

RECORD OF PROCEEDINGS

Minutes of Hartville Village Council Meeting

Held on March 3, 2009 at 7:00 P.M.

CALL TO ORDER BY MAYOR TUCKER.

ROLL CALL

Mr. Beltz, Ms Billings, Mr Currie, Mr. Hough and Mr. Sullivan.

Motion made by Mr. Hough to excuse Mr. Bohaycyk, second by Mr. Beltz and unanimously passed.

INVOCATION BY PASTOR MARK HADINGER

PLEDGE OF ALLEGIANCE

1. CITIZENS COMMENTS (AGENDA MATTERS ONLY)

2. FISCAL OFFICER

Motion made by Mr. Sullivan to accept the Council minutes of February 17, 2009, second by Mr. Beltz and passed by all except Mr. Hough who abstained.

Bills paid 2nd half February 2009 by Council:

George Dragovich	\$952.90	Red Diamond Uniforms	\$182.97
Ronald Coontz	\$1,245.46	Speedway Super America	\$1,168.98
John Norman	\$961.66	ME Companies	\$1,870.00
Daniel stiles	\$1,162.85	Tri County Medical Serv	\$65.00
Jeffrey Igleheart	\$1,172.17	Treasurer St of Ohio	\$200.00
James Welch	\$898.71	Staples Credit Plan	\$193.78
Ryan Derhammer	\$992.27	Pitney Bowes	\$93.00
Aaron Bardwell	\$232.60	Ohio Police & Fire	\$12,953.33
Erik Carlson	\$490.87	Ohio Edison	\$4,030.26
Christopher M. Clark	\$629.86	Marlboro Supply	\$113.50
Lawrence Dordea	\$427.33	Central Allied Enterprises	\$220.00
Laverne Wittmer	\$1,007.13	Hartville Radiator	\$40.00
Nathan D. Miller	\$560.85	Graphic Enterprises	\$8.30
Ray Wittensoldner	\$1,073.48	Evans Supply	\$59.05
Brian Keiser	\$932.90	D & G Uniforms	\$198.46
Cheryl A. Marcelli	\$766.87	Cargill Salt	\$1,915.23
Loreen F.Palumbo	\$650.70	Buckingham, Doolittle	\$4,384.12
Lori M. Quinn	\$454.35	Verizon Wireless	\$472.07
Gary A. Wenzel	\$932.41	Postmaster	\$30.20
Edsel R. Tucker	\$522.25	Intl Association	\$102.00
Michael Ringer	\$266.37	OPERS	\$3,906.86
Betty L. Atkinson	\$50.00	Sherrie Gantz	\$201.50
Van Nostran-Young	\$5,128.00	Jerry Kidd	\$306.28
M/Dean Dahl	\$175.00	Lora A. Brown	\$298.22
Aultcare/MLIC	\$5,540.85	John Shaffer	\$260.00
First HSA, Inc.	\$566.85		
Gov. Acct. Solutions	\$872.93		
Principal Life	\$103.58		
Huntington Bank	\$222.41		
Huntington Bank	\$236.06		
D & G Uniforms	\$287.00		
Construction Book Exp	\$178.60	TOTAL	\$62,993.14
Better Roads	\$24.95		

Motion made by Mr. Beltz to accept the bills as presented, second by Ms Billings, and passed by all in attendance.

We signed off on the Mayor Council Reports and one other item not on the Agenda, we will be switching our phone service provider from AT & T to NuVox. The Village has used NuVox previously and Scott was instrumental in getting them to come to us and as a result of this we will be saving a minimum of 30% on our phone bills which will exceed \$5,000.00 per year. This is a step in the right direction. That is the minimum, they expect to be higher than that. Also, what comes with that is we get away from the DSL line which is the phone line for Internet now we'll go on to the Internet exceedingly faster data line for us. No installation charges and the equipment is free.

