

Village of Creston Council

Meeting Minutes

Monday, October 5, 2015 @ 7:30pm. @ the Muni. Bldg.

The Village of Creston Council met Monday, October 5, 2015 @ 7:30pm. at The Muni. Bldg.

Mayor Armentrout called the meeting to order.

ROLL CALL:

Members present: Cm. Thomas Barrett, Cm. Tom Phillips, Cw. Linda Flory, Cw. Gerry Mills, Cp. Marlin Hostettler, Cm. Keith Studer, Mayor William Armentrout, Supt. Jason Flory and Clerk/Treas. Pam Hostetler taking the meeting minutes.

Others present: John Conlon, Andy Armentrout, Jeanne Weahry, Will Bowers, Jim Fronek, Heidi Matthews with Sen. Renaci's office, Thomas Delong, Frank Haight, Bob McCutcheon, Brock Yoder, Janet Miller, Mark Miller, Kevin Klopfenstein, Bob Moorehead with The Post & Thomas Doohan with The Daily Record

Mayor Armentrout addressed the following:

1. **Mayor Armentrout** asked for approval of the September 10, 2015 meeting minutes.

A motion was then made by Cm. Keith Studer and 2nd. by Cw. Linda Flory to approve the September 10, 2015 meeting minutes.

Roll Call

6 for, 0 against

Motion carried

2. **Mayor Armentrout** asked for a motion to approve the August Finance reports.

A motion was then made by Cm. Keith Studer and 2nd. by Cm. Tom Phillips to approve the August Finance reports.

Roll Call

6 for, 0 against

Motion carried

3. September Maintenance Report

- Read water meters
- Water tap for the new house at 132 Jackson Road
- Replaced water valve and box at 115 Brooklyn Street
- Open and closed two graves
- Working on replacing concrete on Kimberly Drive
- Issued 4 zoning permits
- Jetted out storm drains on Coulter Street

4. Mayor's Monthly Report

- Total citations issued -41
- Total money received - \$4,547.91
- Village received - \$2,867.70
- Burbank Village received - \$0.00
- Computer Fund - \$372.00
- State received - \$1,234.00
- Enforcement & Education - \$35.21
- Drug Fund - \$0.00
- W C Muni Court/IDAT funds - \$39.00
- OCJS – discontinued as of 7/1/09

5. Leaf pickup schedule will be the 1st. week of November and the 1st. & 2nd. week of December.
6. Trick-or-Treat will be Saturday, October 31, 2015 from 5:30pm.-7pm. with costume judging at the Creston Community Center from 7pm.-8pm.
7. Mayor Armentrout reported that Kimble's Recycling will be picking up earlier in the day beginning summer of 2016 so that they are not tearing up the roads.
8. Mayor Armentrout reported that the Personnel Committee recommended the Job Descriptions and Wage Scale (to be approved yearly) to Finance and Finance is recommending to Council.

A motion was then made by Cm. Keith Studer and 2nd. by Cw. Linda Flory to approve the Job Descriptions and Wage Scale (to be approved yearly).

Roll Call

6 for, 0 against

Motion carried

9. Mayor Armentrout reported that the Personnel Committee is recommending promoting to part time, Police Officer Bob Mc Cutcheon effective 9/14/15 at \$10.30 per hour.

A motion was then made by Cm. Thomas Barrett and 2nd. by Cm. Marlin Hostettler to approve promoting Police Officer Bob McCutcheon to part time at \$10.30 per hour effective 9/14/15.

Roll Call

6 for, 0 against

Motion carried

10. Mayor Armentrout reported that Clerk Treasurer, Pam Hostettler contacted Jarra Underwood, Wayne County Treasurer and she will be present to speak on updating Police levies and types of annexation.

Solicitor Allan Michelson asked if he could explain the annexation process.

