michele said that the rationale behind this option was to widen the possible membership to people who may have specific expertise in income tax matters. Council chose the second option, permitting membership by non-residents: “The Local Board of Tax Review shall consist of three members who may be domiciled in the Village, but the appointing authority may consider membership from individuals who are not domiciled within the Municipality.”
- Page 57, 173.18(a) (8) is a section that is optional under the amendments to the Ohio Revised Code, prohibiting Tax Review Board members from receiving compensation. Council agreed to keep this section: “No member of the Local Board of Tax review shall receive compensation, fee, or reimbursement of expenses for service on the board”
- Page 57, 173.18(a) (9) is also a section that is optional under the amendments to the Ohio Revised Code; it would prohibit Tax Review Board members from serving on another tax review board simultaneously. Council agreed to eliminate this section, so that members of our Board would be permitted to be on other Tax Review Boards as well.
- Page 59, 173.20(a) Adoption of Rules. Council has the option, under the new amendments to the Ohio Revised code, to decide whether the Income Tax Administrator or the Council has the authority to adopt rules to administer the income tax imposed by the Municipality. Council chose to require that any rules relating to administration of the income tax must be adopted by Council: “the legislative authority of the Municipality has the authority by Ordinance or Resolution to adopt rules to administer the income tax imposed by the Municipality.”

Moved by Hardesty, seconded by Kaiser to amend Ordinance 2015-37 Exhibit A as stated above.

VOTE: AYES-Unanimous

Moved by Anderson, seconded by Kaiser to enact as amended Ordinance 2015-37 with Exhibit A as amended.

VOTE: AYES-Unanimous

Ordinance 2015-38: AN ORDINANCE SETTING FORTH THE COMPENSATION RATES OF THE EMPLOYEES OF THE VILLAGE AND THE EMPLOYEES OF THE BOARD OF TRUSTEES OF PUBLIC AFFAIRS, REPEALING PRIOR INCONSISTENT ORDINANCES AND DECLARING AN EMERGENCY. Third Reading. This Ordinance is intended to address the Zoning Inspector’s pay if she is out of work for an extended period of time. Tom Hardesty recommended that section D-Other Employees (2) Zoning Inspector be amended to read “(Part-time position. Pay will be reduced by \$200.00 for each full week not worked.)”

Jan Boehm asked how many hours constituted a week for the Zoning Inspector. Hardesty replied three office hours, and some weeks there were Planning and BZA meetings as well.

Moved by Harrington, seconded by Hadzinsky that Ordinance 2015-38 section D-Other Employees (2)

Zoning Inspector be amended to read "(Part-time position. Pay will be reduced by \$200.00 for each full week not worked.)

VOTE: AYES-Unanimous

Moved by Anderson, seconded by Kaiser to enact Ordinance 2015-38 as amended.

VOTE: AYES-Unanimous

Ordinance 2015-40: AN ORDINANCE ENACTING SECTION 1165.031 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF GARRETTSVILLE RELATING TO PORTABLE STORAGE UNITS. Third Reading. Motion to enact by Hardesty, seconded by Harrington.

VOTE: AYES-Unanimous

Ordinance 2015-45: AN ORDINANCE TO MAKE TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF GARRETTSVILLE, STATE OF OHIO DURING THE FIRST QUARTER OF THE YEAR ENDING DECEMBER 31<sup>ST</sup>, 2016, AND DECLARING AN EMERGENCY. Second Reading.

Moved by Hardesty, seconded by Anderson to suspend the rule that Ordinances be fully and completely read of three different days.

VOTE: AYES-Unanimous

Moved by Hadzinsky, seconded by Kaiser to enact Ordinance 2015-45. VOTE: AYES-Unanimous

Resolution 2015-46: A RESOLUTION AUTHORIZING THE MAYOR AND CLERK OF THE VILLAGE OF GARRETTSVILLE TO ENTER INTO AN AGREEMENT FOR THE PROVISION OF DISPATCHING SERVICES TO THE COMMUNITY EMS DISTRICT FOR THREE (3) YEARS, AND DECLARING AN EMERGENCY, Second Reading. Chief Milicia noted that there might be some upcoming changes to dispatch that might require us to exercise the 120 day termination clause. Kaiser stated that EMS was aware of this as well.

Moved by Hardesty, seconded by Harrington to suspend the rule that Resolutions be fully and completely read of three different days.

VOTE: AYES-Unanimous

Moved by Anderson, seconded by Kaiser to enact Resolution 2015-46.

VOTE: AYES-Unanimous

Resolution 2015-47: AMENDMENT TO CONSORTIUM AGREEMENT BETWEEN ROBINSON HEALTH AFFILIATES AND THE MEMBERS OF THE PORTAGE COUNTY DRUG & ALCOHOL TESTING CONSORTIUM. First Reading. This is legislation that we do each year.

Moved by Hardesty, seconded by Anderson to suspend the rule that Resolutions be fully and completely read of three different days.

VOTE AYES-Unanimous

Moved by Kaiser, seconded by Harrington to enact Resolution 2015-47.

VOTE AYES-Unanimous

Resolution 2015-48 will be reserved until after executive session.

