

**VILLAGE OF PEMBERVILLE
COUNCIL MEETING
June 21, 2022**

President Pro-temp Rahe opened the June 21, 2022, Council meeting at 7:05 pm with a prayer and the pledge of allegiance.

Roll Call: Present at the scheduled meeting of Council were Rahe, Angel, Kirkbride, Mazur, Meyer, and Titkemeier. Others present were, Sergeant Kwapich, Eric Campbell, Gene Steele, Sara Enright, and the Clerk.

Minutes: Minutes from May 17th meeting were tabled due to the timing of completion and the detail of Chief Darling's exit interview. Clerk stated she used a program called Happy Scribe, where the audio was converted to text, detailing more of the meeting minutes. Meyer stated she reviewed the Sunshine Law and Open Meetings Act, and minutes do not need to be verbatim and is wondering if it is necessary to put it to public record. Clerk replied that it is all public record regardless of how it is written. Meyer stated there was a lot discussed and thinks if the public wanted to know they could request the recording that she was "not in favor of this level of detail in our minutes." Meyer moved to strike out the verbatim detail with the exit interview with Chief Jim Darling. Further discussion ensued with Mazur asking why the exit interview was not done in executive session. Kuhlman stated executive session is for disciplinary action or legal advice. Angel added that Council can vote however they want, "but he is completely fine with the detail, given the uniqueness of the situation." Angel stated he sent an email to all of Council "informing them of everything he knew concerning what led to that. Angel stated nobody has asked him any questions about it and hopes all have taken time to read the email. Campbell added that Sunshine Law states that all drafts of minutes are also public record and striking anything from the improvements does not make them go away. Once they are created, they are public record. Further discussion took place on public records and the detail minutes. Meyer moved to strike the verbatim information. Rahe asked if there "was anyone else in favor of striking the full detail of the minutes?" Rahe stated her opinion on the minutes, and do not think it should have this much detail. However, there was no second to the motion. Rahe stated the motion dies. Angel moved and Kirkbride seconded to approve the May 17th minutes. Motion passed unanimously.

Minutes from the June 7th meeting: Angel moved, and Mazur seconded to approve the minutes from the June 7th

Rahe asked that due to the detail of May 17th minutes, asked for more detail regarding the zoning inspector and the information presented on pool permits.

Council meeting. Motion passed 5/6 vote. Angel-yes; Mazur-yes; Meyer-abstain; Titkemeier-yes; Rahe-yes

Treasurer's Report: Kirkbride moved, and Angel seconded to approve the bills for \$6,432.80. Motion passed 5/6 vote. Kirkbride-yes; Angel-yes; Rahe-yes; Titkemeier-yes; Meyer-abstain; Mazur-yes.

ORDINANCE 1620: AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2022 EDITION, AS THE CODE OF ORDINANCES FOR THE MUNICIPALITY OF PEMBERVILLE, OHIO. 3rd READING

Meyer moved and Kirkbride seconded to approve Ordinance 1620. Motion passed unanimously.

RESOLUTION 769: A RESOLUTION OF THE VILLAGE OF PEMBERVILLE ESTABLISHING CAPITAL IMPROVEMENT RESERVE FUNDS AND PROVIDING FOR TRANSFERS TO THE FUNDS AND DECLARING AN EMERGENCY. 3rd READING

Meyer moved and Kirkbride seconded to approve Resolution 769. Motion passed unanimously.

Police Activity Report: Police activity report provided. Kwapich stated he received a quote from Ortau Art, and they can letter the trailer for \$502.80. Kwapich stated there lettering will mimic the existing police cruiser. Kwapich stated he did secure two bids for the range and will have ready to present to Council at the next meeting.

Council Reports:

Rahe:

Cemetery Committee: Rahe stated the Cemetery Committee is meeting tonight after Council. Rahe stated the meeting was scheduled before Council but was delayed.

Streets, Sidewalks, Lands & Buildings: Rahe stated the Committee met on June 8th and June 9th. Rahe stated the backhoe was due to be in Fremont on June 12th but have not heard anything. Rahe stated the Committee is

still looking at quotes for one ton. Rahe stated there are a couple of tree stumps that need to be cleaned up and dirt filled in.

Rahe wanted to know if it had been mentioned to the Clerk or Sergeant about having our cleaning lady clean the police station. Rahe would like to explore the option of having the cleaning lady clean the police department.

Rahe stated on June 9th the committee met with Pat Luther, a retired Mason instructor from Penta County. Rahe stated Luther does masonry work on the side and would like to have him replace the welcome to Pemberville signs. Rahe stated she would like to do something very similar to Elmore. Rahe stated she is hoping to have more detailed information in the near future.

Rahe stated there is no new update on Oberhouse Park.

Angel:

Personnel/Finance Committee: Angel asked clerk where things stood with the pool and timeclocks. Clerk stated there were a few hiccups with getting them clocked in and familiar with the system, but all is working. Clerk will look at setting the parameters, so they are only clocking in and out from the pool area.

