

MINUTES
City of Geneva
Council Meeting
December 14, 2015

7:00 p.m.

Tim Miller opened the Council Meeting at 7:00 p.m.

Roll Call – Tim Miller, Susan Hagan, David W. Per Due, William Buskirk, Jessica Stamper, and John Wilt

Absent: Philip Cordova

Motion was made by David W. Per Due to approve the Minutes of the December 7, 2015 Reorganization Meeting, seconded by Susan Hagan. Roll call, 6 yeas. Motion passed.

Motion was made by David W. Per Due to approve the minutes of the December 7, 2015 Special Council Meeting, seconded by William Buskirk. Roll call, 6 yeas. Motion passed.

Presentation – Zoning Department.

The Zoning presentation as postponed.

Citizens –

Proclamation was presented to St. John’s Evangelical Lutheran Church. Mr. Neuman and Mr. Metsler accepted the proclamation on behalf of St. John’s.

Mr. Neuman stated that the church and most of this area was formed by immigrants. Most of the church immigrants from Germany and part of Russia; they came looking for opportunity, freedom and to be able to prosper for their families so their families would have an opportunity to prosper.

Dana Daughters
784 Timberlane, Geneva, Ohio

Mr. Daughters requested Council to review the criteria for repairing and installing sewer and water in the City of Geneva. Mr. Daughters stated that currently anyone can install a sewer or a water line. There is no criteria to protect the taxpayers of Geneva or the City of Geneva.

Mr. Daughters states that he has spoken with Mr. Hyding and with Mr. Starkey. The City is allowing people to dig in the City that do not have underground insurance. Contractors should have a sewer or a water license, be bonded, and have the proper insurance whether doing work in an easement or on private property. Mr. Daughters has a water and sewer license and the proper underground insurance in both Ashtabula and Lake Counties.

Mr. Miller stated that this is a timely discussion as the City has scheduled a Utility Committee Meeting for the first meeting in January (January 11th) at 6:00 p.m. This issue will be added to the agenda.

Mr. Daughters stated that these same issues are happening in the City of Ashtabula.

Mr. Daughters stated that contractors should have to obtain a sewer and water license from the County and meet the current criteria. The City should use the same format.

Mr. Miller stated that Lauren Gardner could look into whether the City could piggyback on the County regarding this. This can be further discussed at the Utility Committee Meeting.

Mr. Buskirk asked that Mr. Daughters bring any sample Ordinances to the Committee Meeting.

Mr. Daughters stated that the County is also looking at this.

Mr. Daughters stated that he was doing a sewer line. Mr. Daughters lives on Timberlane. His inspector was double teaming the inspection with another inspection in the subdivision. Mr. Daughters stopped by the other job and observed that the contractor was digging with no-one watching him. The contractor hit the main power line for the subdivision. The contractor ripped the sheath open. At the end of the day the contractor pushed the dirt over top of it. The following day he talked to Mr. Hydinger. When the line was uncovered, it was discovered that the contractor had put electrical tape around it. The night that the incident happened, Mr. Daughters lights flickered four or five times. The line has not yet been fixed yet.

The City's current permit fee is \$5.00 to dig in the right-of-way. The City has discussed reviewing the fee schedule and whether the fees should be comparable to the work.

In order to obtain a license in Lake County, a contractor must submit a resume of work they had performed in order show experience.

Mr. Per Due stated that qualifications is something the City should look at as well.

Mr. Daughters stated the inspector should have had the authority to stop the job and have CEI come out and fix the line properly. CEI can then back charge the contractor.

Mr. Daughters stated that there is no rhyme or reason regarding the elevation of the houses being built in his subdivision. There should be eight to ten inches of separation from the dirt to the siding. These houses do not have that. Houses are sitting in holes to save a \$1,000 on a course of block. The size is also an issue. The houses are so much smaller than all of the other houses. These houses are the first to be seen when you enter the subdivision.

