

RECORD OF PROCEEDINGS
Minutes of Village of South Amherst Meeting
May 23, 2022
REGULAR MEETING

Council meeting

7:00 P.M. – The council meeting was called to order by Mayor David Leshinski and opened with the Lord's Prayer followed by the Pledge of Allegiance.

The roll was called:

Councilmember Michele Jeffers	P
Councilmember Scott Jones	EA
Councilmember Jeanne Maschari	P
Councilmember Becky Siesky	P
Councilmember Jeri Leigh Siss	P
President Pro Tempore David Troike	P

Ex officio members:

Fiscal Officer Michelle Henke	P
Records Clerk Laurie Beran	P
Law Director Matthew Mishak	P

(EA – excused absences)

Councilmember Troike move to approve the absence of Councilmember Jones. Councilmember Siss second. Jeffers yea Jones absent Maschari yea Siesky yea Siss yea Troike yea Motion passed.

APPROVAL OF AGENDA May 23, 2022, with the addition of Public Hearings 6/13 & 6/27, Law Director invoice, 132 E Main St., minutes, standing water at the entrance to park. Councilmember Maschari move to approve the agenda with additions. Councilmember Troike second. Jeffers yea Jones absent Maschari yea Siesky yea Siss yea Troike yea Motion passed.

APPROVAL OF MINUTES May 9, 2022

Councilmember Troike move to approve the minutes. Councilmember Siesky second. Jeffers yea Jones absent Maschari yea Siesky yea Siss abstain Troike yea Motion passed.

VISITORS

Cemetery – Paula Knodel SABPA – Thomas Pelletteri

MAYOR

The village participated in Keep Lorain County Beautiful Day and would like to thank the following people for their participation:

Pioneer Cemetery – Kate, Jane & Ron from the Brownhelm Historical Society; Mark Leshinski, Larry Jones; Rosemary Leshinski & Marilyn Makruski from the Cemetery Board

Maroy Dr, to Main Street – Hank Hall & Bob Lipscomb

Community Park – Louise Anthony; Jessica Beran, Laurie Beran & Tom Pelletteri of the Park Board

Town Hall – Dr. Jessica Trent & the mayor

Evergreen Cemetery – Jeanne Maschari & granddaughters, Michele Jeffers

Memorial Day – Scouts will be in attendance. Stargel/Allsop Family will sing. Honor Guard is from Elyria AMVETS. Councilmember Maschari requested the POW flag be replaced at the cemetery prior to the parade/service. Mayor will take care of the flag replacement Tuesday, 5/24.

FISCAL OFFICER

Payment Listing 5/6/-5/18/22, May Financial Reports were presented.

2023 Tax Budget worksheet and UAN detail

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NOACA approve paying the fee

Councilmember Maschari moved to approve the membership fee for NOACA. Councilmember Jeffers second,

Discussion – Councilmember Maschari discussed with the engineer and he stated that we would benefit from joining, some streets within the village are covered by NOACA.

Jeffers yea Jones absent Maschari yea Siesky yea Siss yea Troike yea Motion passed.

Then & Now PO for Diggers

Fiscal officer statement of explanation for the Then & Now. Last fall purchase orders were made for Great Lakes Cleaning and Diggers to do the jet rodding on W. Main St. The job was not completed last year, so we created new purchase orders at the beginning of 2022 with Diggers scheduled to complete the work and Great Lakes to do the camera scoping. Great Lakes billed Diggers \$3310.00 on the closed P.O. from 2021. The fiscal officer requested approval from council for the additional amount of \$3310.00 to be paid to Diggers

Councilmember Troike move to approve the Then & Now PO for Diggers. Councilmember Maschari second.

Discussion: Councilmember Siss if the amount was approximately the same as originally bid. Fiscal officer replied; no, originally the two quotes were \$4300.00, but remember the quotes were from September 2021 and cost of increased since. The total cost now for both invoices is \$5310.00.

Jeffers yea Jones absent Maschari yea Siesky yea Siss yea Troike yea Motion passed.