Angel discussed last meeting were the committee met with BPA to discuss comp-time from unlimited to 80 hours. Angel stated that during the meeting questions about vacation were posed from the employee's regarding it being changed. Angel stated there have been no intentions on changing that. Angel stated the discussion then changed to whether the Village was potentially in violation of the way employees accrued comp-time in the Village. Angel stated the question was "can you spend comp-time in order to make more comp-time?" Angel stated he was not aware of the legal answer and therefore tabled the discussion until a conversation with the Solicitor could take place. Angel stated he received an email from the Mayor stating she spoke with the Solicitor and stated, "if we are out of compliance with the labor regulation and ORC as it looks like we are, then we have to change it and change it immediately." Angel stated the Mayor explained in an email the seriousness of the violation with the intent to address it after she returned from her vacation, writing a letter outlining all scenarios and why the Village was making the change and how it would affect them personally. Angel stated the letter was sent to the Personnel Committee later in the day but was not aware a revised version had gone out to the employees on Thursday until he received a call from the Water Superintendent questioning the letter. Angel stated the Mayor was convinced the Village was in violation of the Federal Law and decided to rectify it as soon as possible. Angel stated he spoke to the Solicitor, and he was unsure what the law actually said. Angel stated he spent 4 hours trying to read the act and try to figure out what was going on. Angel stated he wrote an email to the Mayor, Solicitor, and Clerk expressing his concerns. Angel stated one is there were two different letters, and he only received the original, and not the corrected version the Solicitor wanted changed. Angel stated he also addressed the need to not act super-fast to make changes. Angel stated as a government entity there is no repercussions if we are trying to fix the issue. Angel stated the other is all of Personnel and Council should be informed and included in what is happening. Angel stated if the Village is in violation of the Federal Labor Standards Act, he is completely in favor of correcting it. However, the process matters and as of Thursday was not convinced, we were in violation. Angel stated on Friday, the Mayor contacted him after speaking to Wage and Hour in Michigan and learned the Village was not in violation, that the Village can pay their employees how they choose. Angel stated the Mayor then sent another letter to the employees correcting her mistake. There was further discussion about BPA and them managing the utility employees and if BPA was aware. Angel stated there is a BPA member that sits on the Personnel Committee, and he would share the concerns with the committee. Meyer stated she wanted to make note that nobody on the Personnel Committee knew the letters went out so the BPA member would not have known either since none of them received the letters. Angel stated he has requested that all members of Council receive a copy of all three letters. The Solicitor stated he did not approve the first letter and did not see the second before it went out. The Solicitor explained to the Mayor that he could not make a decision on whether the Village was in violation, until he reviewed the timesheets to see what was going on, he would then look at the statute, and would call Wage and Hour. The Solicitor added that typically, you do not use comp-time to generate additional comp-time. If you are using comp-time, you usually have to actually work 40 hours before you get paid overtime. The Solicitor stated the Village is just doing it differently than what he is used to seeing.

Kirkbride:

Kirkbride stated BPA is currently meeting upstairs. Kirkbride stated he does recall they were going to discuss easements and Tire Shrader potentially annexing into the Village so they can get water and sewer.

Mazur:

Park and Rec: Mazur stated she has quote from Ortinau Art for t-shirts for the lifeguards and concession employees in the amount of \$427. Mazur stated there will be an additional 12 t-shirts available for sale at the Party in the Park that will say Pemberville Community Pool on the front and Splashpad 2023 on the back. Mazur moved and Angel seconded to accept the quote from Ortinau Art for T-shirts. Motion passed unanimously. Mazur stated the July 3rd Party in the Park is a fundraiser for the pool. Mazur stated there will be face painting, a fish drop, large yard games, food trucks and free admission to the pool. Mazur stated she met with Gene Steele, Pat Rollins, and Eric Campbell and believes they have found a spot for the gaga court.

Mazur stated the Committee is looking at different picnic tables. The wooden ones were sent back.

Mazur stated the next meeting is June 27th at 5:00pm

Mazur wanted to thank Vicki and Mike Samson for weeding near the pool and really appreciated them for doing that and asked Council to extend a thank you if they see them out.

Mazur stated she had asked the street department to take a look at the gutters at the shelter house, they have plantings growing from them. Rahe stated she will look and have it addressed. Rahe also stated she has someone approach her regarding the shelter house and was disappointed in what it looked like and wondered how to approach it. Rahe stated she will talk to Jeff and Matt about cleaning it up over there. Clerk stated the guys do come in and check to see if there are rentals and are to make sure they are clean for the next rental. Clerk stated there was a rental scheduled two weeks ago on Sunday, but the key was not picked up. The office could not contact the individual and is wondering if that was the day in question, and possibly not been checked due to the assumption it was not rented.