Resolution 2015-49: A RESOLUTION AUTHORIZING THE MAYOR AND CLERK OF THE VILLAGE OF GARRETTSVILLE TO ENTER INTO A CONTRACT FOR DISPATCHING SERVICE WITH THE GARRETTSVILLE-FREEDOM-NELSON JOINT FIRE DISTRICT FOR THREE (3) MONTHS COMMENCING JANUARY 1, 2016 AND TERMINATING MARCH 31, 2016, AND DECLARING AN EMERGENCY. First Reading.

Fire Chief Dave Freiss presented a comparison of call statistics between the EMS and Fire District and the cost for services for both based on the number of calls each department has yearly. Friess asked if Council would consider decreasing the amount the Fire District is being asked to pay. Friess also commented that a 120 day opt out option was not enough time to make changes. Friess asked that beginning 2016 a 10% increase be implemented (\$29,865.00), the second year a 15% increase and the third year a 20% increase over the 2015 rates. The resolution as presented is written for a three month period ending March 31, 2016. Therefore, for the three month period January 1, 2016 through March 31, 2016, the fee would be \$7,466.25.

Moved by Anderson, seconded by Johnson to amend Exhibit A, Section 3 of Resolution 2015-49 to the amount of Seven Thousand, Four Hundred Sixty-Six and 25/100 Dollars (\$7,466.25) for the three month term of the Agreement.

VOTE AYES-Unanimous

Moved by Anderson, seconded by Johnson to suspend the rule that Resolutions be fully and completely read of three different days.

VOTE AYES-Unanimous

Moved by Harrington, seconded by Kaiser to enact Resolution 2015-49 as amended.

VOTE AYES-Unanimous

Mayor Patrick presented Council with a quote from Barrett Bell Automation to repair the Clock Tower. After discussion Council agreed to have the clock tower repaired in January of 2016 at a cost of \$3325.00 as quoted by Barrett Bell Automaton.

Ordinance 2015-50: AN ORDINANCE ACCEPTING A TEMPORARY WATER MAIN EASEMENT FROM GARRETTSVILLE VENTURES LLC AND DECLARING AN EMERGENCY. First Reading. This is for the temporary water line supplying water to the Carlson Building on Main Street.

Moved by Kaiser, seconded by Hardesty to suspend the rule that Ordinances be fully and completely read of three different days.

VOTE AYES-Unanimous

Moved by Hardesty, seconded by Anderson to enact Ordinance 2015-50.

VOTE AYES-Unanimous

Resolution 2015-51: A RESOLUTION AUTHORIZING THE MAYOR AND THE CLERK-TREASURER OF THE VILLAGE OF GARRETTSVILLE TO EXECUTE AN AGREEMENT AUTHORIZING ARCADIS US, INC. TO PROVIDE FINAL DESIGN SERVICES FOR THE LIBERTY STREET/SILICA ROAD DRAINAGE IMPROVEMENTS AT A COST NOT TO EXCEED \$39,800, AND DECLARING AN EMERGENCY. First Reading.

Moved by Hardesty, seconded by Anderson to suspend the rule that Resolutions be fully and completely

read of three different days.  
VOTE AYES-Unanimous

Moved by Hadzinsky, seconded by Anderson to enact Resolution 2015-51.  
VOTE AYES-Unanimous

Council discussed the appointment of an Income Tax Review Board whose selected members will be appointed in January 2016. The Mayor is to select one member, Council selects two members. Mayor Patrick asked Fran Teresi to be his appointee. Fran agreed. The Income Tax Review Board only meets as needed.

During roundtable all members of Council thanked Chris Anderson for her service to Council and the Village. Chris Anderson thanked Council for the opportunity to serve. Becky Harrington stated that the Main Street project covered by the County grant was complete with the exception of the plaques for the trees that were donated.

Before executive session Bob Matson spoke on behalf of Police Chief Anthony Milicia. Matson stated that reducing the Chief's salary was a mistake. If the Chief made a mistake he should be held accountable but it was unfair to reduce his salary. Matson felt Council had made a mistake by allowing the sixth officer to be hired because in his opinion it wasn't necessary.

Moved by Kaiser, seconded by Hadzinsky to enter into executive session for reason of personnel compensation.  
VOTE AYES-Unanimous

Moved by Kaiser, seconded by Harrington to exit executive session and return to regular Council.  
VOTE AYES-Unanimous

Resolution 2015-48: A RESOLUTION MODIFYING THE COMPENSATION OF THE CHIEF OF POLICE, AND DECLARING AN EMERGENCY. First Reading.

Moved by Hardesty, seconded by Johnson to amend Resolution 2015-48 Section 1 to read "effective the first day of the next pay period following the passage of this Resolution, the annual compensation of the chief of Police of the village of Garrettsville is hereby set at \$45,000.00, payable in equal semi-monthly installments."

VOTE AYES- Hardesty, Anderson, Johnson, Kaiser, Harrington.  
VOTE NAYS- Hadzinsky

Moved by Hardesty, seconded by Anderson to suspend the rule that Resolutions be fully and completely read of three different days.  
VOTE AYES-Unanimous

Moved by Hardesty, seconded Kaiser to enact Resolution 2105-48 as amended.  
VOTE AYES-Unanimous

Motion to adjourn by Anderson, seconded by Kaiser.  
VOTE AYES-Unanimous

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Mayor

ATTEST:

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Clerk