

**VILLAGE OF HAMERSVILLE**  
**Village Council Meeting**  
**January 30, 2024**

The Council of the Village of Hamersville met in special session at the Village Municipal Building on January 30, 2024 at 7:00 p.m. for the purpose of approving a contract for legal services and the payout of accrued leave for an employee. Members present were Beverly Coomer, Jerry Seibert, Melanie Trumble, and Dale Owsley. Also present were: Mayor Justin Jones, Police Chief/Village Administrator Guy Sutton, Sgt. Travis Stone, Legal Counsel David Grimes, and Temporary Fiscal Officer Sandra Arrasmith.  
Residents: Angela Marlow.

The meeting was called to order with the pledge at 7:10 p.m.

David Grimes presented a contract for legal services. The contract term is January 1, 2024 through December 31, 2025. The contract can be reviewed at three-month intervals, with a thirty-day notice if either party would like to terminate the contract. Charges of \$195 per hour. Ms. Coomer – an ad has already been placed for an attorney.  
Discussion.

Ordinance 2024-01-30

Mr. Seibert moved and Ms. Trumble seconded to approve the ordinance to contract for legal services with Mr. Grimes. Motion passed by roll call vote: Ms. Coomer – no, Mr. Seibert – yes, Ms. Trumble – yes, Mr. Owsley – yes.  
The ordinance was signed by the Fiscal Officer and the Mayor. The contract was signed by the Mayor and Mr. Grimes.

Mr. Sutton is requesting to be paid for his accrued comp time and vacation leave. The total comp time accrued is 197.75 hours and total accrued vacation leave is 1178.6 hours but he would like to keep 144 hours for use.  
The gross payout would be \$34,470.63.

The accrual approval ordinance for 920 hours was approved by Council in March of 2023.

Ms. Coomer – the numbers are wrong. The ordinance states that Mr. Sutton started in 2015 but he actually started part time in 2013. This also goes against the employee handbook. The handbook states that with one year of service, the employee accrues one week of vacation; two years of service, two weeks vacation; three years of service, three weeks vacation. If an employee does not use their vacation leave, they lose it.  
Mr. Sutton – the employee policy is not retroactive. An employee that has accrued leave, or wasn't allowed to take vacation, would not lose leave when the new policy was approved.  
Ms. Coomer – the Ohio Revised Code states that you can't go back more than three years.  
Mr. Grimes – basically, the Village is under home rule. Council can set up their own rules. The ordinance was approved; Council just needs to approve how it's paid out.

Ms. Coomer – it says ‘any political subdivision of the state’. The Village is a political subdivision of the state. ORC 325.19.

Mr. Sutton didn’t become Village Administrator until 2017.

Mr. Sutton – I was full time before that. From 2015 until now, a lot of holiday pay and vacation leave was not paid. I gave up 600 hours of vacation leave. Sheila (the previous Fiscal Officer) calculated the hours.

Ms. Arrasmith – did she write it down anywhere? Document it?

Mr. Sutton – I don’t know what she wrote down.

Mr. Grimes – ORC 325.19 is for counties.

Ms. Coomer – but it says political subdivision of the state. Can you get an opinion from the Ohio Attorney General?

Mr. Grimes – I’ve never done that before. You might be able to get the County Prosecutor to do it.

Ms. Coomer – so if it’s wrong, who will be liable? Who will have to pay it back?

Mr. Grimes – Mr. Sutton.

Mr. Sutton – I’m not worried about it.

Ms. Trumble – so you’re saying Council is not doing anything illegal?

Mr. Grimes – it is not illegal. Council just needs to decide how to pay it out.

Ms. Trumble – I would be amenable to amend the previous resolution to change the dates.

Mr. Seibert moved and Ms. Trumble seconded to approve amending resolution 23-09 to change the date from 2015 to December 2013, take out Tammy Ogle’s name, and state that there was no proper accrual until 2019. Motion passed by roll call vote: Ms. Coomer – yes, Mr. Seibert – yes, Ms. Trumble – yes, Mr. Owsley – yes.

#### Resolution 24-01-30-1

Ms. Trumble moved and Mr. Seibert seconded to pay out the entire amount requested to Mr. Sutton, out of the same funds at the same percentages as his regular pay, General Fund 70%, Water Fund 10%, Sewer Fund 10%, Electric Fund 10%. Motion passed by roll call vote: Ms. Coomer – yes, Mr. Seibert – yes, Ms. Trumble – yes, Mr. Owsley – yes.

#### Resolution 24-01-30-2

Mr. Seibert moved and Ms. Trumble seconded to approve the following supplemental appropriations:

Account 1000-110-190 \$23,500

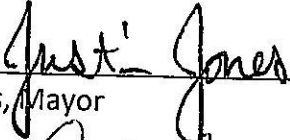
Account 5101-531-190 \$3,350

Account 5201-541-190 \$3,350

Account 5301-511-190 \$3,350

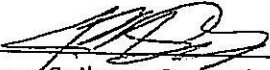
Motion passed by roll call vote: Ms. Coomer – yes, Mr. Seibert – yes, Ms. Trumble – yes, Mr. Owsley – yes.

Mr. Seibert moved and Mr. Owsley seconded to adjourn the meeting at 8:20 p.m.

  
Justin Jones, Mayor

  
Dale Owsley, Council

  
Melanie Trumble, Council

  
Jerry Seibert, Council

  
Don Wilson, Council

  
Beverly Coomer, Council

Mary Edwards, Council

Sandra Arrasmith, Fiscal Officer