

Village of Waynesville Council Meeting Minutes April 21st, 2008 – 7:30p

Present: Mayor Earl Isaacs
Ms. Sandra Stemple, Council President
Mr. Rick Becker
Mr. Chuck Feicht
Mr. James Martin
Mr. Richard Philpott
Mr. Ernie Tracy

Absent: none

Village Staff Present: Jeff Forbes (Law Director), Bruce Snell (Village Manager),
Staci Morris (Finance Director)

NOTE – This is a summary of the Village Council Meeting held on Monday, April 21st, 2008. A DVD recording of the meeting is on file in the office of the Clerk of Council and is available for review.

Mayor Isaacs called the meeting to order at 7:31p.
Roll Call – 7 present

Mr. Feicht led the Pledge of Allegiance.

*Motion to approve the minutes of the last meeting (04/07/2008) – Ms. Stemple
Second – Mr. Feicht*

Roll Call – 7 yeas

Mayor Isaacs read his comments about fiscal emergency. He read the list of names he provided to Governor Strickland's office on 04/16/2008. The list reads as follows: David A. Stubbs, Richard J. Whitaker, John R. Purdom, James Field, and William E. LeMay.

Ms. Stemple read the proclamation for Mary B. LeMay Day on 05/21/2008.

Public Recognition/Visitor's Comments

Gary Pelkey (830 Camp Creek Drive) asked Council about the animosity between Council and the Village Manager. He has heard rumors at Der Dutchman.

- Mayor Isaacs stated that personalities occasionally clash, but you move forward.
- Mr. Tracy asked Mr. Pelkey what animosity and issues he is referring to. Mr. Pelkey stated that it is hearsay.
- Mr. Tracy, Mr. Martin, Mr. Philpott, Ms. Stemple, Mr. Becker, and Mr. Feicht expressed confidence in Mr. Snell and Ms. Morris and the job they are doing for the Village.

- Mr. Pelkey stated that he "didn't know what he was getting into" when he moved from Corwin to the Village. He doesn't feel that you should not have to use the computer to have public knowledge.
- Mr. Tracy stated that the Village is in much better shape than in mid-2006 and administration has worked very hard to be open with the public.
- Mayor Isaacs stated that it is his thought that Council will develop a recovery plan and will form committees to review cuts that need to be made.

- Mr. Pelkey asked if the building (Government Center) was for sale.
- Mayor Isaacs stated that he was against the building from the beginning. He stated that he was "the only one who stepped up to the plate and fought it."

Old Business

none

Reports

(1) Standing Council Committees

- (a) Finance Committee – will meet Monday 05/05/2008 at 6:00p
- (b) Public Works Committee – met this evening at 6:00p and discussed a capital improvement plan for wastewater treatment plant improvements, the water model, and the streets infrastructure
- (c) Special Committees – none

(2) Village Manager's Report – Mr. Snell discussed the following:

- the public works assessment program. The program will cost around \$10,000 and will prioritize repair and replacement of all Village streets. This will help to prevent redundancy in work performed by the Village staff.
- Citizen Police Academy graduation will be held on 04/22/2008 at 6:00p and all are welcome
- Staff and Council will work with the state officials regarding fiscal emergency. He has spoken with Mr. Marshall and he is meeting with Mr. Marshall, Mr. Thompson (AOS), Mayor Isaacs, and Ms. Morris on 04/28/2008 at 1:30p.
- submission of names to Governor's office. Mr. Snell gave Council a copy of the names provided to him by council members.

- Mr. Tracy asked Mayor Isaacs if he would like to go over the list with Council.
- Mayor Isaacs stated that in the interest of time, he submitted his list already. He asked Council to state whether they had a problem with any of the names. Mayor

Isaacs stated that he did not have a problem with Council submitting a list of names as well.

- several Council members expressed concern over at least one name.

- Mr. Snell stated that Mr. Thompson did tell Mayor Isaacs that it was his call on the names submitted to the Governor. However, the Ohio Revised Code's (ORC) definition of "mayor" is a gray area due to the fact that the definition can mean Mr. Snell or Mayor Isaacs.

- Mr. Snell stated that he disagrees with Mayor Isaacs because Mr. Snell would like to see the process involve all of Council.

- Mr. Martin agrees that all of Council should have the opportunity to give input. Mr. Becker seconded Mr. Martin's statement.

- Tracy Sheeman (4494 Pekin Road) asked who the Chief Executive Officer is for the Village. Ms. Stemple stated that Mr. Snell is the CEO for the Village. Mayor Isaacs stated that he thought Mr. Snell is the Chief Administrative Officer, and Mr. Philpott stated that in the charter, Mr. Snell is the CEO.

- Mr. Feicht explained how he came to the conclusion of who the Village CEO is by researching the Ohio Revised Code and the Village charter. He believes the "Mayor" to mean Mr. Snell, and the "Presiding Officer" to mean Mayor Isaacs. Mr. Feicht stated that Council has a role in the process.