Law Director Invoice

Billable hours for litigation items and a spreadsheet was sent for what actually is billed for. He is within his contract. Councilmember Maschari did ask the law director when would she be getting her legal opinion on the street commissioner position. The law director replied, very soon.

RECORDS CLERK

Councilmember Maschari moved to have a rough draft of the minutes by the following Monday.

Councilmember Troike second

Discussion: Have minutes more descriptive, have financial references (contractual or services provided) when appropriate and council needs to request at the meeting that they would like a certain item reflected in the minutes .

Jeffers yea Jones absent Maschari yea Siesky yea Siss yea Troike yea Motion passed.

ORDINANCE

Ordinance No.1731-22 Codified Ordinance Chp. 139 Police Administrative Code

Councilmember Maschari move to approve Ordinance No. 1731-22. Councilmember Siss second.

Jeffers yea Jones absent Maschari yea Siesky yea Siss yea Troike yea Motion passed.

Ordinance No. 1734-22 Revised Tax Credit Codified Ordinance 182.01 (First Reading)

Ordinance No. 1735-22 RITA Agreement (First Reading – joining Regional Income Tax Agency)

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Ordinance No. 1736-22 Revised Sidewalk Codified Ordinance 901 (First Reading)

Discussion: Law Director is reviewing the ordinance. The main question is regarding 901.07 with the Service-Street- Sidewalk committee having a role in reviewing and recommending to council on sidewalk compliance, when they also make the regulations. If the committee was to issue citations for sidewalk repairs, there would be a separation of powers issue, the members of the legislative committee performing executive functions. The committee could identify the issues, but the executive needs to enforce the regulation, its crossing the line of separation of powers. Follow the standards of enforcement; notice of the violation served, then a citation issued if the sidewalk wasn't corrected in the given time. Councilmember Maschari is also looking at the special assessment issue part of the ordinance (ORC 729.03). Council is trying to rewrite the ordinance, so it clearly states whose role it is for enforcement and that the sidewalks are fixed. Zoning inspector is the one who would enforce the ordinance.

Ordinance No. 1737-22 Drone

Law Director stated that a local regulation cannot preempt a federal law. Councilmember Maschari inquired if the current ordinances could be modified to include restrictions on drones. The ordinance that was drawn up was due to a concern of safety, invasion of privacy. Law director stated that with the villages current ordinances, that no further legislation is needed.

RESOLUTION

Resolution No. 661-22 Gun Violence (Emergency)

Councilmember Maschari move to approve Resolution No. 661-22. Councilmember Siesky second. Jeffers yea Jones absent Maschari yea Siesky yea Siss yea Troike yea Motion passed.

Resolution No. 662-22 HB 110 Fire Grant Acceptance (Emergency)

Councilmember Siss move to approve Resolution No. 662-22

Jeffers yea Jones absent Maschari yea Siesky yea Siss yea Troike yea Motion passed.

APPROPRIATION

Appropriation No. 285 Permanent Appropriation

Councilmember Troike move to approve Appropriation No. 285. Councilmember Siesky second.

Discussion: Fiscal officer said there was a correction to the date , it should read January 1, 2022 through December 31, 2022. Councilmember Maschari asked about the \$70,000.00 that was designated for capital outlay for the town hall parking lot. Asphalt has greatly increased over the past year. Does it have to be used for the parking lot or could it be used to do a small street which would impact more people. The back portion of the lot is an issue for the fire trucks, however gravel could be used for a temporary fix to alleviate some flexing of the fire trucks. The mayor feels the parking lot is a hazard to even humans walking across it due to the uneven and crumbling sections of the lot.

Jeffers yea Jones absent Maschari yea Siesky yea Siss yea Troike yea Motion passed.

Appropriation No. 286 Permanent Appropriation (Transfer)

Councilmember Troike move to approve Appropriation No. 286. Councilmember Maschari second.

Discussion: General fund to 4901 Capital Project OPWC Loan Payment.

Jeffers yea Jones absent Maschari yea Siesky yea Siss yea Troike yea Motion passed.

