

**VILLAGE OF PEMBERVILLE
COUNCIL MEETING
July 5, 2022**

Mayor Bailey opened the July 5, 2022, Council meeting at 7:00 pm with a prayer and the pledge of allegiance.

Roll Call: Present at the scheduled meeting of Council were Rahe, Mazur, Meyer, and Titkemeier. Others present were, Sergeant Kwapich, Solicitor, Robert A. Kuhlman, Eric Campbell, Gene Steele, and the Clerk.

Minutes: Mazur moved, and Rahe seconded to approve the minutes from June 21, 2022.
Motion passed unanimously.

Treasurer's Report: Meyer moved, and Rahe seconded to approve the bills for \$5,619.30.
Motion passed unanimously.

Meyer asked to clarify that the pool pump repair is listed under permanent improvement because it a Capital thing. Clerk replied yes. Titkemeier asked if the pump was new? Mayor replied, "no that it is rebuilt."

RESOLUTION 770: A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE TRANSFER OF BRIDGE OWNERSHIP AND MAINTENANCE RESPONSIBILITIES FOR BRIDGE STREET BRIDGE, LOCATED IN THE VILLAGE OF PEMBERVILLE, WOOD COUNTY, OHIO. 1ST READING

Kirkbride enter the meeting at 7:08pm. Mayor explained the bridge came up a few years ago prior to her becoming Mayor. Mayor explained the issue was never resolved. Mayor stated the County has turned over the Bridge St. bridge to the Village. However, the Village has never accepted the bridge. Mayor stated, by not accepting the bridge ODOT will no longer perform the necessary inspections. Mayor stated that if the Village accepts the bridge, ODOT will continue to inspect the bridge at no cost to the Village. Mayor explained there is grant funding available however, she cannot apply unless the Village accepts the bridge. Rahe asked what the grant money was for. Mayor stated she spoke with Joanie Cherry and the grant is for bridge repairs.

Kirkbride moved, and Mazur seconded to suspend the rules. Motion passed unanimously.

Rahe asked if the Village had a copy of the letter or email from the County that backs this up. Kuhlman stated the Village received a letter from the County "3 or 4 years ago with the statute that provided it." Titkemeier asked the cost to have the bridge inspected. Campbell stated \$2500 every 2 years. Mayor stated the engineers perform the inspections but not aware of the extent of the inspection however, the Village does receive a report that discusses the cross beams, degree of deterioration, and new weight limit suggestions. Rahe asked the last time the bridge was inspected. Mayor stated she thought it was about 3 years ago. Kirkbride asked who paid for the inspection. Clerk stated the Village did and the cost was \$1000. Campbell stated all bridge inspection reports are available on the County Engineer's website. Rahe stated she thought there was an agreement that the bridge would be inspected for a number of years if the Village did "X." Rahe stated she thought the term was 7 or 8 years from the time the Village did something but could not recall the details. Meyer stated the Ohio Revised Code referenced that "effective April 9, 2003, the liability or immunity from liability of a municipal corporation for injury, death or loss to person or property allegedly caused by a failure to perform the responsibility of care, supervision, and control shall be determined according to the Ohio Revised Code in terms of another section." Meyer stated it is pretty clear that the Village is liable for anything that happens on it. Mayor stated even if the bridge is closed the Village is still liable. Rahe asked Mayor if she received something in the last week that generated her to place the Ordinance on the table tonight. Mayor replied yes, Joanie Cherry contacted her stating if the Village wants "to try to apply for some grant money, the Village needs to accept the bridge." Kuhlman asked if this qualified for any of the Federal Infrastructure grants. Mayor replied she is hoping so.

Kirkbride moved, and Rahe seconded to accept Resolution 770. Motion passed unanimously.

Kirkbride exited the Council meeting at 7:23 p.m. to return to the BPA meeting.

Police Activity Report: Police activity report provided. Rahe asked that without going into detail could he explain what civil process is, Kwapich stated "civil process is to keep the peace." Kwapich stated there was domestic situations where temporary access was issued, and someone needed to retrieve some of their belongings.

Kwapich stated he had updated photos of the trailer and what it would look like once the lettering is completed.