- Mr. Forbes concurs with Mr. Feicht's conclusion on the names and added that in the Village charter section 5:04 the "Mayor" is Mr. Snell and section 3:01 "Presiding Officer" is Mayor Isaacs.

- Mayor Isaacs stated that he interpreted the ORC to mean that all people nominated to serve on the committee must agree to serve on the committee. He stated that his nominations all have "a Master's Degree or better." Mayor Isaacs stated that if Council disagreed with any of his names, then Council should submit new names.

- Mr. Tracy reaffirmed with Mr. Forbes that by the charter, Village Manager Mr. Snell is the CEO for the Village.

- Mayor Isaacs asked if the charter superseded the ORC. Ms. Sheeman stated that it could not, but Mr. Philpott disagreed with her.

- Mr. Forbes stated that the Village of Waynesville is a home rule charter municipality which allows you to deviate from the state law (ORC).

- Ms. Sheeman stated that the Village could deviate from the state law, but not the state constitution. She stated that as far as she could tell, Council was fighting over one name.

- Mr. Martin stated that he did not know several of the people on the Mayor's list and felt that he should do some research before approving those names. He also stated that tonight was the first time he had heard the Mayor's list.

- Ms. Stemple stated that Council has 10 days to come up with the names to submit, and she was confident that it could be done.

- Mr. Tracy asked to clarify his earlier statement. He stated that one name stood out when he first heard the list, which was earlier in the meeting. Mr. Tracy does

not feel it is proper to have an individual actively pursuing litigation against you on your oversight committee.

- Mr. Bill LeMay stood up in the meeting and stated that he is not in any way involved in the Oberer lawsuit. He stated that Oberer is pursuing that on their own, he just owns the property. Mr. LeMay stated that his "name is all over the place" and that he has done more for Waynesville than anyone in the room.

- Vergil Wilkerson (4636 Wilkerson Road) stated that he felt the mayor has the right to submit names and that he is ashamed of all of Council except the mayor.

- Mayor Isaacs asked if anyone else would like to speak.

- Gary Pelkey stood and up and stated that the charter allows you to bend the ORC, but the Village must follow the ORC or you "might as well burn it." He stated that Council must follow the Ohio ordinances.

- Mayor Isaacs asked Mr. Forbes "how much are we paying you to check this out?" Mr. Forbes stated that he is paid according to his contract.

- Mayor Isaacs is confident that the names he submitted are more than qualified. He asked Mr. Forbes for the answer to an earlier question (regarding whether he had authority over the auxiliary police) and whether or not the Village was paying him for researching the answer.

- Mr. Forbes stated that by the ordinances and charter of the Village, Mr. Snell makes the appointment of auxiliary officers.

- Mayor Isaacs stated that he had heard a rumor that he was trying to take over the police department, but he is flabbergasted by it.

~~~~~

*Amendment made at 05/05/2008 meeting (motion by Mayor Isaacs, Second by Ms. Stemple, Roll Call – 7 yeas):*

I (Mayor Isaacs) said I thought Mr. Forbes should have told me instead of telling, should have told me first because I was the one that asked him the question. He shouldn't have told Bruce, Bruce shouldn't have told Dick, Dick shouldn't have told his wife, and I shouldn't have heard it on the street. And she tells me that she heard it from three workers in a booth at McDonalds."

~~~~~

- Mr. Feicht spoke up and asked the mayor to focus on the recovery plan and submission of names.

- Don Young (351 North Main Street) stood up to vouch for Bill LeMay. He declared that Bill doesn't lie, and he is proud of Bill for his accomplishments in World War II.

(3) Finance Director's Report – Ms. Morris stated that she had given Council a written report. Ms. Morris stated that first-half property taxes were received in the middle of April.

(4) Police Chief's Report – Chief Copeland was not in attendance.

(5) Law Director's Report – Mr. Forbes was not given a chance to give a report.

New Business

none

Legislation

Motion to have the first reading of Resolution 2008-014 – Ms. Stemple

Second – Mr. Martin

- Mr. Forbes read the deed restriction that will be placed on the deed by Mr. Federle. Mr. Federle had agreed to record the deed before the next meeting.

- John Federle (5615 Lytle Road) stated that he had reviewed the process of annexation and will bear the cost of extending utilities across Village property. A fifteen lot conceptual drawing has been made, but he is still working on green space and retention areas.

Roll Call – 7 yeas

Other Business

Motion to have an Executive Session to discuss litigation and real estate acquisition and sale at 8:29p with Law Director Mr. Forbes present – Mr. Tracy

Second – Mr. Martin

Roll Call – 7 yeas

Roll Call after returning at 9:41p – 7 present

Motion to have a Special Meeting on 04/23/2008 at 5:00p – Mr. Feicht

Second – Mr. Tracy

Roll Call – 7 yeas

Motion to adjourn meeting at 9:43p – Ms. Stemple

Second – Mr. Tracy

Roll Call - 7 yeas

Date: _____

Staci Morris, Finance Director/Clerk