

VILLAGE OF NEW LEXINGTON COUNCIL MEETING

May 7, 2018

6:30 PM

MUNICIPAL BUILDING

The Village of New Lexington met in regular session with Mayor Ratliff presiding and the meeting being called to order at 6:30P. Council Members present were Dan Bethel, Kathy Chute, Jeff Danison, Susan Boyle, Susan Goodfellow, Trent Thompson and Jim Welsh. Also present were Law Director Jennifer Sitterley, Finance Director Heather Rockwell, Police Chief Scott Ervin, Administrator Bo Powell and Fire Chief Jordan Hollingshead.

Councilperson Bethel made a motion to approve the minutes for the April 25, 2018 special meeting as read. Seconded by Councilperson Boyle. All Council voted "yes". Motion carried.

Councilperson Welsh made a motion to approve the minutes for the April 16, 2018 meeting as read. Seconded by Councilperson Bethel. All Council voted "yes". Motion carried.

Jenny LaRue of the Perry County Health Department appeared before Council to bring awareness to the Tobacco 21 campaign. The campaign aims to raise the legal age to purchase tobacco to 21. It would still be legal to use tobacco at age 18. The issue may appear on a State ballot in the future. LaRue presented a five question survey to Council and stated she would share the final results of the surveys with Council when they are completed.

Finance Director Rockwell presented Council with the April bank reconciliation. Rockwell stated some of the timing issues between the online payment system, the water software and the Federal Reserve have been resolved, but there are still issues resulting from the way the water software handles the online payments. Rockwell requested a motion to approve the March bank reconciliation and financial statements that were presented at the April 16, 2018 meeting. Rockwell provided Council with the April financial statements. Rockwell provided Council with an Amended Certificate of Estimated Resources for insurance claims and supplemental appropriations ordinances with increases for damaged fire gear, the fire escrow, a police cruiser and inspections and repairs to the Fire Department's ladder truck. Rockwell reported that the online payment system has significantly reduced the number of payments for water service returned by the bank.

Councilperson Thompson made a motion to approve the March bank reconciliation and financial statements. Seconded by Councilperson Bethel. All Council voted "yes". Motion carried.

Administrator Powell stated he received a request to waive the shelter house rent fee on June 9, 2018 for a movie in the park. Councilperson Bethel asked if anyone else had rented the shelter house that day. Powell reported that the shelter house was available on June 9, 2018.

Councilperson Bethel made a motion to waive the shelter house rent fee for the movie in the park on June 9, 2018. Seconded by Councilperson Welsh. All Council voted "yes". Motion carried.

Powell reported that the new Water Treatment Plant generator is up and running. Nine of the fifteen replacement water hydrants have been installed. There may be some extra cost involved for addition fittings during installation. Powell reported that the first coat of paint has been applied to the pool. The second coat will be done on Wednesday or Thursday of this week and then it will need to cure for seven days. Nine lifeguards have been hired for the 2018 pool season. They are all certified already. The Village will continue accepting applications through May 14, 2018. Powell reported that he met with the Police Chief regarding property maintenance. They are currently waiting for Attorney Baughman to move forward and expect to have the information needed by Wednesday of this week.

Police Chief Ervin reminded Council of the rules for parades and assemblages and that a permit is required. The VFW has experienced some conflict with other groups already having approached residents without having a permit. Police Chief Ervin stated that under the current rules, anyone without a permit will be asked to leave. The Police Department had 44 calls for service over the weekend. Bethel asked the Police Chief to explain the issues they are having with their fleet. Ervin stated that in the past the Village would purchase two to three vehicles at a time, but then they would all need replaced at the same time. Ervin has been working to purchase one vehicle at a time so that a rotation schedule can be established and the Village does not have to make such a large purchase each time. The department currently has three vehicles that will no longer be safe to operate within a year. Councilperson Goodfellow asked if the unmarked SUV is being used by the department. Ervin stated it is being used and can be used for any purpose except traffic stops.