Zoning Report: Campbell provided a report for May and June.

Mayor asked about the map provided. Campbell stated he believes, is originally a green alley however, it does not fit the dimensions. Campbell stated it is bigger than the rest of the alleys in width. Campbell stated, "the

Village retained it.” Campbell stated the County Auditors website use to indicate the Village owned “most of these green alley easement right of ways, but it no longer does.” Campbell stated when you highlight these areas on the County Auditor website, “it just shows blank” and “does not show it as being owned by the Village, along with many of our other right of ways.” Campbell stated he is discovering that there have been and continue to be many encroachments on the Village right of ways, raising concerns of access Campbell stated moving forward, property owners are being notified that when “they decide to change things, many have already been instructed they are going to have to pull them back, so they are no longer encroaching on the easement.” Campbell suggested looking at other approaches. Meyer asked if this was the same area he brought before Council a couple of months ago. Campbell stated “that was one section to the east, which is actually a utility easement. Meyer asked if that has been resolved. Campbell stated it has not been resolved. Campbell stated he cannot find a description of that easement. Campbell stated the new map is one block west between Oak and Hickory, the other was between Oak and Maple. Campbell stated the new map shows the easement running north and south and then jogging back where the 33-inch storm tile cuts across the properties and the Village has maintained access to that. Campbell stated by “rough measurement on the wheel, that easement looks to be about 22-foot wide and is wider than the paved alleys that are all 16-foot wide.” Meyer asked how the Village resolves the prior one brought before Council and what would he recommend on dealing with this one. Campbell stated the prior he “thought had gotten at least as far up to the discussion for Mr. Kuhlman to say prescriptive.” Campbell stated, “prescriptive is great,” but it still does not give him a description of what he is supposed to protect. Campbell stated, “generally a written easement is a deed that will tell you that this is an easement that is 16-foot wide, and you can tell what you are protecting so I can tell people not to put a fence on it or extend things across it or build a garage across it to block it.” Campbell stated, “it becomes problematic when he has to protect a utility easement, presumed or has always existed without having any documentation created on it.” Campbell stated this “is different because that corridor you see was, I believe, at one time listed 1900-1920 plots or plat as an alley. It looked to be a general alley, which was maintained as green, and have others that way. It was never improved; I believe it might have multiple utilities down it.” Kuhlman stated “If I it is a plat, it is still valid. It has never been abandoned.” Campbell stated this was what he was looking at. “This one has never been retained in its original form.” Meyer asked if this was just information for Council. Campbell stated it is a point of information of the things he is running into. Campbell stated “you can see where the encroachments are, some of which were allowed by permit, are bad on us. But agreements have been reached, that in the future if they were to move something or replace a fence, they have to pull back and conform and that is going to take something.” Campbell stated he has not used a survey and “at some point might have to have someone actually spell it out so we know where they are.” Campbell stated he does not like to make judgement calls because encroachments can happen. Meyer asked to confirm the information Campbell was sharing is “the structures that are encroached are grandfathered in and any new structure would have to comply.” Campbell replied, “yes.” Meyer asked Campbell if he was asking Council to do something about the easement between Oak and Maple that “was dealing with the utility and a tree.” Campbell stated he believes it needs to be researched. Campbell stated it is shocking “at how many alleged easements we have, that when contacting the County Auditor, does not show record of easement on the property.” Campbell stated, “that does not mean we don’t have the easement, but it does not give me a description of the easement to know what needs protected.” Meyer asked if the three violations on the May reports, were the three variances completed on the June report. Campbell replied, yes.

Council Reports:

Rahe:

Streets, Sidewalks, Lands & Buildings: Rahe stated the Committee will meet next Wednesday at 9:00am.

Rahe stated she hopes to have draft of the new welcome signs to share with the Committee. Rahe stated a couple examples are being drafted.

