

Village of Waynesville Council Meeting Minutes December 21, 2009 – 7:30pm

Present: Mayor Earl Isaacs
Ms. Sandra Stemple
Mr. Alan Bunker
Mr. Chuck Feicht
Ms. Joette Hightower
Mr. James Martin
Mr. Raymond Otto

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, December 21, 2009. A DVD recording of the meeting is available from the Clerk of Council.

Mayor Isaacs called the meeting to order at 7:30pm.
Roll Call – 7 present

Mr. Bunker led the Pledge of Allegiance.

Mayor (for purposes of acknowledgments)

Mayor Isaacs discussed the following:

- read Article 3, Section 3.01 which outlines the Mayor's job duties in the Charter
- thanked Dave Stubbs and the school for allowing the Village to hold a brainstorming meeting
- his disappointment at the meeting becoming a "sales pitch" for the income tax
- suggested sending out a survey to water and sewer customers asking them to pay an extra \$2-\$3 on their bill to pay for the Government Center
- read a quote from Ms. Morris from the Dayton Daily News
- wished everyone a Merry Christmas

Disposition of Previous Minutes

*Motion to approve the minutes of the 12/07/2009 meeting as amended – Ms. Stemple
Second – Mr. Bunker*

- The first amendment includes the addition of the following paragraph before the Executive Session: "Mr. Feicht announced an informational income tax meeting on 12/15/2009 at 7:30pm in the school cafeteria. Mr. Martin stated that he supports the income tax, but he will not be able to attend the meeting due to work." The second amendment is correcting the meeting called to order to 7:31pm (from 7:01pm).

Roll Call - 7 yeas

Public Recognition/Visitor's Comments

Ray Otto (11 Fourth Street, last meeting as a Council member) asked residents to listen to others and set aside their emotions. He thanked the Executive, Judicial and the Legislative branches of the Village government and residents for all working to make the Village better.

Gary Pelkey (830 Camp Creek) discussed the 12/09/2009 decision by Judge Bronson in the Oberer v. Village and Council's vote on 2007-003. He asked if the decision would increase taxes in the Village.

Old Business

none

Reports

(1) Standing Council Committees

- (a) Finance Committee – will meet 01/04/2010 at 6:00pm
- (b) Public Works Committee – met 12/21 at 6:00pm and discussed the following:
 - 5 year capital improvement plan - Lytle water tower repairs, hydrant and shut-off valve grant, connecting service connections on Miami Street, test drilling of the well field, lawn mower replacement, catch basin repair
 - pursuing cameras at Veteran's Park to record vandalism.
 - Mayor Isaacs stated that Mr. William LeMay has donated cameras for the park
- (c) Special Committees – none

(2) Village Manager's Report – Mr. Snell stated that in addition to the Public Works items, the grant for the hydrants and four shut-off valves in the areas of Fourth, Fifth and Sixth Streets.

(3) Finance Director's report – Ms. Morris responded to the Mayor's prepared statement from the 12/07/2009 meeting with the following being the main points:

- Fund B30 is the Street Levy Fund and revenues are from property taxes received twice a year. Expenses from this fund can only be used for "the purpose of the general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges."
- Fund B01 is the Street Maintenance and Repair Fund and all expenses from the Street Department are taken from this account unless they are specific enough to fit into one of the other street funds. This is where most of the Street Department bills are paid – electric, gasoline, tools, salaries and benefits unless working on something for another department or on something for the Street Levy fund.
- The General Fund did have encumbrances over \$400,000 at the end of November due to the bond anticipation note payment last week of \$365,163.33. Another encumbrance is for the payment of the Government Center bond in the amount of \$38,250.50, one-third of which is payable from the General Fund. The remaining encumbrances are for items such as health insurance, dental insurance, vision insurance, attorney fees, supplies, and contract payments.
- The General Fund cannot loan money to the Street Maintenance and Repair Fund (B01) and wait to be paid back when the fund has money available because a loan is an advance to be paid by the end of each calendar year. The Police Levy fund (B20) should correct itself through property tax revenue at the end of 2011.