Mr. Daughters tried to locate the storm sewer for his subdivision. Jennifer from the City pulled the blueprint and showed Mr. Daughters where the storm sewer should be. The blueprint was stamped. The storm sewer was never installed. Mr. Daughters is paying for it. Mr. Daughters stated that this should not happen again.

Mr. Per Due asked was there was anything in Mr. Daughter's deed stating the minimum size for the houses in the subdivision. Mr. Daughters will look into it. Mr. Daughters stated that given other requirements he has a hard time believing that there is not a minimum square footage.

Motion was made by John Wilt at 7:16 p.m. to go into Executive Session to discuss personnel, collective bargaining matters and property acquisition. Susan Hagan seconded the motion. Roll call on passage. 6 yeas. Motion passed at 7:16 p.m.

Motion was made by Susan Hagan at 8:07 p.m. to reconvene the Council Meeting. John Wilt seconded the motion. Roll call on passage. 6 yeas. Motion passed at 8:07 p.m.

Items for Consideration of Council –

Ordinance No. 3179. An Ordinance Appointing the City Solicitor, Establishing the Compensation of the City Solicitor, and declaring an emergency.

This ordinance was first read at the December 7th meeting.

Motion by Susan Hagan, seconded by John Wilt to declare Ordinance No. 3179 an emergency measure. Roll call, 5 yeas. 1 nay. Motion by Susan Hagan, seconded by William Buskirk that the rule of law requiring certain Ordinances be read at three separate meetings be waived and suspended and Ordinance No. 3179 be placed on the final roll for passage. Roll call, 5 yeas, 1 nay. Roll call on passage, 5 yeas, 1 nay. Ordinance No. 3179 duly passed.

Ordinance No. 3180. An Ordinance Establishing compensation for the Clerk of Council, and declaring an emergency.

This ordinance was first read at the December 7th meeting.

Motion by Susan Hagan, seconded by John Wilt to declare Ordinance No. 3180 an emergency measure. Roll call, 6 yeas. Motion by Susan Hagan, seconded by William Buskirk that the rule of law requiring certain Ordinances be read at three separate meetings be waived and suspended and Ordinance No. 3180 be placed on the final roll for passage. Roll call, 6 yeas. Roll call on passage, 6 yeas. Ordinance No. 3180 duly passed.

Ordinance No. 3181. Amending the Compensation of Officers and Employees of the City of Geneva Effective January 1, 2016 Amending Chapter 250 of the Codified Ordinances, Repealing Ordinance No 3156, and declaring an emergency.

This ordinance was first read at the December 7th meeting.

Motion by John Wilt, seconded by Susan Hagan to declare Ordinance No. 3181 an emergency measure. Roll call, 6 yeas. Motion by Susan Hagan, seconded by William Buskirk that the rule of law requiring certain Ordinances be read at three separate meetings be waived and suspended and Ordinance No. 3181 be placed on the final roll for passage. Roll call, 6 yeas. Roll call on passage, 6 yeas. Ordinance No. 3181 duly passed.

Ordinance No. 3182. An Ordinance to Amend the 2015 Budget through Appropriations and Fund Transfers, attached hereto and marked Exhibit “A”, and declaring an emergency.

Motion by William Buskirk, seconded by Jessica Stamper declare Ordinance No. 3182 an emergency measure. Roll call, 6 yeas. Motion by Susan Hagan, seconded by William Buskirk that the rule of law requiring certain Ordinances be read at three separate meetings be waived and suspended and Ordinance No. 3182 be placed on the final roll for passage. Roll call, 6 yeas. Roll call on passage, 6 yeas. Ordinance No. 3182 duly passed.

Resolution No. 3341. Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor, and declaring an emergency.

This legislation is done twice a year, January and August. It is required by state law.