Meyer:

Meyer reminded all of the Records Committee meeting July 6th at 9:00am

Meyer stated she had a couple of things to mention in general. Meyer stated the first was wondering about the verification of easement and was wondering if that is what was being discussed at BPA today. Campbell replied no, they are looking at something different. Kirkbride showed Meyer the information on the easement for the separation project on East Front St. Meyer stated in terms of the minutes she was looking for more detail of that and could not find it and is hoping for a little bit more of that. Meyer stated the other was that it “seems in less than a year” that she has “been on Council there have been some pretty emotionally charged meetings and discussions, whether it’s about zoning, the water tower, speed, comp-time, and fundamentally believes it comes back to communication and it is her perception that Council is not transparent enough.” Meyer stated, “minutes are only posted once every month, that’s well after something has been passed.” Meyer stated “if the agendas are posted, they say nothing about specificity, there’s no topic, so if an employee or I wanted to know about anything that’s going on, if I took that moment of time when I heard it through the grapevine and started looking at the website, and that was our consensus for how we were to communicate, I would not find anything.” Meyer stated she is “very concerned that we could save a lot of folks stress and would mitigate a lot of things if we worked out a better way to communicate.” Meyer continued to state that she believed the “staff and our Mayor are very competent, but there is only 40 hours in a work week and when placing additional burdens on people to keep the web page up to date and posted, and relying on volunteers, and that is our main form of communication and it can mitigate some of these heated discussions then we need to reconsider how we add some resources to that and wanted to put that back on the table.” Meyer stated she also wanted “to put back on the table that the meeting agenda should be more detailed, and committees should actually be listed so people know what the committees are.” Meyer stated, ‘it’s not always clear to people when they want to find the answer to something on the website.’ It was asked who the volunteer was, Clerk replied Rus Eby. Meyer stated she thanks him for that “but if that is our main form of communication, it used to be that we used to have a reported here from the Sentinel Tribune and that’s how things got out. We do not have that anymore and we need to invest in our own communication, and it needs to be there in a timely manner.” Meyer continued “there is only so many hours in a day and things we need to consider how we invest resources, time, money, etc.”

Meyer added one more thing regarding zoning, stating she sent out an Ordinance last year that included pools along with other things and was wondering if that would be discussed. Campbell stated he recalls the Ordinance and “omitting a couple of things and changing one part of the main paragraph into a rule at the bottom, reshaping what we have.” Campbell stated part of the discussion last week was, even if we put this into effect right now, it is probably not going to be applied until it is determined was considered portable pools.

Campbell commented on the upcoming Public Records Retention Committee meeting, stating having gone through 40 years of public records and what is kept or how its organized falls back on no one in the room, that it goes back multiple generations with typos, bad grammar, and lack of detail. Campbell “stated minutes are what you make them, you can make them very detailed or not as detailed. That is why we have an audio to fall back on, but it is all public record.” Meyer summarized what Campbell said by stating “for the purpose of

communication to the residents of the Village of Pemberville, that our website and our minutes, by consensus of this Council is our main form of communication.” Rahe stated that “we as Council need to come up with what we want our minutes to look like so we can get what we want.” Rahe stated everyone should “put some suggestions together, come up with a good format for minutes.”

Titkemeier:

Tree Committee: Titkemeier stated the Tree Committee met on June 15th with Stephanie Miller from the Department of Natural Resources and went around town looking at all the streets and trees, Titkemeier stated Miller will be back tomorrow morning at 9:30 to make a map of the town with the different trees and utilities.

Planning Commission: Titkemeier stated the Planning Commission met on June 15th but did not have anything to discuss. Titkemeier stated the members agreed to wait until September 21st to have the next meeting.

Mayor:

Rahe reported on behalf of the Mayor that Toledo Edison was working on the north substation today. Rahe stated it should be up and going tomorrow.

Rahe stated if Council did not notice the new carpet and furniture for the office is in and it looks very nice.

Rahe pointed out the new clock in the Council Chambers that was made by Ed Wozniak from the wood from the Opera House attic. Rahe stated he made it many years ago but recently refurbished it.

Clerk thanked her finance' for coming in Saturday and Sunday to help put the office furniture together.

Guest:

Gene Steele:

Gene Steele stated he mentioned to BPA about getting a closed trailer for water breaks. Steele stated BPA has asked Landry to seek quotes.

Steele stated at the last meeting he mentioned the garbage in the valley from the ball diamonds and the occasional door left open, Steele stated that is a whole lot better and no complaints there.

Steele stated the gaga area was looked at. Steele mentioned having tether ball just west of where the gaga court will go. Steele stated he would donate the pole and install.

Steele stated the other thing discussed was putting in a horseshoe court along the sidewalk north and south by the little play area.

Steele last comment was that Council just voted and passed Ordinance 1620, An Ordinance Approving and Adopting and enacting the American Legal Publishing and wonder if anyone has read it.

President Pro-temp Rahe adjourned the meeting at 8:19 P.M.

*Audio recording of the meetings are available upon Public Records request.