(4) Police Chief's Report – no report

(5) Law Director's Report – Mr. Forbes discussed the following:

- the Mayor can gratuitously accept donations for performing marriage ceremonies, but cannot require a donation
- if a donation is freely given, the funds would go into the public treasury. The funds could be used for anything Council approves as long as it is generally appropriate.
- requested an Executive Session to discuss pending litigation

New Business

none

Legislation

Ordinance 2009-048 – an ordinance approving the revised financial recovery plan for the Village of Waynesville, Ohio and declaring an emergency (recovery plan #6)

*Motion to waive the two reading rule for Ordinance 2009-048 – Ms. Stemple
Second – Mr. Bunker*

- Ms. Morris stated that the plan had been amended to meet the requests of the Financial Recovery/Oversight Committee and is an emergency to present at the Commission's next meeting on 12/29/2009. The plan has been amended to stay in line with the appropriations and includes the imposition of a 1% income tax.

Roll Call – 7 years

*Motion to adopt Ordinance 2009-048 as an emergency – Ms. Stemple
Second – Ms. Hightower*

Roll Call – 7 years

Resolution 2009-049 – a resolution amending the appropriations for the Village of Waynesville for calendar year 2009 and declaring an emergency (appropriations amendment #5)

*Motion to waive the two reading rule for Resolution 2009-049 – Ms. Hightower
Second – Ms. Stemple*

- Ms. Morris stated that the appropriations were being decreased by \$27,939.80, making the total 2009 appropriations \$2,679,357.20. Ms. Morris also stated that she expects expenses for the year to be around \$2,300,000. The reason the legislation is an emergency is to bring them in line with the recovery plan.

Roll Call – 7 years

*Motion to adopt Resolution 2009-049 as an emergency – Ms. Stemple
Second – Mr. Martin*

Roll Call – 7 years

Resolution 2009-050 – a resolution adopting appropriations for the Village of Waynesville for calendar year 2010 and declaring an emergency

*Motion to waive the two reading rule for Resolution 2009-050 – Ms. Stemple
Second – Mr. Martin*

- Ms. Morris stated that the appropriations for 2010 are in compliance with the revised recovery plan. The reason for the emergency is due to debt payments around \$200,000 being due 01/01/2010 and monies must be available to make those payments.

Roll Call – 7 years

*Motion to adopt Resolution 2009-050 as an emergency – Ms. Stemple
Second – Mr. Martin*

Roll Call – 7 years

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Ordinance 2009-046 – an ordinance enacting Chapter 38 of the Village of Waynesville Codified Ordinances to provide for a one percent (1.0%) income tax for a period of time not to exceed five (5) years  
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Motion to adopt Ordinance 2009-046 – Ms. Stemple

Second – Ms. Hightower

- Ms. Morris stated that the legislation was to impose a 1% income tax. The start date for the tax will be 07/012010.

Roll Call – 6 yeas (Mr. Bunker, Mr. Feicht, Ms. Stemple, Mr. Martin, Ms. Hightower, Mr. Otto)
1 nay (Mayor Isaacs)

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Ordinance 2009-047 – an ordinance authorizing the transfer of money from the General Fund (A01) to the Historic Preservation Fund (B80) and the Sidewalk Assessment Fund (H02) to cover the deficit fund balances as stated in the Village's adopted Recovery Plan  
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Motion to adopt Ordinance 2009-047 as an emergency – Ms. Stemple

Second – Mr. Otto

- Ms. Morris stated that the legislation was to transfer monies from the General Fund to the two smaller funds with deficits. The transfers have been in each of the recovery plans. The reason for the emergency is to be able to correct the deficit balances before the end of the year, thus the funds will start the year with a zero balance.

Roll Call – 7 yeas

Richard Elliott (397 High Street) expressed concern over so many items on the agenda being passed as an emergency.