Rahe presented Council with an article from the Sentinel Tribune about speed signs. Rahe stated Walbridge put up a speed sign a few months ago and the Mayor discussed “what a valuable tool it is for the Village.” Rahe stated the article “goes on to say that the device will be rotated around the Village as there are complaints of if the police think it is necessary.” Rahe stated she “learned a lot of what our speed signs can do from this article.” ‘It is used to address complaints, and also as a safety tool to make people aware of their speed, he said. This is a tool that allows us to collect data. It does not take anybody’s picture. It does not give tickets. It makes people aware of their speed, so they tend to slow down a bit. It also provides statistical data to the police officers.’ Rahe stated the other thing she did not know is ‘even though the speed number is only visible from one side’ “it is recording speeds from both sides coming in and going out.” Rahe stated she knows the Village has “had our signs up for almost a year and I know with Chief being gone that we probably don’t expect data now, but I just think that this is something, there was a reason we bought these speed signs, and we should be taking advantage

of the information that we can get from them.” Rahe stated she thought this was a good article. Mayor stated there have been pages of data provided in the past. Rahe stated it has been minimal.

Angel:

Absent. Reports given by Meyer.

Kirkbride:

Absent. Attending BPA meeting.

Mazur:

Park and Rec: Mazur showed Council the t-shirts that were available for purchase during the Party in the Park. Mazur stated Joe Ortinau prepared the t-shirts quickly to have available for the Party in the Park. Mazur stated if anyone would like to purchase a t-shirt, they are available online until July 10th. Mazur stated the Party in the Park, was fun and turned out nice.

Mazur stated the new picnic tables are here and the lifeguards assembled them. Mazur stated they moved the larger tables to the other side.

Mazur reported that OUPS will need to be contacted for the gaga court. Mazur stated the gentleman for the gaga court is out of town until next week and once he returns will be in contact with her.

Mazur stated Gene Steele is looking into a tether ball court and some horseshoes for the park.

Mazur stated they have been looking into new backboards for the basketball court. Mazur stated the prices range from \$1500 to \$2000. Mazur stated they are going to look at Dick’s Sporting Goods and Dunham’s Sports to see if they are cheaper.

Mazur stated the pool needs some floatation devices at a cost of approximately \$350. Mazur stated the ones at the pool are in bad shape. Mazur stated Rahe will be meeting with the Fire Department and hoping they will donate.

Mazur stated all the Lifeguards and Concession workers each received a Pemberville Community Pool t-shirt.

Mazur stated there are issues with the guard stands, the posts for the seats need to be replaced.

Mazur stated the Clerk purchased an “outside clock for the pool so the kids do not have their cell phones. The guards are not allowed to have cell phones on deck.

Mazur stated the gutters at the shelter house have been cleaned out.

Mazur stated the plaque purchased during the pool liner fundraiser has been hung.

Mazur stated there was a large concrete area that was disintegrating that Bourdo has fixed.

Mazur mentioned having water aerobics at the pool. Clerk suggested asking the Manager. Mayor suggested contacting The Silver Sneakers program to see what they might suggest. Meyer suggested the yoga instructor from Luckey Lavender Farm. Meyer stated she will share the contact information with Mazur.

Meyer:

Records Retention Committee: Meyer stated the Records Retention Committee is meeting tomorrow at 10:00am.

Personnel Committee: Meyer stated the following information goes back to the Wage Ordinance and diverted to the Clerk for explanation. Clerk stated that the Deputy Fiscal Officer Winfrey recently turned sixty-five and became eligible for Medicare as her primary insurance and Village would seek supplemental insurance. Clerk stated that with the assistance of Deb Koss the Village insurance broker, going to market to seek her supplemental would provide for a better rate, plan, and coverage. Clerk stated with that information Winfrey did seek her supplemental outside of the Village insurance with a cost savings to the Village of approximately \$3500 annually and in doing so discussed covering the entire premium amounts including the 15% withholding. Meyer stated that wage ordinance 1614, section 30 states “that employees who reach age 65 are strongly urged to enroll in Medicare, Parts A & B, with their primary care from Medicare and the Village selecting a Supplemental Policy, subject to the 15% deduction, which mirror all the benefits in the selected Village plan.” Meyer stated what Personnel did, due to the savings, was agreeing to pick up the 15% however, that is a “violation of the wage ordinance, even with the Medicare.” Meyer stated Council needs to discuss and determine if Council wants to continue with the terms of paying the 15% or adhere to what the wage ordinance states. Clerk stated she did contact the State Auditor with the question and the response was ‘since this is limited to one employee and appears to be for an isolated circumstance as opposed to the norm, addressing this change in reimbursement/wage for just the Deputy Fiscal Officer should be sufficient (accepting this specific situation). If this were to become the norm or more employees start doing this, then updating the wage ordinance would be the way to go.’ Meyer stated that “no matter what, we as Council need to look at Section 30; Health Insurance, for next time.” Meyer stated the “question before us now to discuss, is do we as a Council want to abide by the