Fire Chief Hollingshead reported that he met with the Mayor prior to the April 16, 2018 meeting and all items required by the FEMA grant were completed. An email, which Hollingshead didn't receive due to email issues, was sent by the grant writer on April 21 stating that the items did not meet the requirements. Hollingshead has been looking into the matter. He met with the Administrator on April 27 and, together they called the grant writer for clarification. Hollingshead stated he then sent the required policies to the grant writer via Priority Mail. Hollingshead had to add one item to the Records Retention Policy. All items are now complete. The grant writer reviewed the paperwork and sent it to FEMA on May 3. They are now waiting for a response from FEMA.

Mayor Ratliff stated that if there are any lawsuits as a result of the Times Recorder article, the Village will end up paying the bill. Ratliff stated that if anyone spreads lies about himself, Larry Hatem or the Fire Chief they will be fired. Mayor Ratliff asked Councilperson Bethel if he called FEMA. Bethel stated he spoke to Kevin Piatt after the article was published in the Times Recorder. Piatt questioned the legitimacy of the email Hatem presented from FEMA, but did get in trouble by his superiors for being quoted in the Times Recorder. Councilperson Thompson stated that Council voted unanimously to place Hatem on administrative leave pending an investigation. Mayor Ratliff asked who is paying for the investigation. Ratliff asked Police Chief Ervin if Larry Hatem broke to law. Ervin stated that if the Village follows its policy they will conduct an investigation to determine this. Mayor Ratliff stated that FEMA should perform the investigation. Councilperson Welsh stated that the Times Recorder article was written by the reporter that was present at the meeting and derived from information they heard first hand. Council encouraged Ratliff to listen to the recording of the meeting. Ratliff stated no one is to speak to the newspaper without going through him. Councilperson Chute stated there is an ongoing investigation. Ratliff stated if anyone talks to the newspaper they will be fired. Councilperson Bethel asked Fire Chief Hollingshead when we can expect a response from FEMA on the status of compliance. Hollingshead stated he will contact them tomorrow to find out when they will respond. Mayor Ratliff stated that a long time member of the Fire Department has resigned as a result of the issues and other members may resign based on the outcome of this meeting.

Councilperson Bethel reported on the Finance Committee meeting held on May 7, 2018. The committee discussed an Amended Certificate of Estimated Resources and two Ordinances for supplemental appropriations. The committee discussed the pay resolution and employees covered by contracts. The committee discussed making a motion approving the write-off of water balances that were court ordered to be uncollectible. Powell explained a lighting issue at the ball fields in the park. Powell is currently waiting to receive quotes for the repair. The committee discussed issuing photo IDs for pool memberships for the 2018 season. Bethel recommended establishing a reprint fee for lost IDs. Powell stated the Water Treatment Plant needs to replace high and low service pumps. The high service pumps would cost \$21,957 and the low service pumps would be \$12,255. Powell expressed a need to install tin in the roof of the old shelter house to keep the birds out. The approximate cost would be \$1,400 and the Public Service Department would perform the work. Powell also indicated the need for a new meter reader truck that will cost \$26,156. The Committee stated that they would need to see the existing projects through before deciding. The Committee discussed the Rehoboth Sewer Project.

Councilperson Goodfellow reported on the Municipal Concerns meeting held on April 23, 2018. The committee decided to let the existing policy for sewer credits stand. Payment plans will also be permitted for customers with large leaks. If the customer breaches the payment plan terms the balance will be assessed to the property.

Councilperson Goodfellow reported on the Municipal Concerns meeting held on May 2, 2018. The committee met with Mitch Altier regarding the Rehoboth Sewer Project. The Perry County Commissioners would like the Village to take over the system one year after completion of the project. Altier stated the project should be completely funded, but cannot make any guarantees. If the Village does not take over the system, the project will move forward, but a treatment plant will have to be installed. Chute asked if the affected areas could be annexed into the Village. Powell stated the infrastructure improvement would be good for future development. Altier requested a decision from Council at the May 7 meeting so the County can move forward with the project.

Councilperson Chute asked Altier if the contingencies allowance in the project can be used to assist Rehoboth residents with the cost of hooking into the system. Altier stated it cannot. Altier stated the County Commissioners would support the Village annexing land into the Village, but it would have to go before the voters. The Municipal Concerns committee was unable to reach a decision on a recommendation to Council. Chute stated there are a lot of unknown factors in the project. Bethel asked if the project would be turnkey when the Village took ownership and what happens if residents can't afford to hook in. Altier stated the Village won't take ownership of the project under one year later and all residents will be required by law to be hooked in by that time.

