

MINUTES OF REGULAR MEETING OF SMITHVILLE VILLAGE COUNCIL
May 6, 2019

The Council of the Village of Smithville met in regular session on Monday, May 6, 2019 at 7:00 pm in Village Hall. Mayor Tom Poulson called the meeting to order. Members present at roll call were Larry Allen, Jim Carter, Tricia Fetzer, John Heitger, Robert Kerr, and Ken McCune. Solicitor Matt Simpson, Fiscal Officer Pam Keener, Police Chief Funk and Clerk of Council Beverly Hatten were also present.

Fetzer motioned to approve the minutes of the April 15, 2019 regular meeting as written. McCune seconded the motion and Council unanimously approved the minutes.

Chief Funk presented the April 2019 police report. McCune motioned to file the March police report, Allen seconded. Council unanimously agreed to file the April 2019 police report. Police Chief advised a background investigation is being done on an applicant for part-time officer.

Correspondence:

- Jon Parker, Zoning Administrator, will be away May 13 – May 30. He may be available by email during this time.

Old Business:

Heitger advised they are still working on the zoning code changes, not ready at this time.

March Financial Report was presented to Council. Fetzer motioned to file the March Financial Report. Carter seconded the motion. The Council unanimously voted to file the March Financial Report.

Dollar General Report. The plans were reworked to provide service to the properties outside the village where the new water line will be run. The building is moving along rapidly.

New Business

April Financial Report was presented to Council. McCune motioned to file the April Financial Report. Kerr seconded the motion. The Council voted unanimously to file the April Financial Report.

Ruritans requested to place a banner across SR 585, presumably about the chicken BBQ. Mayor doesn't feel there would be any problems with this as long as they are putting it up and taking it down. Council had no questions.

An **Amendment to the Salary Ordinance 2019-6** was presented to Council. Language has been added to clarify when vacation would be granted. Allen motioned to suspend the rules for adding language to Ordinance 2019-6. McCune seconded the motion. Council unanimously voted to approve suspending the rules to add the language to Ordinance 2019-6.

Ordinance 2019-6 Amendment. Language has been added: "Section eight (8) of this Ordinance will take effect retroactive to January 1, 2019. The balance of this Ordinance will take effect retroactive to April 14, 2019." Previously the anniversary date of the employee was used to award the vacation time. Going forward vacation time will accrue. The intent of the additional wording was to make clear the start date for individual parts of the ordinance. Allen motioned to approve the additional wording to

Ordinance 2019-6. Carter seconded the motion. Council voted unanimously to approve the additional wording for Ordinance 2019-6.

McCune motioned to pay the village employees vacation by accrual. Carter seconded the motion. Council unanimously agreed.

April Income Tax Revenue Report was reviewed. At the end of April revenue was \$17,740.29 higher than the previous year.

Resolution 2019-7. Authorization for the Fiscal Officer to make changes in the appropriations. Fetzer motioned to suspend the rules for Resolution 2019-7. McCune seconded the motion. Council voted unanimously to suspend the rules for Resolution 2019-7, to authorize changes in the appropriations by the Fiscal Officer.

Resolution 2019-7 Authorizing the Fiscal Officer to transfer, decrease, and /or increase appropriations, and amend the certificate of estimated resources as needed and declaring an emergency. Allen motioned to approve the resolution. Fetzer seconded the motion. The Fiscal Officer will be authorized and directed to decrease and/or increase appropriations as needed in the amounts listed in Appendix A. Resolution 2019-7 will take affect at the earliest time provided by law. Council voted unanimously to approve Resolution 2019-7.

Ordinance 2019-8 Enacting and adopting a supplement to the code of Ordinances, suspending the rules. Allen motioned to suspend the rules to Ordinance 2019-8 so this ordinance will take effect at an early date. McCune seconded the motion. Council voted unanimously to suspend the rules for Ordinance 2019-8.

Ordinance 2019-8 Enacting and adopting a supplement to the Code of Ordinances for the Village of Smithville. Allen motioned to approve Ordinance 2019-8. McCune seconded the motion. American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2019 S-14 supplement to the Code of Ordinances of the Village of Smithville. This contains all ordinances of a general and permanent nature enacted since the prior supplement. American Legal Publishing has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Ohio code. The Council voted unanimously to accept these updated sections in accordance with the changes of the law of the State of Ohio and to provide for the usual daily operation of the Village.

The Mayor presented an Easement Agreement between the Village and Karlen Properties LTD regarding the property located at 168 East Prospect Street in Smithville. A mortgage location survey showed a garage, described in Exhibit B, encroaches on a public alley, described in Exhibit C, by 2.7 feet. The agreement is:

- The encroachment may remain until the garage needs replaced and then must be placed solely on the property.
- It will be maintained in good condition
- The owner of 168 E Prospect St will make a request to vacate the alley within six (6) months of this grant.

McCune motioned to authorize Mayor Poulson to sign the Easement Agreement. Carter seconded the motion. Council voted unanimously to authorize the Mayor to sign the Easement Agreement with Karlen Properties LTD.

Mayor presented the soccer field rental agreement. It has been recognized that while the Village has agreements in place for rental of the basketball court and baseball fields, it does not have a rental agreement for the soccer field. The previous rental agreements were used as a model for the soccer field rental agreement. The agreement includes a \$250 refundable deposit to reserve the fields and a choice of fees: a. \$75 per field per day with field lining or b. \$50 per field per day without field lining. Allen motioned to adopt the Soccer Field Rental Agreement. Kerr seconded the motion. Council voted unanimously to adopt and use the Soccer Field Rental Agreement as written.

Mayor announced an application with fee is being developed to vacate an alley.

Liaison Reports:

Kerr advised The Memorial Parade committee is currently meeting and finalizing the plans. The parade route has changed from previous years, will begin at the Veterans Memorial.

Carter thanked everyone for passing the Soccer Field Rental Agreement.

Fetzer advised the additional wording which has been added to the policy book is complete, but will have to take a closer look at the old wording to see if any of it is still needed or needs deleted. She will email the document in its entirety to Council Members if they would like to review it.

Resident Coni Garver joined the meeting. Garver advised she has problems with her basement flooding and has had her downspouts redone. She detailed the issues she has had and is now having the backflow valve installed. Mayor advised of the reimbursement grant for the back flow valve the Village offers. Mayor requested Garver email to him the appointment information so Turner, Street Dept, could be involved.

Fetzer motioned to pay the bills in the amount of \$49,075.25. Carter seconded the motion. Council agreed unanimously to pay the bills.

Allen motioned to adjourn the business meeting. Kerr seconded the motion. The business meeting was adjourned at 7:51

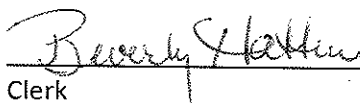
Scheduled meetings:

Prospect/Church/Mill Street Waterline Bid Opening Friday, May 10 at 12:00 noon

BPA Meeting May 13, 2019 at 6:00 pm

Council Meeting May 20, 2019 at 7:00 pm

Minutes of the May 6, 2019 meeting were approved on May 20, 2019


Clerk


Mayor