3. MAYOR'S REPORT

Under the Mayor's report, there was no meeting scheduled for the Zoning Board of Appeals, no meeting scheduled for Planning Commission, but as far as the Maple Street Sewer Extension I would like to speak on that for just a short time at the end of the meeting instead of now. Are there any objections to that?

4. LAW DIRECTOR

The first thing I have is the discussion of the outline for the new Agenda. Mr. Hough and I did meet before Council and we are both certain that there was an Ordinance back in 2004 that laid out the Agenda that we currently use, we just have to find that Ordinance. I am going to dig back in the old files that I have and Mr. Hough is going to see if he can find it as well. We did confirm that there were some Ordinances that were passed and approved in 2004 laying out the Agenda as it is today. Or, the alternative is Mayor, we use the Agenda that we have now as an outline and just use this Agenda and pass a new Ordinance with whatever you want to put on the Agenda and in that Ordinance put a paragraph saying that any other Ordinance inconsistent with this is now void. It is up to however Council wants to approach that.

Do you want me to add Old Business before the Law Director? Yes, Old Business is before the Law Director.

There is a New Business after the Reports of Council Committees instead of Miscellaneous Business.

We have a few Ordinances on the Agenda. The first one is the salary Ordinance and there are some changes that the Mayor wanted that I covered with some of you before the meeting and I gave you a new Ordinance and I will go over that with you and show you where the changes are at. If you look at paragraph, section 1b which if you recall there used to a clause in that paragraph which said, accept the Board of Public Affairs shall approve the increases and compensations for the employees of the Waste Water Treatment Plant, the Mayor asked that that be deleted and just stop with a period after employees so it now reads, the Mayor shall approve all increases and compensations for all employees.

The next change that he wanted added, look at section 6 it talks about how much the Board of Trustees of Public Affairs make for each meeting and a special meeting there was the word Council there, we are just going to take out the word, Council. It is not a meeting of council, it is a meeting of the board of trustees of public affairs.

Next change is section 10 page 3, the salary patrolmen, the Mayor deleted the Senior Sergeant, there is no Senior Sergeant, and he gave the Lieutenant a range of \$45,177.08 to \$47,177.08, before there was no range we just established the amount to be paid. There is another change on page 4, section 11 the paragraph that starts with summer labor, there is a clause about three lines down that says, except part time police officers in an emergency situation may work up to 32 hours per week only if authorized by the Chief. Now someone expressed concerns before the meeting about passing the health plan, the health plan says that anyone over 24 hours a week is

considered full time or entitled to health benefits, but if you have police officers only working in an emergency situation thirty hours a week that would not be a pattern, 24 hours a week that would enable them to add health care, does that make sense?

All right the last change is I added a section 18 just to be clear in this Ordinance, paragraph 17 establishes the compensation for the current elected officials during their current terms shall not be increased. There is no increase in this Ordinance because their increase went back to 2007.

Before we consider this ordinance, there has to be a motion.

Motion made by Mr. Hough to amend this Ordinance before we have a reading, second by Mr. Currie and passed by all in attendance.

Second Reading of Ordinance no. 1-09.05 amending Ordinance no. 1-08.10 and previous salary and wage Ordinances fixing the salaries and wages of all elected officials and employees of the Village of Hartville, Ohio, in accordance with Section 731.13, Ohio Revised Code, and declaring it to be an emergency as amended.

Motion made to accept second reading of Ordinance no. 1-09.05 by Mr. Hough, second by Mr. Beltz and passed by all in attendance.

Motion made by Mr. Hough to suspend rules, second by Mr. Beltz, and passed by all in attendance.

Motion made by Hough to pass by emergency and to take effect immediately, second by Ms Billings and passed by all in attendance.

The next is the second reading of Ordinance 1-09.06 approving, adopting and enacting American Legal Publishing's Ohio Basic Code, 2009 Edition, as the Code of Ordinances for the Municipality of the Village of Hartville, Ohio, and declaring an emergency.