Ed Vacca (229 High Street) discussed the following:

- how he dislikes taxes as much as anyone in the room
- the federal government wastes money, but you are still required to pay your taxes to them
- residents will have to pay for the deficits until they are corrected and for the building until it is sold. You can pay through property tax, income tax or on your water bill, but you will still have to pay.
- encouraged residents to ask questions to the people who approved the Government Center bond for \$1.5 million and to continue coming to meetings and asking questions to prevent this happening again

Mayor Isaacs stated that he fought the building when the issue was brought before Council and that the Village will not be dissolved by the State. Dissolution is an act of Council, and he would vote no in dissolving the Village.

Motion to adjourn to Executive Session to discuss personnel and pending litigation at 8:06pm

– Mr. Feicht

Second – Ms. Stemple

- Mr. Feicht stated that Council may consider adding another piece of legislation after Executive Session.

Roll Call – 7 yeas

Return from Executive Session at 8:43pm.

Roll Call – 7 present

Motion to add Ordinance 2009-051 to the agenda – Mr. Feicht
Second – Ms. Stemple

Roll Call – 6 yeas (Mr. Martin, Ms. Hightower, Mr. Otto, Mr. Bunker, Mr. Feicht, Ms. Stemple)
— 1 nay (Mayor Isaacs)

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Ordinance 2009-051 – an ordinance amending the employment agreement between Bruce Snell and the Village of Waynesville and declaring an emergency  
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Motion to waive the two reading rule on Ordinance 2009-051 – Mr. Otto
Second – Ms. Hightower

- Mr. Otto stated that the legislation is an emergency to clear up Mr. Snell's contract before the end of the year.

Roll Call – 6 yeas (Ms. Hightower, Mr. Otto, Mr. Bunker, Mr. Feicht, Ms. Stemple, Mr. Martin)
— 1 nay (Mayor Isaacs)

Mr. Feicht stated that Mr. Snell's salary remains unchanged at \$56,550, he is able to cash out the vacation time each year (Section 5b), and his internet allowance of \$49.99 per month has been replaced with a \$50.00 per month travel allowance (Section 8b).

- Mr. Forbes clarified that Mr. Snell can only cash out the vacation time accrued each year.

Mr. Martin stated that Council is limited in what can be done for Bruce financially, but we want to show him how much we appreciate his hard work.

Ed Vacca (229 High Street) asked when Mr. Snell last received a raise. Mr. Snell stated that September 2008 was the last raise.

Council held discussion as to the correct date for the contract to be retroactive.

Motion to amend Ordinance 2009-051 to be retroactive from 09/10/2009 – Mr. Feicht
Second – Ms. Stemple

Roll Call – 6 yeas (Mr. Otto, Mr. Bunker, Mr. Feicht, Ms. Stemple, Mr. Martin, Ms. Hightower)
— 1 nay (Mayor Isaacs)

Motion to waive the two reading rule on Ordinance 2009-051 – Ms. Stemple
Second – Ms. Hightower

(note: two reading rule waived a second time due to the legislation being amended)

Roll Call – 6 yeas (Mr. Bunker, Mr. Feicht, Ms. Stemple, Mr. Martin, Ms. Hightower, Mr. Otto)
— 1 nay (Mayor Isaacs)

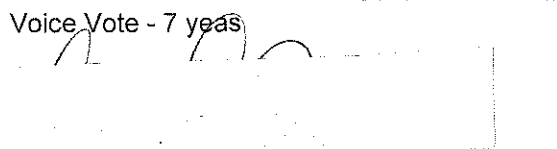
Motion to adopt Ordinance 2009-051 as an emergency – Ms. Stemple
Second – Mr. Martin

Roll Call – 6 yeas (Mr. Feicht, Ms. Stemple, Mr. Martin, Ms. Hightower, Mr. Otto, Mr. Feicht)
— 1 nay (Mayor Isaacs)

Mr. Bunker thanked Mr. Feicht and Mr. Otto for their work on Council. Council and the audience applauded.

Motion to adjourn meeting at 9:00pm – Mr. Feicht
Second – Mr. Otto

Voice Vote - 7 yeas



Staci Morris, Finance Director/Clerk of Council

Date: 01/04/2010