Motion by Susan Hagan, seconded by Jessica Stamper to declare Resolution No. 3341 an emergency measure. Roll call, 6 yeas. Motion by John Wilt, seconded by Susan Hagan that the rule of law requiring certain Resolutions be read at three separate meetings be waived and suspended and Resolution No. 3341 be placed on the final roll for passage. Roll call, 6 yeas. Roll call on passage, 6 yeas. Resolution No. 3341 duly passed.

Resolution No. 3342. A Resolution Authorizing the City Manager to enter into an Operating Contract between the City of Geneva and Aqua Ohio, Inc. for Operation, Maintenance and Monitoring of Water Transmissions, and declaring an emergency.

Motion by William Buskirk, seconded by Susan Hagan to declare Resolution No. 3342 an emergency measure. Roll call, 6 yeas. Motion by Susan Hagan, seconded by William Buskirk that the rule of law requiring certain Resolutions be read at three separate meetings be waived and suspended and Resolution No. 3342 be placed on the final roll for passage. Roll call, 6 yeas. Roll call on passage, 6 yeas. Resolution No. 3342 duly passed.

Resolution No. 3343. A Resolution Authorizing the Acceptance of the Bid of D.B. Bentley, Inc. for the North Broadway Waterline Improvements, and declaring an emergency.

This will be a late winter project. The project includes a new water line from North Ave. to Roosevelt to match up with the County’s new water line. This project also includes the installation of a sidewalk just south of Roosevelt. The lowest bid is \$356,700, the City Engineer’s estimate was \$385,000.

Motion by Susan Hagan, seconded by John Wilt to declare Resolution No. 3343 an emergency measure. Roll call, 6 yeas. Motion by John Wilt, seconded by William Buskirk that the rule of law requiring certain Resolutions be read at three separate meetings be waived and suspended and Resolution No. 3343 be placed on the final roll for passage. Roll call, 6 yeas. Roll call on passage, 6 yeas. Resolution No. 3343 duly passed.

Mr. Starkey stated that each of the Collective Bargaining Agreements include a 2% increase in 2016, 2% increase in 2017 and 2.5% increase in 2018 with a potential for some openers for 2017 and 2018.

Mr. Starkey thanked all who participated in this collaborative approach resulting in agreements prior to the end of the year.

Mr. Per Due stated that he would not support items H and J on the agenda. Mr. Per Due further stated that he is very pro police and fire. The City has the best Police and Fire Departments in the County, that they do an excellent job. The City's Police and Fire are one of the best in the State of Ohio. Mr. Per Due stated that a 2% raise for two years and 2.5% for the third year would not be fair to these gentleman after giving a 22% raise to the City Solicitor and an 11% raise to the City's Recreation Director. Mr. Per Due stated that 4%, 4% and 5% would be more appropriate. Mr. Per Due made a motion to that effect. There was no second.

Resolution No. 3344. A Resolution Authorizing the City Manager to Execute a Contractual Agreement with the Ohio Patrolman's Benevolent Association Sergeants and Patrolmen, and declaring an emergency.

Motion by Susan Hagan, seconded by Jessica Stamper to declare Resolution No. 3344 an emergency measure. Roll call, 5 yeas, 1 nay. Motion by Susan Hagan, seconded by John Wilt that the rule of law requiring certain Resolutions be read at three separate meetings be waived and suspended and Resolution No. 3344 be placed on the final roll for passage. Roll call, 5 yeas, 1 nay. Roll call on passage, 5 yeas, 1 nay. Resolution No. 3344 duly passed.

Resolution No. 3345. A Resolution Authorizing the City Manager to Execute a Contractual Agreement with the Ohio Patrolman's Benevolent Association Dispatchers, and declaring an emergency.

Motion by Susan Hagan, seconded by Jessica Wilt to declare Resolution No. 3345 an emergency measure. Roll call, 6 yeas. Motion by John Wilt, seconded by Susan Hagan that the rule of law requiring certain Resolutions be read at three separate meetings be waived and suspended and Resolution No. 3345 be placed on the final roll for passage. Roll call, 6 yeas. Roll call on passage, 6 yeas. Resolution No. 3345 duly passed.

