

RECORD OF PROCEEDINGS
Minutes of Village of South Amherst Meeting
REGULAR COUNCIL
October 23, 2023

Call to order:

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	P
Councilmember Becky Siesky	P
Councilmember Jeri Leigh Siss	P
Councilmember David Troike	P
President Pro Tempore Jeanne Maschari	P

Ex officio members:

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

(EA – excused absences)

APPROVAL OF AGENDA October 23, 2023 Councilmember Maschari asked that the order of the meeting changed to Miscellaneous being after Executive Session.

Councilmember Siss moved to approve the agenda with the change of order. Councilmember Jones seconded the motion.

Jeffers x Jones x Maschari x Siesky x Siss x Troike x Motion passed.

APPROVAL OF MINUTES October 10, 2023

Councilmember Siesky moved to approve the minutes. Councilmember Jones seconded the motion.

Jeffers x Jones x Maschari x Siesky x Siss x Troike abstain Motion passed.

VISITORS

SABPA Mark Leshinski

SAFD Interim Fire Chief John Crawford

MAYOR

OML Conference/Mayor's Court Refresher

- Workforce Housing is the new term instead of Affordable Housing.
- For every dollar spent locally \$0.14 from chain stores and \$0.46 from a locally owned business stays in the community.
- Discussion was held about possible municipal taxes.

Councilmember Maschari stated that the mayor should inform the council when leaving the village for overnight in case of emergencies.

New World

911 software upgrade, cost will be shared with municipalities.

Holding Tank

EPA was sent the signed form for Permit to Install.

RECORD OF PROCEEDINGS
Minutes of Village of South Amherst Meeting

Bicentennial

Lorain County will be having a Bicentennial Celebration on May 24, 2024 at which time there will be an entombing of a time capsule to be opened 50 years. Each municipality has been asked to contribute an item for the capsule. The Community & Economic Development Committee will be in charge of the item to be donated. Further information will be forthcoming regarding the celebration.

FISCAL OFFICER

Payment Listing 10/6 – 10/19/23

Presented to council.

Financial Reports: Fund Summary, Revenue Summary, Appropriation Summary

Councilmember Maschari inquired on two ledger entries from the Payment Listing:

- Fund 9371 for \$135.00 to the Department of Commerce - required to pay an annual assessment for the Fire Department.
- Fund 9375 for \$2,500.00 to the Ohio Division of Real Estate– return of the Cemetery Grant for an alternative entrance and/or sidewalk.
-

Appropriation Ordinance No. 306

Reviewed with finance committee, miscellaneous funds increase, and the majority is \$50,000.00 for the increase to LCRWA.

September Mayor's Court Report

<u>Gross Receipts</u>	<u>Ohio Reparations</u>	<u>City of Oberlin</u>	<u>Total net Receipts to SA</u>	<u>Computer Fund Clerk</u>	<u>Computer Fund Court</u>	<u>General Fund</u>
\$5515.00	\$1,237.50	\$49.50	\$4,228.00	\$360.00	\$112.00	\$3,756.00

September Bank Reconciliation

Completed and filed in binder, awaiting council signatures.

Rate Compensation Corey Timko

The fiscal officer recommended that Mr. Timko be compensated for the first week of October when the chlorinator was still in operation, and he paid according to the ordinance.

Councilmember Siss moved to approve the additional compensation. Councilmember Jones seconded the motion.

Jeffers x Jones x Maschari x Siesky x Siss x Troike x

Motion passed.

RECORDS CLERK

2024 Calendar

BPA meetings have been deleted for 2024A. The Safety Chair asked for the committee meetings to still be held quarterly but move to the first Monday of the month starting in February. The Audit/Finance Chair asked for the meetings to be held every other month.

Meeting notifications

All board and committee meetings not on the published calendar need to be scheduled through the records clerk and posted at least 24 hours prior to the meeting otherwise they are in violation of the Ohio Sunshine Law.

RECORD OF PROCEEDINGS
Minutes of Village of South Amherst Meeting

Ordinance 1780-23 & 1781-23

The following ordinances will be read during the legislation portion of the meeting:

- 1780-23 – the Village was notified by RITA of revisions to Ohio law regarding the Income Tax Codified Ordinances, so this is a mandatory change. There will be an additional revision to another section of the Income Tax Ordinance at the November 13 meeting.
- 1781-23 – Councilmember Maschari explained that this ordinance was not necessary in order to reclaim past due amounts on inactive water accounts because there are already penalties in place that cover the issue.

Fire

Approve Firefighter I

Councilmember Jones motion to approve Jill Russel as a Firefighter I. Councilmember Troike seconded the motion.

Discussion: Councilmember Maschari stated that there had been a previous discussion that new members of the Safety Forces were to be presented to council. Councilmember Siss recommended that the interim chief needs to confirm a date with Ms. Russel and contact the safety chair to have the Swearing-in Ceremony on the next council agenda in order for it to be recorded in the minutes.

Jeffers x Jones x Maschari x Siesky x Siss x Troike x

Motion passed.

BOARDS

Cemetery

Mayor Leshinski stated there was an interment earlier today. The new clerk is doing well.