- Five types of annexation
- Village doesn't have to pay back any tax that is in Canaan Twp.
- 1. Expedited type 1: Territory, all owners and township have to agree to annexation and then the Wayne County Commissioners have to approve it. If one (1) property owner doesn't agree then we must go with Regular Annexation #5.
- 2. Expedited type 2: Territory, all owners agree and don't have to get township approval.
- 3. N/A because there has to be a \$10,000,000 increase in tax revenue.
- 4. N/A because this has to be for village property being annexed.
- 5. Regular Annexation: This is if at least 50% of property owners agree.

11. Public Hearing on Ordinance #15-13 Play and recreational equipment in side and back yards only.

James Fronek had an issue with his neighbor horse trailer being in the driveway. Isn't this considered recreational equipment? Solicitor Allan Michelson advised Mr. Fronek that trailers are not part of this ordinance. Zoning inspector Jason Flory advised Mr. Fronek that there is nothing against it in the Zoning book.

Wilbur Bowers was present to ask for clarification of when a corner lot and it looks like their back yard is a front yard or side yard. Solicitor advised Mr. Bowers that this issue can be clarified in the Ordinance.

Mayor Armentrout called for 1st. reading of Ordinance #15-13, Play and recreational equipment in side and back yards only.

Cw. Linda Flory –

1. The Planning Commission is recommending to Council that there not be a dog or cat limit. A dog and cat limit would not be enforceable.

A motion was then made by Cw. Linda Flory and 2nd. by Cm. Thomas Barrett to not have a dog or cat limit in the Village of Creston.

Roll Call 2 for, Cm. Studer, Cw. Mills, Cm. Phillips, Cm. Hostettler against Motion failed

Mayor Armentrout stated that this should go back to the Planning Commission. Jason Flory stated you can't send it back to the Planning Commission; they already made their recommendation to Council. Council needs to make a decision.

Clerk Treasurer Pam Hostetler asked for clarification moving forward. We were advised by the Solicitor that the current Ordinance is not well written. Will the proposed Ordinance #15-14 be changed and be presented to Council for approval and will the current ordinance be rescinded? The Solicitor stated that the village has other ordinances in force to handle all the other issues. Old Ordinance #15-92 should be rescinded. A discussion was held.

A motion was then made by Cm. Thomas Barrett and 2nd. by Cw. Linda Flory to rescind Ordinance #15-92, the current dog ordinance.

Roll Call

6 for, 0 against

Motion carried

2. Linda thanked Chief Meshew for getting the memorial sign for Harold Flory.

Cw. Gerry Mills –

1. Gerry reported that we need to rescind below stated motion approved by Council regarding changing the clothing allowance.

A motion was then made by Cw. Gerry Mills and 2nd. by Cm. Keith Studer to approve recommendation from Admin./Rules committee for change to Employee Handbook, Page 37, V Clothing Uniforms and Gear Allowance: Delete (for work clothing and gear) at the end of first sentence, first paragraph. Replace with (who work a minimum of 24 hours per month) at the end of first sentence, first paragraph.

Roll Call

6 for, 0 against

Motion carried

A motion was then made by Cw. Gerry Mills and 2nd by Cm. Marlin Hostettler to rescind the below listed motion:

A motion was then made by Cw. Gerry Mills and 2nd. by Cm. Keith Studer to approve recommendation from Admin./Rules committee for change to Employee Handbook, Page 37, V Clothing Uniforms and Gear Allowance: Delete (for work clothing and gear) at the end of first sentence, first paragraph. Replace with (who work a minimum of 24 hours per month) at the end of first sentence, first paragraph.

Roll Call

6 for, 0 against

Motion carried

Cm. Tom Phillips –

1. Tree meeting is Friday, October 16, 2015 @ 4pm.

Solicitor Allan Michelson –

1. A notice to remove structure that was sent certified mail to Barbara S. Moore for her property on Carter St. was signed for by her on September 5, 2015. The village can go ahead with demolition as of today, October 5, 2015.
2. Poggemeyer Design Group has the information concerning the storm drain at the CSX Railroad crossing. We are waiting on their response and recommendation.

