

VILLAGE OF HAMERSVILLE  
COUNCIL MEETING  
OCTOBER 3, 1994 - 7:00 P.M.

Present: Martha Hanes, Jim Johnston, Jesse Nester, Duane Neu, Sue Sowers, Wyndal Staggs, Mayor Steve Bowyer, Clerk-Treasurer Craig.

Also Present: Chief of Police James Canter, Sgt. Betty Kirkpatrick, Eunice Ott of Brown County Press, Sherri Lewis, Marlene Lewis, Mack Hanes, Solicitor Leicht entered during the meeting.

Mayor Bowyer called the meeting to order and asked if there were any corrections or additions to the minutes of the September 6 meeting. Neu moved to accept the minutes as presented. Hanes seconded the motion. VOTING: YEA: Neu, Hanes, Johnston, Nester, Sowers, Staggs. NAY: None. MOTION CARRIED.

Sowers moved to go into executive session to discuss a complaint against an employee. There was no second to the motion. Mayor Bowyer asked Sowers if employee was present. Sowers replied that he was present. Solicitor Leicht added if employee is present and if employee wanted to have a public meeting, there was no need to go into executive session. Chief Canter said he wanted a public meeting. Sowers said a resident had told her Chief Canter had not handled the breaking and entering at her home the way she felt it should have been handled. Only procedure of the incident was discussed (no names mentioned). Following discussion Solicitor Leicht said Chief Canter handled the situation the best way it could be handled. Rather than charge the suspect with a lesser charge (which could have been to the advantage of suspect), Chief Canter elected to go another route. Solicitor Leicht said Chief Canter was in the "right."

Chief Canter asked Council members if they received any comments or questions about the way he or his department handles situations to come to him to get all the facts. Chief Canter said he may avert cost of a special council meeting.

Sowers said she wanted to go into executive session to discuss "Sunshine Law". There was no second to the motion. Solicitor Leicht said the subject should be discussed in an open meeting.

Sowers and Nester told Council they objected to a Committee meeting being held but not posted. Johnston said the police committee and Mayor Bowyer met to interview a potential police officer. Committee needed to interview applicant before recommending him to Council. Johnston continued it was "open door" interview.

Solicitor Leicht asked if committee passed legislation at their meeting. Johnston replied "No."

Solicitor Leicht said a committee meeting cannot be an executive session.

Brown County press Editor Eunice Ott said she wanted to be notified of all committee meetings.

Sowers and Nester want to be notified of ALL committee meetings so they can attend if they want.

Solicitor Leicht said when several members attend a meeting it could be called a "Council" meeting and members should be paid.

Johnston was not opposed to any and all members attending committee meetings but was opposed to members getting paid to attend!

Solicitor Leicht said it is not illegal to hold a committee meeting without posting it.

Johnston said police committee did not contemplate "leaving anyone out" and "nothing hidden" about meeting to interview candidates.

Sowers wants to be at all committee meetings and made a motion to have ALL members notified of ALL committee meetings.

There was no second to the motion.

Johnston said he would notify Sowers of committee meetings on which he serves.

Mayor Bowyer said in January he appoints committees to handle different areas of the governing body and to report back to Council on their recommendations. Anyone that wants to serve on a specific committee should let him know before January.

Mayor Bowyer asked if this heated discussion could end so that other matters requiring Council's attention could be handled.

Solicitor Leicht said he has done nothing with GTE situation. GTE subcontractor laid micro-optic cable directly over our water line for approximately 1 1/2 miles on State Route 125. If BPA digs on our water pipes due to leak, etc., it would have to be done by "hand". Who is going to pay for "hand labor"? Another problem will be getting a contractor to handle a leak in this area. If a contractor knew there was a micro-optic cable in the area he would not even want the job.

Johnston questioned if we could get a waiver from GTE stating if we "hit" the cable, they would not charge the Village. Solicitor Leicht said the best procedure would be to file for Declaratory Judgment, and this should be done soon. Staggs and Johnston said with BPA'S approval, Solicitor Leicht should proceed with judgment. BPA President Mack Hanes said something has to be done on the situation and soon.

Entire Council was in agreement for Solicitor Leicht to proceed with Declaratory Judgment against GTE to move cable.

Discussion was also held on minimum lot size for manufactured homes and /or for building homes. Perhaps the ordinance should be updated. Perhaps we should contact county Health Department to see what their lot size requirement is. Solicitor Leicht suggested Council hold a couple of public hearings for residents input, then pass an updated ordinance.

Mayor Bowyer said BPA was in agreement for Village general maintenance man to use chipper four hours on a Saturday every other month. This service will be held at Hannah Park at Mill Street and Wooster.

BPA President Hanes added Lynn Dunn is working on specs, etc. to be printed in the newspapers.

Discussion on roofing the Village Buildings was held. BPA President Hanes said State Examiner Day stated BPA could use the Long-Term Debt money for this project. Solicitor Leicht said he would get a written statement from the State Auditor's office confirming examiner's comment. Also Solicitor Leicht will try to finalize the examiner's finding on how the surplus water debt money was used in error to pay off street debt.