Statement read from Councilmember Jones:

The first issue pertains to the attendance record of our former board chair. It's a matter that has long been brushed under the rug. The absenteeism persisted without proper scrutiny, and what's even more concerning is that the member continued to be compensated during his extended absences. Let us not forget that he was not just any member but the board chair – a position of great responsibility. I find it deeply troubling that village funds were expended on someone who was not fulfilling the role. It is my belief that this should have been addressed much sooner to prevent such misuse of our resources.

My second point centers on the current status of appointing a replacement for the cemetery board member position. As you all know, Mayor, you've been chairing these meetings temporarily due to the lack of a suitable candidate. While I fully understand and respect the other members' reluctance to assume the chair position, we cannot continue with this situation indefinitely.

Mayor, I implore you to shed light on your plans for resolving these matters. Our community expects and deserves nothing less than effective and responsible governance of its resources. It is our collective responsibility to ensure that these issues are addressed promptly and in accordance with our community's values. Thank you for your attention to these concerns.

Mayor Leshinski stated that he discussed with the fiscal officer and cannot remember the date of relieving him of his duties, so he hasn't been compensated for a few months. It has been posted on the website and have been talking with people trying to find a replacement. The mayor has also been trying to recruit a person for the Zoning Board of Appeals. Councilmember Jones offered to list the positions on Indeed.com and urged the mayor to communicate throughout the

RECORD OF PROCEEDINGS
Minutes of Village of South Amherst Meeting

week using email, so that everyone is on the same page when discussions are held at the meetings. Councilmember Siss suggested that council can talk to residents that they know to see if they are interested in the positions in order to widen the search. The mayor was asked to send job descriptions for the Cemetery Board of Trustees and the Zoning Board of Appeals to Councilmember Siss and the records clerk by the end of the week.

Councilmember Troike was unaware that the ZBA was short of one member and felt that being on the board as the council representative, he should have been made aware of the issue. Mayor Leshinski stated that a member was removed due to their behavior and legal issues.

SABPA (Councilmember Siss presented.)

Clarification was made that Corey Timko is not the backup for the water operator, the BPA was going to figure out what to do in the absence of the water operator. The fiscal officer stated that the water operator provided a doctor's excuse for the initial 2 weeks and additional excuse through November 10. The operator had stated that he could continue to the water test from home. Council was concerned whether the village would have any liability if something happened to the operator while at home and being on medical leave. Clarifications do need to be made on all test that need to be performed and the dates that they are due. The law director recommended that council enter an executive session due to the nature of the questions that were being asked in regard to personnel and liability issues.

Councilmember Siss moved to enter Executive Session to discuss matters of personnel of the BPA and Fire at 7:46 p.m. Councilmember Jeffers seconded the motion.

Jeffers x Jones x Maschari x Siesky x Siss x Troike x

Motion passed.

Regular council was resumed at 8:52 p.m.

BPA board member Mark Leshinski asked why he had to find out through a council meeting that the board was being abolished. Councilmember Siss stated that all discussion was held in open, public meetings and it was not a personal decision against Mr. Leshinski. Council has had numerous discussions on what they felt was the best decision moving forward with the water utility.

COMMITTEES

Bldg.& Grounds (Councilmember Troike presented.)

SAFD HVAC Unit

HVAC is scheduled for November 9th and NOPEC \$5000 has been approved.

Street-Sidewalk-Service

Councilmember Jones inquired as to why the mayor would not approve the purchase requisition for Worcester's seeing that there are adequate funds available for a leaf blower. Mayor Leshinski responded that he wanted to investigate a few options first.

RECORD OF PROCEEDINGS
Minutes of Village of South Amherst Meeting

Audit/ Finance (Councilmember Siesky presented.)

Finance

SAFEbuilt billing and FD insurance soft billing were discussed. Rate compensation for the fiscal officer, records clerk and village administrator were also discussed.

Audit

The October audit was completed, and no discrepancies were found. The committee feels comfortable with going every other month and finance as needed for 2024.

Safety (Councilmember Jeffers presented.)

The chair stated her concerns about why she was not included in the interview process for the fire chief position, when it was stated at an earlier meeting, that she could be present.

Police will be in training on October 24th.

Community & Economic Development (Councilmember Siss presented.)

Radar Video

Thank you to Scott Jones for making the video to enter the contest for a radar speed sign. Encouraged everyone to vote.

Newsletter

Template will be sent out. Information is due by November 13th, tentative publish date is December 18th.

Tree Lighting

Scheduled for December 7th (Thursday), Councilmember Siss will not be available that evening. There will be a collection of Toys for Tots that evening. Planning session Friday, November 3 at 5:30 p.m.

2024 Eclipse

Start planning in November, mayor has a list of communities that are planning activities that he will share.

Holiday party

Will be immediately following the December 11th Council meeting. Promote to the community.

Administrative

A review of codified ordinances that pertain to the Board of Trustees of Public Affairs will be done on November 9 at 11 a.m.