wage ordinance have the employee pay the 15%, or do we want to, as a Council assume the 15% and pay that since she is saving the Village money?" Meyer stated the other thing discussed was the employees who are on their spouse's plan, and we do not pay for them at all; and so that is a savings to us. Meyer stated that there are also a few employees that will be coming up on age 65, and will we pay for their 15% and is this setting a precedent." Meyer asked for comments and feedback from Council on their thoughts. Rahe stated that, "in her opinion, the personnel committee made a decision to pay an employee outside our wage ordinance and that should be brought to Council before a decision was made." Meyer stated that was "an error that was wrong" and remembers talking about it and asking if it should be brought before Council and was told no, and it should have been brought to Council." Meyer asked Kuhlman if he had anything to add. Kuhlman stated his suggestion would be to contact the Auditor, which has been done. Kuhlman stated Council can fix by a motion, but "if you're not happy with that as a Council, then you need to amend the ordinance." Rahe stated, "I still see that it's a huge benefit savings to the Village by going on Medicare and taking a supplemental." Rahe stated, "going forward when we amend the wage ordinance, we should make it required that they take Medicare rather than strongly encouraged." Rahe stated her other opinion of the subject is "how many people get free health insurance? Ultimately, what we are doing is giving Winfrey free health insurance. We have two other employees I am aware of that do not take our health insurance and that is a huge savings, and we are not doing anything to give them a bonus or thank you for going elsewhere for other health insurance." Meyer stated she feels "badly that personnel made a decision that was in violation of the wage ordinance and didn't inform Council." Meyer stated the other "is I see the philosophical ethical thing" that Rahe mentions. Meyer stated she is "conflicted because the employees get so few benefits." Meyer stated she would like to table the discussion and get Angel's feedback as the chair of Personnel Committee. Meyer stated if anyone has any other comments or feedback to send them to herself or Angel and will present something at the next meeting. Mayor added "that according to the auditor the initial problem can be solved with a motion and vote to accept by Council." Mayor stated "if Council went ahead and approved the 15% then it could be revisited in the wage ordinance and changed when the wage ordinance is updated for 2023. Mayor stated that between now and the end of the year, there are no other employees that would be affected.

Finance Committee: Meyer moved and Rahe seconded to transfer \$300,000 from the Income tax fund with 60% of the \$300,000 going to General Fund and 40% to Permanent Improvement.

Motion passed unanimously.

Meyer asked about the Motor Vehicle tax and what steps needed to be made to get that tax. Kuhlman stated Council will need to do an Ordinance. Kuhlman stated he will check a few things out. Clerk requested Angel follow up with Kuhlman.

Titkemeier:

Tree Committee: Titkemeier stated the Tree Committees' next meeting is scheduled for September 15, 2022, at 7:00 p.m.

Planning Commission: Titkemeier stated the Planning Commissions' next meeting is scheduled for September 21, 2022, at 7:00 p.m.

Mayor:

Mayor started her report "briefly with a sincere apology for my actions regarding the comp-time situation. I acted hastily. I reacted. I did not respond, and It was an error in my judgement. I accept responsibility. I was quick to correct, and again, I take responsibility for that, and we will leave that there.

Mayor stated there was a water break on Saturday morning and is the ninth one for this year. Mayor stated Palmer's was out to fix the break. There was a brief discussion on protocol and who should be contacted when an issue arises.,

Mayor stated she has received three applications for the Police of Chief position. Mayor stated she has scheduled time to meet with each of them this week. Mayor stated from there we will move it to personnel. Meyer asked if background checks are being done before they come in. Mayor stated background checks will be after they are hired. Kuhlman stated, "it's a probationary appointment."