Resolution No. 3346. A Resolution Authorizing the City Manager to Execute a Contractual Agreement with the International Association of Fire Fighters Local #3695, and declaring an emergency.

Mr. Per Due stated that as stated for Police the same for Fire. Mr. Per Due further stated that it is wrong to vote on something that he has not seen a contract for. He has not had a chance to review the contract. Mr. Per due would like to see 4%, 4% and 5% for these gentleman as well.

Motion by Susan Hagan, seconded by Jessica Stamper to declare Resolution No. 3346 an emergency measure. Roll call, 5 yeas, 1 nay. Motion by Susan Hagan, seconded by Jessica Stamper that the rule of law requiring certain Resolutions be read at three separate meetings be waived and suspended and Resolution No. 3346 be placed on the final roll for passage. Roll call, 5 yeas, 1 nay. Roll call on passage, 5 yeas, 1 nay. Resolution No. 3346 duly passed.

Resolution No. 3347. A Resolution Authorizing the City Manager to Execute a Contractual Agreement with the International Union of North America Public Works Employees Local #860, and declaring an emergency.

Motion by Susan Hagan, seconded by Jessica Stamper to declare Resolution No. 3347 an emergency measure. Roll call, 6 yeas. Motion by Susan Hagan, seconded by William Buskirk that the rule of law requiring certain Resolutions be read at three separate meetings be waived and suspended and Resolution No. 3347 be placed on the final roll for passage. Roll call, 6 yeas. Roll call on passage, 6 yeas. Resolution No. 3347 duly passed.

City Manager's Report -

Mr. Starkey thanked all of the employees and Council in this year of transition.

Mr. Starkey will be taking some time off after Christmas and Mr. Hydingler will be in charge.

Unfinished Business – None.

New Business – None.

Council has not traditionally met on the final meeting day of the year. John Wilt made a motion to cancel the Council Meeting of December 28, 2015. Jessica Stamper seconded the motion. Roll call on passage, 6 yeas. Motion duly passed.

The Benson Gas Station is going into tax foreclosure. The property would go to the Land Bank and the City could potentially then obtain the property. Class C designation grant for \$100,000 for tank removal and \$500,000 for remediation through a Buster Grant could be applied for in January. The Buster Grant could be applied for in January through the Land Bank if the city wanted to put up \$7,000 towards obtaining the Class C designation. The City would need to get the test done by year end.

It could be a long slow process to clear up the Benson Property. It could sit unused for an extended period of time. This is very preliminary. The City would like to see if there is any interest.

Susan Hagan made a motion to do the test for \$7,000. William Buskirk seconded the motion. Roll call on passage, 5 yeas, 1 nay. The motion duly passed.

Mr. Per Due stated that he was not in favor of moving forward.

Payment of Bills – None.

Committee Reports –

Mr. Buskirk stated that there will be a Utility Committee Meeting for 6:00 p.m. before the first Council meeting in January.

Citizens –

Mr. Per Due commended all of the City workers, especially the Fire and Police Departments in keeping the City safe and wished all a Merry Christmas.

Bill Baker
440 Blaine Street, Geneva, Ohio

Mr. Baker asked why the first three Ordinances were only read twice. Why they were read as emergencies.

The Ordinances are typically always done as an emergency otherwise they would not take effect until thirty days after passing. The Ordinances need to be passed prior to the start of the New Year. Three readings plus thirty days is two and half months.

Mr. Baker asked why the final Council Meeting was cancelled.

It is difficult to have a quorum on the second Council Meeting in December. A lot of people go out of town for the holiday.

Mr. Baker stated that he would suggest that the third reading be planned for the first meeting in December if the second meeting will be cancelled.

Mr. Miller wished everyone a Merry Christmas.

John Wilt made a motion to adjourn.

Council meeting adjourned at 8:43 p.m.

Recorded by: Phyllis Dunlap
Clerk of Council

President of Council

Clerk of Council