ORDINANCE

Ordinance No. 1776-23 *(Emergency)* An ordinance repealing existing South Amherst Codified Ordinance Chapter 1305 Section .02 and enacting new South Amherst Codified Chapter 1305 Section .02 Building Fees Schedule and declaring an emergency.

Councilmember Maschari moved to suspend the rules for Ordinance No. 1776-23.

Councilmember Jones seconded the motion.

Jeffers x Jones x Maschari x Siesky x Siss x Troike x

Motion passed.

RECORD OF PROCEEDINGS
Minutes of Village of South Amherst Meeting

Councilmember Maschari moved to pass Ordinance No. 1776-23. Councilmember Jones seconded the motion.

Jeffers Jones Maschari Siesky Siss Troike Motion passed.

Ordinance No. 1777-23 *(Second Reading)* An ordinance abolishing the Board of Trustees of Public Affairs for the Village of South Amherst and declaring an emergency.

Ordinance No. 1778-23 *(Second Reading)* An ordinance creating the position of Village Administrator and fixing the rate of compensation and declaring an emergency.

Ordinance No. 1779-23 *(Second Reading)* An ordinance enacting Section 505.16 of the Codified Ordinances of the Village of South Amherst, Ohio to permit residents to harbor, maintain, keep or control Backyard Chickens under certain circumstances.

Ordinance No. 1780-23 *(Emergency)* An ordinance enacting Section 182.27 of the Codified Ordinances of the Village of South Amherst, pertaining to Election to Be Subject To ORC 718.80 to 718.95 and declaring an emergency.

Councilmember Jones moved to suspend the rules for Ordinance No. 1780-23. Councilmember Siesky seconded the motion.

Jeffers Jones Maschari Siesky Siss Troike Motion passed.

Councilmember Maschari moved to pass Ordinance No. 1780-23. Councilmember Jones seconded the motion.

Jeffers Jones Maschari Siesky Siss Troike Motion passed.

Ordinance No. 1781-23 *(Emergency)* An ordinance repealing Section 921.02 (j) (k) (l) of the Codified Ordinance of the Village of South Amherst, pertaining to inactive accounts and declaring an emergency.

Councilmember Jones moved to suspend the rules for Ordinance No. 1781-23. Councilmember Siesky seconded the motion.

Jeffers Jones Maschari Siesky Siss Troike Motion passed.

Councilmember Jones moved to pass Ordinance No. 1781-23. Councilmember Siesky seconded the motion.

Jeffers Jones Maschari Siesky Siss Troike Motion passed.

Ordinance No. 1782-23 *(Emergency)* An ordinance fixing the rate of compensation for elected and certain appointed officials and declaring an emergency.

Councilmember Jones moved to suspend the rules for Ordinance No. 1782-23. Councilmember Siesky seconded the motion.

Jeffers Jones Maschari Siesky Siss Troike Motion passed.

Councilmember Jones moved to pass Ordinance No. 1782-23. Councilmember Siesky seconded the motion.

Jeffers Jones Maschari Siesky Siss Troike Motion passed.

RECORD OF PROCEEDINGS
Minutes of Village of South Amherst Meeting

RESOLUTION

Resolution No. 714-23 (*Emergency*) SAFEbuilt Ohio, LLC Amendment Two Professional Services Agreement

Councilmember Jones moved to suspend the rules for Resolution No. 714-23. Councilmember Siss seconded the motion.

Jeffers x Jones x Maschari x Siesky x Siss x Troike x Motion passed.

Councilmember Maschari moved to pass Resolution No. 714-23. Councilmember Siss seconded the motion.

Jeffers x Jones x Maschari x Siesky x Siss x Troike x Motion passed.

Resolution No. 716-23 (*Second Reading*)) Employment agreement with Matthew A. Mishak as Law Director for the Village of South Amherst 1 January 2024 to 31 December 2024, authorizing appointment of Prosecutor and Administrative Assistant.

Resolution No. 717-23 (*First Reading*) Rate of Compensation for Records Clerk & Administrative Assistant

APPROPRIATION

Appropriation No. 306

Councilmember Maschari moved to pass Appropriation No. 306. Councilmember Jones seconded the motion.

Jeffers x Jones x Maschari x Siesky x Siss x Troike x Motion passed.

MISCELLANEOUS

Home Sewage Treatment Systems Update

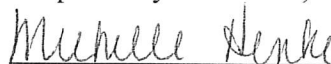
Councilmember Siss has requested that we have links on social media from the LCPH department regarding the new procedures for permits and asked if we could have a representative speak to council so that we could provide answers to the residents. Mayor Leshinski will contact Ann Mazuga from LCPH to see if she will be able to attend a meeting before the end of the year.

FD Barnyard Night

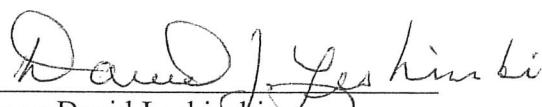
Is November 11th at 7 p.m. Council volunteers would be appreciated and should report between 6:15 and 6:30 p.m.

ADJOURNMENT Time 9:16 p.m.

Respectfully submitted,



Fiscal Officer Michelle Henke


Mayor David Leshinski