Motion made by Mr. Hough to accept said second reading, second by Ms Billings and passed by all in attendance.

Motion made to suspend rules by Mr. Sullivan, second by Ms Billings and passed by all in attendance.

Motion made by Mr. Sullivan to pass by emergency to take effect immediately, second by Mr. Currie and passed by all in attendance.

First reading of Ordinance No. 1-09.07 authorizing and directing the Mayor to enter into an agreement for the provision of backup building inspection services for the Village of Hartville. There is a contract that is attached and incorporated into the Ordinance.

Motion made by Mr. Beltz to accept said first reading, second by Ms Billings and passed by all in attendance.

I have nothing further but I would ask that we go into Executive Session.

5. ENGINEER'S REPORT

A brief report for you tonight, grant status for the waster water treatment plant expansion, basically it is status quo, everything that we have been asked to do has been submitted to the EPA and all various organizations. Hopefully in the next few weeks we hear something with respect to the stimulus monies. I did get a memo today, Ohio EPA is going to be distributing \$276.5 million statewide for water and sewer projects. I know it is being looked at from a lot different angles with respect to stimulus so we'll just see how this plays out in the next few weeks.

If we are unsuccessful through the stimulus route, Congressman Bocharrie has been kind of pushing along with Sherrie Loos, the United States Department of Agriculture, they are kind of steering us toward their program so we can get a minimum of 45% of 6.5 million is still a lot of money.

Next on the Agenda is our Kent Avenue project. Again we would like to bid that in the spring. One of the things I would like to before we turn over to bid documents to regional planning is to set a Street and Drainage committee meeting when we are all available and just kind of showing you what we are looking at doing and get your final comments before we put it out to bid.

6. COUNCIL

Mr. Sullivan ~ Especially now that we have upgraded our info structure, the website pictures still need updated with our pictures as well as some of the content, the contact information.

Mr. Hough ~ Cheryl is working with a gentleman who helped set us up the new website and I am of the opinion as this point that we look to hire someone to come in and help. I don't think it would be that expensive but to continue to try and rely on him he is in and out of availability so frequently. He did a good service for us to get us up and running, but I am of the opinion that we need to make a motion to allow the Fiscal Officer to get somebody into do that.

Motion made by Mr. Hough to have Fiscal Officer look for website partner, second by Ms Billings, passed by all in attendance.

7. REPORTS OF COUNCIL COMMITTEES

FINANCE ~ Yes, at the last Council Meeting we had discussed having a finance meeting Monday, March 2nd at 8 p.m., that meeting was changed to Friday, March 6th at 5 p.m. to discuss the finances around the maintenance and the upkeep of the ball fields and other expenses related.

STREET & DRAINAGE ~ Nothing to report, Mr. Mayor, we will set a date at our next meeting.

SAFETY ~ We are requesting Executive Session as we were unable to complete a recommendation, and we have questions.

RECREATION ~ Nothing right now.

COMMERCE DEVELOPMENT ~ Nothing at this time.

TREE BOARD ~ We need to schedule a meeting Thursday, March 5th at 7:00 p.m.

ZONING BOOK ~ We met on February 19th and we were able to review the R2 and R3 portions of the book and made notes of recommendations. We are going to schedule another meeting for Tuesday, March 17th at 6:00 p.m.

SEWER RATES ~ As we are gathering our date and getting everything together... Scot will be back in town Friday night, I would like to get in touch with him and we can get a meeting sometime next week so we can start putting this together. We have a lot of the information and by the time we start figuring out these rates we can finish bringing them in. Tentative meeting for Thursday, March 12th at 6:00 p.m.

PERSONNEL HANDBOOK COMMITTEE ~ We met this evening at 5:30 and continued considering revisions to the handbook. Paul has had a chance to look at our revisions to date and he is going to e-mail those to us and as soon as we have those we will set up a meeting at the next Council meeting.