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DEPARTMENTS

Fire

April

EMS	Fires	MVA	MA	Misc.	Tpk.
5 (4/1)	3 (2/1)	1 (1/0)	3	0	2

(village/township)

April's training consisted of testing new tools for extraction. A group training with Amherst FD and a fire relay pumping with Vermilion FD.

Councilmember Maschari asked the mayor, "Since the new fire chief has been in place, what have you done differently, then you've done in the past seven years as mayor with respect to the fire department, anything?" Mayor, "Again the fire chief is responsible for his department. If he has any issues or anything like that, I have an open-door policy so they can come and discuss it anytime. And I did that with the previous chief and of course any of the other firefighters if they have complaint, which has happened. They have a grievance procedure/policy in place of how to address their issues within the department and to follow that chain of command."

Police

Traffic Citations: 30 Speed, 2 School Zone, 2 Right on Red

Reports of Service: 6 LCSO: 3

Officers are continuing to complete the required CPT classes. The department is assisting Columbia Gas with the current project on E. Main. Interviewing new candidates for police officers. No update on used equipment from Avon.

Councilmember Siss requested to please have the west end addressed for speed

BOARDS

Cemetery

Entrance sign has been installed, road repairs are being worked on. Drainage scope of work is being completed for the bid process. Three cameras will be purchased for monitoring activity in Evergreen. Updating the cemetery software to the UAN system.

South Amherst Historical Society is funding the restoration of 12 monuments in Pioneer Cemetery.

Councilmember Siss asked if the increase of lots sold are being purchased by residents. Clerk Knodel answered that a large portion is being sold to family members who have moved out of the area and want to be buried near family.

Park

Councilmember Jeffers spoke with Mr. Meade regarding the water on the east side of the park driveway. During the conversation it was stated that it would be corrected at no charge. Board member Laurie Beran corrected that comment by stating the Park Board was notified at the May 5, 2022 meeting the driveway drainage project was no longer free of charge and at this time the cost is \$6000.00 to rectify the issue which is not in the current budget. Councilmember Jeffers asked how it could be taken care of and could it be taken out of General Funds. Fiscal officer replied that yes, it could be taken from there if it was

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reappropriated. Councilmember Siss stated that the issue is definitely on village property, the question directed to the law director was, "Are we liable so to speak, as he (property owner) claims damage, rotting done to his fence based on the low grade of park property?" Law director stated because the village did not create the issue, it pools there due to the amount of rain, the village would not be liable.

SABPA

Reaching out to County regarding Ludwig Ditch & New Russia Twp. Board member Pellittieri will be in contact with Virgil Flynn regarding his concerns on this issue.

Columbia gas line project - curb boxes will be identified with a flag and will be put into the GIS system for an accurate record.

Fire department water separator- the clerk is still working with the EPA, there is still some gray areas of when certain actions items are to be completed. EPA report deadlines were met. The board feels that the water separator is a Building & Grounds issue not the SABPA. Councilmember Troike has no issue with researching the requirements, etc. for the separator, he just feels that it is a waste of time to duplicate the work. Troike also stated that the fire chief told him that the current separator was capped and trucks would not be washed. Councilmember Maschari asked the mayor if the fire chief would have some responsibility on this project. Mayor stated that, "the department does occupy the building, but again is the village's building...I'll defer to the law director." Board member Pellittieri's action plan would be for the Building & Grounds Committee have the design drawn, along with bids and the SABPA would submit it to the EPA. A separator is needed and it should not come from the SABPA budget to have this completed. The fiscal officer did suggest that the project expense could be taken from the Capital Expense line of the budget.

Councilmember Maschari asked for clarification on Council Minutes from the May 9th meeting regarding the SABPA report on hydrant and valve replacement being done on a two (2) year rotation cycle to be completed in 2023. The SABPA Minutes from May 2 stated that the water operator requested the creation of a two (2) year schedule of valve exercising and hydrant flowing and the board asked if there were any laws against that. Exercising and replacing are two different things. Board member Pellittieri said there is no replacing. Half the town would be flushed the first six (6) months and the rest of the town the second half.