Mayor stated the pool pump is not doing very well and was a problem over the weekend. Mayor stated we had a secondary pump that was on the shelf, rebuilt, but will need some plumbing work done to install. Mayor stated a new pump will cost approximately \$6000. Meyer stated, she noticed the pump repair was listed under permanent improvements and asked if that fell under Councils responsibility if the guys were not there to repair

it. The Clerk explained that the pool repairs do not fall under BPA funds, that pool repairs could come from the pool fund, general fund, or permanent improvements.

Mayor stated the new backhoe is no longer on the water and should be delivered to Fremont sometime today. Mayor stated it takes a week to get it prepared for delivery. Mayor stated she hopes to see it by the next Council meeting.

Mayor stated Party in the Park was successful. Mayor stated it is becoming a nice little addition to Pemberville events. Mayor thanked Mazur for her presence and assistance. Mayor stated there were donations from the fish drop in the amount of \$494. Mayor stated she contacted the winners of the fish drop and they have all donated their winnings back to the pool. Mayor stated she is open for any suggestions and/or help for next year or funding for the pool.

Mayor stated she contacted Mr. Kalmar, at the Commissioner's office last week to thank him for his service and congratulate him on his retirement. Mayor stated she did touch base on the 4.4 mil request she made in January, February, and the end of May. Mayor stated Mr. Kalmar informed her she would have an answer this week. Mayor stated he could not give her a dollar amount but stated he 'believes I will be pleased.'

Mayor stated the Build America Act passed in February looked at first to be grants, are actually a series of low interest rate loans doled out through EPA; however, Mayor stated "the ones that we need to pursue electrically are opening up next month." Mayor stated she will be putting her focus on grants for the next month and a half.

Mayor stated she had a conference call with Brent Welker and Steve Darmofal regarding the school exploring the possibilities for a waterline. Mayor stated she and Darmofal put together a solid timeline and presented Village water rates to Welker. Mayor stated they are still exploring their options.

Rahe asked if there were any updates on the Animal Shelter and The Forks. Mayor stated The Forks has slowed down with the economy and does not believe that is moving forward a whole lot currently. Mayor stated the Animal Shelter, the owner is back in court. Mayor stated he presented a paper stating that there is someone hired to do foundation work, although the permit was for the roof and back wall. Mayor stated she does not know if the foundation qualifies under that permit or not. Mayor stated, "the County who is prosecuting are not happy with his lack of forward motion." Mayor stated, he was given a six-month building permit approximately four months ago and has made minimal progress. Mayor stated she was contacted by the Assistant Prosecutor who inquired about the usage of electricity. Mazur asked if the building had electricity. Mayor stated there is an outlet outside the building that was granted. County Building Inspector approved his plans to move forward with repairing the roof and back wall. Mayor stated the Village could not deny because "Wood County, by Ordinance is our building inspector."

Titkemeier asked about the annexation of Shrader Tire. Mayor stated that is currently with BPA. Mayor stated that will not be a fast process, that Shrader Tire will have to contact their lawyer to being the process before it comes back to the Village.

Guest:

Gene Steele:

Steele stated he spoke with the pool manager today and received a list of items that she feels needs addressed. Steele stated one was the microphone does not work. Mayor stated they do work; she will stop and show them. Steele stated the other item is "posting now and developing a report for employees for next year." Steele stated another item is the guard stands. Steele stated the brace the seat sits on is broken and needs repaired.

Steele stated she inquired about the remote to the handicap lift and would like an answer on that. Steele stated she is concerned about the required equipment they have, including life jackets for thirty pounds and under. Mazur told Steele that a lot of these things have been addressed.

Steele stated the Park Committee talked about putting in a horseshoe court. Steele stated he reached out to the National Horseshoe Tossers and received some information on the dimensions and other information to review. Steele mentioned lost and found. Steele stated he was amazed at the number of items that are left behind at the pool and not retrieved, including two bicycles.

Steele stated the handle broke in the girl's bathroom at the pool and he has repaired it.

Clerk asked that all work orders that are completed are given to the Mayor to ensure there are not duplicate requests.

Mayor adjourned the meeting at 8:40 P.M.

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