8. MISCELLANEOUS BUSINESS

I want to bring you up to date on the West Maple Street sewer extension assessments, but before I do, I would like to make a clarification here, regarding an article in our local newspaper following the last council meeting headline, Confusion over assessment letters. I would like to say this, I'm not confused because I know what went on and I have it right here in front of me so I would like to take a few minutes to clear this up, okay? Number two is that I would like to briefly read the first and second paragraph of this article. "At the February 17th meeting of Hartville Village Council, Mayor E.R. Tucker stated that he had prepared letters to property owners on the north side of West Maple Street in the area of the sewer extension project completed in 2002. He said assessment letters had never been sent out, okay, and the second paragraph, there is more to that but it doesn't pertain, records on file in the Village Hall show that assessment letters were sent to all property owners in that project area in April of 2002. That is true, but I want to do is I want to read you the assessment letters to each one of these property owners, I'm not going to read it all, all of this is a public record. Anybody that wants to come up and get copies, we will make them copies of it, but I don't want to bore you with the whole thing. But what it is, a notice to property owners, April 25, 2002, amended tentative assessments. Please take notice of that and it goes on to tell about the resolution of necessity and so forth and the location and so forth and down on the third paragraph it says the resolution of necessity provides that the cost of the project shall be assessed by all properties ascribed and attachment A to the resolution of necessity in proportion to the benefits confirmed by the project and on a per acre basis and it goes on to tell this property owner what that break down is on there's. Number five, any objections to the estimated assessment as to the amount of apportionment, must be filed in writing with the Clerk of Council within two weeks from the date of completion of the service of this notice. Now that was the letter that was sent out, that is not an assessment letter to tell people that they owe money. So let's go on a little bit and I was made aware of this situation which I said at the last meeting when a bank called Village Hall regarding assessments on one of these properties that we knew nothing about and then we started through the records and this is what I came up with. Now, after that letter the next event that was April of 02. Now this article has a lot of dates of the resolution, the newspaper articles, the minutes and there was no way I was going to into all that. I looked up a couple and said that was enough for me so a lot of the dates in that stuff is correct, I'm not disputing that, but that isn't the main thing, the main thing is the assessments. Now remember that letter was in April of 02, September 16, 2003 Ordinance 1-03.26 was accepted, voted on and accepted. This the revised assessment schedule, the revised assessments based on the final cost and expense of the project. It goes on to tell that the assessments are \$183,528.88 so once again this is all public if anybody wants to read it all. If you go down to section three, the assessments to be leveled shall be paid in 20 annual installments provided, however, the owner of said lot or parcel shall have the option to pay such assessments in cash within 30 days after passage of this ordinance. All cash payments shall be made to the Clerk/Treasurer of the Village. All assessments installments that remain unpaid in said 30 days period shall be certified by the Clerk of this Council to the County Auditor as provided by law to be placed by him on the tax duplicate and collected as other taxes are collected. This was certified and sent to the auditor. Now September 26, 10 days later, 2003, this is to Mrs. Janet Creighton, Stark County Auditor regarding sanitary sewer special assessments West Maple Street, enclosed within is a certified copy of Ordinance No. 1-03.26 leveling special assessments. I will advise you after 30 days if any property owners pay the assessments in advance. I anticipate that all property owners want to pay the special assessments with their real estate taxes. Sincerely Clerk Treasurer.

October 8, 2003, Dear Clerk/Treasurer, enclosed is a letter to be sent to the West Maple Sanitary Sewer Assessment property owners attach a copy of each property owners assessment in writing sent copy of letters to each property owners. Now let me say something here, before this all started and we found out about it, I went to three business owners personally and I said do you realize these assessments that are against your property back in 2003, everyone said we remember talking about them and we did get a letter. That had to be the letter of 2002. Now I said to them, all