Law Director Sitterley was excused from the remainder of the meeting.

Councilperson Welsh stated that the Rehoboth Sewer Project would be a good investment in the local infrastructure. Bethel agreed. Chute stated her only concern was the affordability for the customers affected by the project. Administrator Powell stated he had the Village's engineer review the project and they stated it looked good to them. Altier stated the County does not wish to be in the water and sewer business, but the Village already is. Altier stated he just needs a decision from Council.

Resident Bobby Wolfe asked Mayor Ratliff why discussion regarding the Rehoboth Sewer Project went to the wrong committee. Wolfe stated that Ohio Revised Code section 713.02 grants the Planning Committee the authority to deal with the project. Councilperson Goodfellow asked when Wolfe would like to hold a Planning Committee meeting. Councilperson Bethel stated it is ultimately Council's decision so the matter did not need to be heard by a committee. Mayor Ratliff stated Council needs to vote on the matter.

Councilperson Goodfellow made a motion for the Village to enter into an agreement with Perry County to take over the completed Rehoboth Sewer system. Seconded by Councilperson Bethel. All Council voted "yes", except Councilperson Thompson who voted "no". Motion carried.

Councilperson Boyle reported on the April 26, 2018 Parks & Recreation Committee meeting. The committee discussed the Fall Festival and canvassing for donations. Boyle stated Troy Nash is making Hometown Hero banners for the Village. Jim Leckrone is writing a grant to replace backboards, hoops and nets at the Broadway Park basketball court. Boyle has quotes to add privacy slats to the existing fence. JoAnne McFarland may write a grant also. The next meeting is scheduled for May 23, 2018 at 6:30PM at the Municipal Building.

Council thanked Boyle for the purchase and planting of flowers at MacGahan Park.

Mayor Ratliff stated he spoke to Jennifer Sitterley regarding the status of the Records Committee. Sitterley stated the last she heard was the Village did not have the funds or manpower to work on the records. Chute asked if labor costs could be spread across all departments if the Village hired someone to work on the records.

Rockwell indicated that other municipalities have received assistance from college interns and the Village could explore that option.

Councilperson Bethel discussed a court order waiving water bills on accounts handled by a court appointed receiver. Councilperson Chute made a motion to write off the water and sewer balances on the receivership's accounts according to the court order. Seconded by Councilperson Welsh. All Council voted "yes", except for Councilperson Bethel who abstained due to possible conflict of interest. Motion carried.

Police Chief Ervin states he feels equipment needs should be placed on the working document. Ervin also referenced Resolution 17-18 regarding the Procurement Policy and stated that it makes reference to the Village Charter which affords Council the authority to make decisions. The Procurement Policy currently allows some purchases under specific amounts to be made without the approval of full Council. This may need to be reviewed. Departments are following the procedure adopted as law by Council. Purchases of cruisers and equipment for the Village have all followed the procedure currently in place. Ervin stated it would inhibit some departments if all items had to come to full Council. Items are presented to committees and the recommendation is made to Council. Goodfellow stated that it is difficult to hear every item reported in every Council meeting. She requests the committee minutes to review. Chute stated that when the committees report Council should be asking the questions at that time. Chute stated that any Council member can state they are not ready to vote on an Ordinance or Resolution when it is presented. The purchase of the cruiser has been discussed and reported for many meetings. It was originally in the budget, then removed and is now being added back in. Councilperson Thompson stated the Mayor could benefit greatly from attending the Finance Committee meetings. Mayor Ratliff asked if all committees could just meet once per month. The Finance Committee would struggle to keep up with the work load of they only met once per month. This could also affect departments receiving purchase orders in a timely manner and how quickly invoices are paid.