COMMITTEES

Service/Street/Sidewalk

Service Worker – job description (Exhibit A) was presented by Councilmember Maschari who requested council approval.

Councilmember Siss move to approve the Service Worker job description as presented. Councilmember Troike second.

Jeffers yea Jones absent Maschari yea Siesky yea Siss yea Troike yea Motion passed.

Striping – Jeff Yager was contacted from the county, has not called back also contacted Maintenance System of Ohio & Shopping Center Maintenance. Councilmember Maschari asked why the smaller side streets eliminated, and the last meeting you stated the committee should do the groundwork. If that is so, the work shouldn't be duplicated. The mayor stated that through streets most definitely need lined. In the cities, side streets are not striped and did not feel it was a productive use of money and it should be decided by the committee. Councilmember Maschari replied that it had been decided by the committee to

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have the side streets lined and if you have estimates for the striping a decision could be made. Councilmember Siesky stated that it is good to “stay local” but sometimes a larger company could give a better price and we need to consider the cost.

Councilmember Maschari move to have the mayor finish getting the estimates. Councilmember Troike second.

Jeffers yea Jones absent Maschari yea Siesky yea Siss yea Troike yea Motion passed.

Finance/Audit

Appropriations were reviewed, next audit July 12th.

Ordinance

Enforcement of Ordinances

Mayor – police chief is not having the department doing civil, only criminal. Follow the process as stated in the ordinances and once it gets to the point of a citation the police could issue the citation.

Councilmember Siss completely understands that is the directive of the police chief to be here for criminal not civil issues. However, she feel confused that when Mayor’s Court was originally discussed, it was said that the civil issues could be processed through Mayor’s Court. Ms. Siss wanted clarification on the email that was sent out by the mayor regarding how he can not enforce the ordinances due to the fact that he is the magistrate. The mayor gave the example of, “it is the same as if a police officer wrote a ticket, you come into court and the officer is the one who passes judgement...that is how there is a conflict.” Councilmember Siss said that, “We can’t change the past, but moving forward what do we do to enforce ordinances.”

Councilmember Maschari, “Codified Ordinance 521.14 (c) Authority to Abate a Public Nuisance:

Whenever the Mayor or the Mayor’s designee finds that there is within the Village any act, thing, or condition of a kind which has been or may hereafter be defined in this section or any other section of the Codified Ordinances or by other ordinance as a public nuisance, the Mayor or Mayor’s designee is authorized and directed to promptly cause its abatement, as hereinafter provided.”

“So, mayor if you know you can’t take that role, who is your designee? Mayor responded, “I could make every member of council a designee. Ms. Maschari replied, that you can not designate council because that would be a conflict of separation of power.

Further discussion was held with the conclusion that at the present time the zoning inspector would handle code enforcement of ordinance violations. Councilmembers would be able to only notify the zoning inspector of possible violations and then the zoning inspector would process the violation, including but not limited to property tax assessment in accordance with the current laws

Community Economic Development

Village Newsletter – table till June 13, 2022.

MISCELLANEOUS

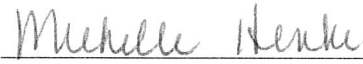
Public Hearings are scheduled regarding Codified Ordinance 182.01 (revised tax credit) 6/13 at 6:45 and 6/27 at 6:30.

Clarification of roles for: Mayor, Law Director, Records Clerk/Zoning Inspector – table till June 13, 2022.

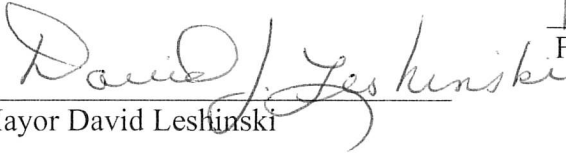
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ADJOURNMENT Time 9:33 p.m. Councilmember Siss moved to adjourn. Councilmember Siesky second.

Respectfully submitted,



Fiscal Officer Michelle Henke



Mayor David Leshinski