Discussion was held on the old Russell Property.

Johnston moved to pay bills. Staggs seconded the motion. **VOTING: YEA:** Johnston, Staggs, Hanes, Nester, Neu, Sowers. **NAY: None. MOTION CARRIED.**

Mayor Bowyer asked Police Chief Canter if he had any comments to bring before Council. Chief Canter said we have received a new radar unit, however it is a loaner for demonstration. It will be a couple of month's before our radar unit comes in.

Chief Canter introduced Walter Bender, to be considered for part-time Patrolman for Village. Mayor Bowyer inserted that Mr. Bender is fully certified by the State of Ohio, that Mr. Bender is available to work the school zone during necessary hours. The Police Committee has interviewed walter Bender.

Johnston said as a police committee member he would verbally recommend Walter Bender to Council to be hired for six month probation and to be worked into the monthly schedule.

Johnston moved to accept Police committee's recommendation and to hire Walter Bender as Patrolman for the Village at \$4.65 per hour. Hanes included in motion that Village purchase uniform for Mr. Bender, but if he leaves before the end of one year, he must reimburse the Village for the purchase. Hanes seconded the motion. **VOTING: YEA:** Hanes, Staggs, Johnston, Neu, Sowers. **NAY: Nester. MOTION CARRIED.**

Chief Canter continued to inform Council that Village is beginning to have quite a few problems with juvenile, law breakers, etc., and more police officers are going to be needed. Chief Canter said the individual that Council sponsored to attend police training school will be graduating in a couple of months. Chief Canter has talked with Todd Baumlough several times. Todd is knowledgeable in drugs and recommends looking at him upon his graduation. Everyone is hired on a six months probation, and if an officer does not work out, he is released.

Chief Canter said Village does have quite a few problems, and for the safety of other officers as well as residents it is necessary to have available officers.

Chief Canter ended by advising Council that if any Council Member has a question or a problem in the way he is handling his department or the law, please come to him direct. If the problem cannot be resolved, then call a special Council Meeting.

Hanes suggested Sgt. Kirkpatrick be made Lt. Chief Canter said he offered Lt. to Sgt. Kirkpatrick but she turned it down for now.

Hanes said we rely on Sgt. Kirkpatrick a lot because she works and lives right here in town.

Mayor Bowyer suggested to Council to reward Sgt. Kirkpatrick by giving her a raise.

A quite lengthy discussion was held on raises for Police Officer. Council did not feel it fair just to give one officer a raise. Discussion was held on giving appraisals/evaluations before giving officers a raise. Johnston recommended evaluations be given by Police Committee. Johnston did not disagree with giving officers raises but need to look at finances before making commitment.

Mayor Bowyer concluded that Village officers do a great job and need a pat on the back once in a while.

Duane Neu said general maintenance man Kenny Green needs cold patch and sealer. Council said Kenny should go ahead and order whatever he needs.

Nester again brought up the subject of old junk cars and mowing of lots in Village.

Staggs said under new business he would like to discuss the \$285,000 tap in fee that Georgetown is charging us to tap into their sewer plant. A short discussion was held on this subject.

Duane Neu reported that there were no bids received for sidewalks under the CDBG Grant and that the county was going to have to re-bid.

Sgt. Kirkpatrick reminded Council of the New Life Squad the township just purchased. Council agreed it took a lot of hours for township to get new squad and Village is very appreciative.

At this point Chief Canter injected a comment regarding a Life Squad member speeding through town on way to make a run. Hanes suggested Chief Canter attend the next squad meeting and tell them of members excessive speed, and that they are held responsible for their actions.

Hanes moved to go into executive session. Johnston seconded the motion. VOTING: YEA: Hanes, Johnston, Nester, Neu, Staggs, Sowers. NAY: None. MOTION CARRIED.

Johnston moved to come out of executive session. Neu seconded the motion. VOTING: YEA: Johnston, Neu, Hanes, Nester, Sowers, Staggs. NAY: None. MOTION CARRIED.

Neu moved to extend Deputy Clerk Treasurer position for another 30 days and to retain Sherri Lewis in that position until October 31, 1994. Hanes seconded the motion. Clerk-Treasurer Craig's full time job mandates her giving up the position of Village Clerk-Treasurer. However, she is willing to continue as Clerk-Treasurer and to continue training until October 31, 1994. Clerk-Treasurer Craig will submit her resignation soon after that date. VOTING: YEA: Neu, Hanes, Johnston, Nester, Sowers, Staggs. NAY: None. MOTION CARRIED.

There being no further business, Hanes moved to adjourn the meeting. Neu seconded the motion. VOTING: YEA: Hanes, Neu, Johnston, Nester, Sowers, Staggs. NAY: None. MOTION CARRIED.

Mayor Bowyer adjourned the meeting.

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Mayor

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Clerk-Treasurer