3. Allan presented Ordinance #15-12, an Ordinance to amend chapter 35 of the codified ordinances of the Village of Creston regarding municipal income tax. This ordinance along with required changes to the village's Tax Board of Review needs to be passed in legislation before January 1, 2016 or the village cannot collect municipal income tax. A discussion was held.

Cm. Marlin Hostettler called for 1st. reading of Ordinance #15-12, an ordinance to amend chapter 35 of the codified ordinance of the Village of Creston regarding municipal income tax.

Roll Call

6 for, 0 against

Motion carried

Clerk/Treasurer Pam Hostetler -

1. Pam asked for a motion to approve payment of invoices and vouchers totaling \$80,796.45.

A motion was then made by Cm. Keith Studer and 2nd. by Cm. Thomas Barrett to approve payment of invoices and vouchers totaling \$80,796.45.

Roll Call

6 for, 0 against

Motion carried

2. Pam reported that the Village has received the \$1,200.00 payment from STV Energy Services Inc.
3. Pam reported that restitution for the Murray Hall chimney damage has been paid in full.

Chief Bryon Meshew –

1. Thefts have gone up due to cars being left unlocked. Keep your car doors locked.
2. Bryon presented a Life Saving Award to Officer Kevin Klopfenstein for saving a life on August 22, 2015 @ 7:36pm. This was drug related and two (2) doses of Narcan were used along with CPR to save a life. Great job Kevin!

Old/New Business –

1. Cm. Marlin Hostettler stated that it is time for the gas company to pull out all the stakes they have in people's yards. Marlin then asked Jason Flory who gave the gas company permission to dump debris at the Sewer Plant. Marlin stated that the village should be getting some money from the gas company. Jason advised Marlin to talk with Marcus Allen regarding the dumping of debris. Jason also advised Marlin that the village is still an active worksite for the gas company. Jason will call the gas company on Wednesday.

Citizens Presentations/Comments/Requests -

1. Mark and Janet Miller were present to express their desire to help and be volunteers for any activities and events or help in any way they can. They also expressed that it is not right that this new part time police officer is making \$10.30 per hour. They offered to help raise funding for more revenue for the Police Department. They are happy to be living in Creston.

Mayor Armentrout advised Mark and Janet Miller that the village is looking into updating the 1982 & 1984 Police levies, annexation and has updated the Job pay scales to increase the Police officers wages. It was also noted that the village pays 100% of our fulltime employee's medical premiums. This is a huge benefit.

The Solicitor called for Council to go in Executive Session to receive information from the Solicitor regarding the Wolfe case.

A motion was then made by Cw. Linda Flory and 2nd. by Cm. Keith Studer to go into Executive Session at 8:22pm. to receive information from the Solicitor regarding the Wolfe case.

Roll Call **6 for, 0 against** **Motion carried**

A motion was then made by Cm. Keith Studer and 2nd. by Cp. Marlin Hostettler to come out of Executive Session.

Roll Call **6 for, 0 against** **Motion carried**

A motion was then made by Cm. Thomas Barrett and 2nd. by Cw. Linda Flory to adjourn the meeting.

Roll Call **6 for, 0 against** **Motion carried**

Future meetings:

Tree Committee Meeting, Friday, October 16, 2015 @ 4pm. @ Muni. Bldg.
Board of Public Affairs meeting Tuesday, October 27, 2015 @ 6:30pm.
Streets Meeting Wednesday, October 28, 2015 @ 4:00pm. @ Muni. Bldg.
Safety Meeting Wednesday, October 28, 2015 @ 4:30pm. @ Muni. Bldg.
Finance meeting Wednesday, October 28, 2015 @ 5:00pm. @ Muni. Bldg.
Council meeting Monday, November 2, 2015 @ 7:30pm. @ Muni. Bldg.

Respectfully Submitted,

Pamela J. Hostetler, Clerk/Treas.