Councilperson Chute presented two copies of an official notice approved by the Law Director placing Larry Hatem on administrative leave. Chute requested that Fire Chief Hollingshead deliver the notices to Hatem and return a copy signed by Hatem to the Administrator by May 10, 2018. Mayor Ratliff questioned if Hatem should be placed on administrative leave. Councilperson Thompson cited the Personnel Policy Manual regarding threats/menacing. Thompson stated that Council voted unanimously to place Hatem on administrative leave and conduct a full investigation. Chute stated that the Law Director is fully aware of the situation. Hollingshead stated he would deliver the notice and return the signed copy to the Administrator by the deadline.

Fire Chief Hollingshead requested an executive session.

Councilperson Goodfellow stated there will be a court hearing on June 14, 2018 regarding a water issue at 611 S. Main St. Council will need to make a decision before the court hearing. Council requested Rockwell obtain the address and dollar amount from the water clerk so that a motion can be made at the next Council meeting.

Councilperson Thompson made a motion to file the Amended Certificate of Estimated Resources with the Perry County Auditor. Seconded by Councilperson Bethel. All Council voted "yes". Motion carried.

Councilperson Thompson made a motion to suspend the rules and read by title only Ordinance No. 18-12 and declaring an emergency. Seconded by Councilperson Chute. All Council voted "yes". Motion carried.
Ordinance No. 18-12: AN ORDINANCE AMENDING THE APPROPRIATION ORDINANCE 18-9 TO PROVIDE ADDITIONAL FUNDING TO THE GENERAL, FIRE & EMS LEVY AND FIRE DAMAGE ESCROW FUNDS WITHIN THE VILLAGE OF NEW LEXINGTON AND DECLARING AN EMERGENCY TO MAINTAIN NORMAL OPERATIONS OF THE VILLAGE. Councilperson Thompson made a motion to adopt Ordinance No. 18-12 as read. Seconded by Councilperson Chute. All Council voted "yes". Motion carried.

Councilperson Thompson made a motion to suspend the rules and read by title only Ordinance No. 18-13 and declaring an emergency. Seconded by Councilperson Chute. All Council voted "yes". Motion carried. Ordinance No. 18-13: **AN ORDINANCE AMENDING THE APPROPRIATION ORDINANCE 18-9 TO PROVIDE ADDITIONAL FUNDING TO THE FIRE & EMS LEVY AND FIRE LEVY FUNDS WITHIN THE VILLAGE OF NEW LEXINGTON AND DECLARING AN EMERGENCY TO MAINTAIN NORMAL OPERATIONS OF THE VILLAGE.** Councilperson Thompson made a motion to adopt Ordinance No. 18-13 as read. Seconded by Councilperson Bethel. All Council voted "yes". Motion carried.

Councilperson Thompson made a motion to suspend the rules and read by title only Resolution No. 18-6 as a second reading. Seconded by Councilperson Bethel. All Council voted "yes", except Councilperson Danison who abstained. Motion carried. Resolution No. 18-6: **A RESOLUTION SETTING WAGES FOR EMPLOYEES NOT OTHERWISE COVERED BY CONTRACTS.** Councilperson Thompson made a motion to adopt Resolution No. 18-6 as read. Seconded by Councilperson Bethel. All Council voted "yes", except Councilperson Danison who abstained.

Councilperson Bethel made a motion to enter into executive session per Ohio Revised Code Section 121.22(G)(1) to discuss discipline of personnel with the Mayor, Administrator and Fire Chief remaining in the session. Seconded by Councilperson Danison. All Council voted "yes". Meeting adjourned for executive session.

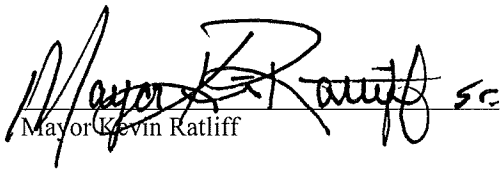
Councilperson Thompson made a motion to exit executive session. Seconded by Councilperson Chute. All Council voted "yes". Motion carried. Meeting resumed.

Councilperson Bethel stated no decision were made as a result of executive session.

Mayor Ratliff entertained a motion to adjourn.

Councilperson Thompson made a motion to adjourn. Seconded by Councilperson Boyle. All Council voted "yes." Motion carried.

Meeting adjourned at 8:53P.


Mayor Kevin Ratliff


Council Clerk Lisa Spohn