three of them that I talked to in person, I said did you pay for this up front in cash. Well the one was \$29,000 or something, he said absolutely not. I don't have that kind of money, I'm a small business owner. I said, are they on your taxes? He said, I don't think so, and I went to the biggest one of them all, 8 ½ acres, \$64,000 assessment, people that keep good records, I said the same thing to them. They said they came to a meeting in Village Hall and back then we got some kind of a letter about an assessments and that was the end of it. I said well did you pay your assessments up front? Absolutely not, we'll put them on our taxes for 20 years. I said Okay. So the other one said the same thing. What I'm saying is there and then Gary called the Auditor and we gave them some of the parcel numbers. The Auditor looked them up and said there is absolutely no taxes against these properties. This letter has never ever been sent out to the property owners that they had that 30 days to pay in cash or it would be put on their property taxes. Well, no big deal. I called the Auditor again, the Auditor said they have to pay them taxes, there is no time limit. Get your letters ready, send them to the people, they owe these assessments, give them the same rights they had the first time and go from there. So I thought you know that is going to be a blow to some of these people, so and this article mentions a letter that I went and did, I want to read you that I was going to send to each one of them but I sent it out to two people and then I went to visit three more owners. The rest of them aren't even aware of this letter.

February 17, 2009 ~ Regarding Lot no. such and such, Village of Hartville, to Whom It may concern. It has been brought to my attention that you did not receive the assessment letter regarding West Maple Street sewer line extension. This letter was issued on or about September 16, (we did not have the rest of these records at the time), and would have been in reference to this lot and the acreage and the cost of their assessment. Enclosed you will find Ordinance No. 1-03.26 within two weeks you will be receiving your assessment regarding this matter. Please feel free to call me if you have any questions. Respectfully, Ed Tucker, Mayor of Hartville.

Well, one, two, three, four of these people are aware of this, but when I went to the biggest property owner which is 8 ½ acres, \$64,000, and put that out in front of him he said, wait a minute. He went in and got out records of five different transactions. That piece of property was split in 2005 a piece was sold off and in 2006 another piece was sold off, in 2007 another piece of it was sold off and in 2008, which we handled in December was also cut off and split. So now we have four property owners, not one of them is the original owner. So Gary and I talked about it and said now what do we do? So I went ahead and figured he had all the property dates, the transfer dates and the acreage of those so we figured up the new assessments. So Gary and I talked about it and said let's call the Auditor, so I called the Auditor again and I told him you know those assessments you said we could send them letters not like that any more. I explained what we did, I told him I had the records in front of me and the lady said to me, you call Paul P. and you get all that information to him Right, and let him go over it and render a legal opinion to the Auditor's office and us naturally and at that point we will take that same information and we will give it to our legal department to see how this is going to be handled. I said that's fine and they said as soon as that is all done and over with, we'll contact you. Now the original owner of that 8 ½ acres has agreed to pay all of the assessments that he split up to the day it was sold. But now it is in the hands of the Auditor and that is where it stands and that is the facts and here they are because I made copies of them.

Now if you paid a \$64,000 assessment, I think you would remember receiving the letter. And here is the sad part of this for five years there about, the property owners, all of us, have been paying this full bill which is \$183,000 and I don't believe that is fair to our taxpayers. These costs belong back to those property owners. It was a mistake of the Village but they still owe it. I don't think we'll have much problem once this is straighten out because I am sure from the ones I have talked to they are just going to put it on their taxes.

9. CITIZENS COMMENTS NOT ON AGENDA

The Stark County Health Department notified me that Township Trustees, Zoning Inspectors and Mayors and it is about a meeting Thursday night from 7 to 9 p.m. and that is very important that our Village is represented, in fact that it is important enough that I got a hand written note just the other day from the head of it, Bill Franks.

Motion made by Mr. Currie to go into Executive Session, second by Ms Billings, and passed by all in attendance.

Motion made by Mr. Hough to come out of Executive session, second by Mr. Currie, and passed by all in attendance.

Motion made to adjourn by Mr. Hough, seconded and passed by all in attendance.

MAYOR EDSSEL R. TUCKER

FISCAL OFFICER