

VILLAGE OF SEVILLE
Village Council Meeting
Minutes November 9, 2009

The meeting was called to order at 7:00 PM by Mayor Larry Landis. The meeting began with the pledge of allegiance.

Present:

Sue Frey	Bonnie Gordon	James Lovejoy
Courtney Harlan	Richard Barbera	Ralph Smith
James Carrick-Fiscal Officer	Larry Landis- Mayor	Ted Lesiak-Solicitor

Absent: None

Mrs. Frey made a motion to pay the bills. The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

Mr. Lovejoy made a motion to approve the minutes of the October 13, 2009 council meeting. The motion was seconded by Mrs. Frey. The motion passed unanimously with the exception of Mrs. Gordon who abstained because she was absent from the October 13th meeting.

Gary Norcia from the Medina Soil and Water Conservation District spoke concerning the support they are asking from the village so the Conservation District can receive a grant from the state in order to perform a study of the Chippewa Creek area and provide recommendations on land usage to government entities in the area. He said that even if the village passes the resolution of support to obtain the grant, the village could “opt-out” and would not have to observe the recommendations the study may suggest. Mr. Norcia also pointed out that the study could help with development grants in the area. He also said that the study may take up to 2 years to complete. Attorney Stan Scheetz said that the application for the grant had already been submitted in October without the support of Seville. Mr. Norcia agreed but pointed out that the support resolution was not needed until Mid-November. Developer Charles Marshall asked if land owners would be notified when the study is complete and land is classified as a conservation area or would be suitable for commercial development. Mr. Norcia said land owners would not be notified. Mr. Marshall said that there would be a significant impact on land values depending upon the results of the study. Mr. Norcia said that the purpose of the study was to be able to make recommendations for the best use of the land for either commercial development or if the land should be set aside as a conservation area. Village resident Billy Carter asked if Seville could still opt out of the plan if the village disagreed with the study recommendations. Mr. Norcia said that the village would not be bound by the study recommendations. He further pointed out that this was not an attempt to have another government entity take control of village land but rather an attempt to provide recommendations to the village and provide potential government funding with land usage. Mr. Smith asked if the Conservation District would oppose development of land included in the study if the village did not follow study recommendations. Mr. Norcia said the Conservation District would not oppose village development other than to make recommendations on any plans submitted to the Conservation District. Village resident Gene Sulzener said that because the proposed resolution was not a commitment of money

VILLAGE OF SEVILLE
Village Council Meeting
Minutes November 9, 2009

or other resources, he would urge council to pass the resolution. Mr. Norcia reminded everyone that the Conservation District would not determine the study recommendations. The land use recommendations would be determined by a committee of individuals from the entities involved. Village resident Kathy Rhoads asked if the village did not pass the resolution of support would the village be able to opt in later on. Mr. Norcia said yes that would be possible.

Privilege of the floor

Mayor Landis said there would be no decision on the trash pick-up bids until after January 1, 2010. The mayor asked for a motion to waive the permit fee for building of the stairs and deck added to the football field observation area because all the labor and material and labor had been donated and the football federation does maintain the field. Mrs. Gordon moved to waive the permit fee. The motion was seconded by Mrs. Frey. The motion passed unanimously.

Mayor's Court Report

None

Solicitor's Report

None

COMMITTEE REPORTS:

Finance

R. Smith gave his report from the October 5, 2009 finance meeting. The minutes are available in the Fiscal Officer's office.

Government

Mrs. Frey recounted the minutes of the November 13, 2009 government committee meeting. The minutes are available in the Fiscal Officer's office.

Zoning & Planning

R. Smith gave his report from the October 26, 2009 zoning and planning meeting. The minutes are available in the Fiscal Officer's office.

Utilities

VILLAGE OF SEVILLE
Village Council Meeting
Minutes November 9, 2009

Mr. Lovejoy presented the Board of Public Affairs minutes from October 5, 2009 and November 2, 2009 meetings. The minutes are available in the Fiscal Officer's office.

Streets

Mr. Harlan covered the minutes of the October 28, 2009 streets committee meeting. The minutes are available in the Fiscal Officer's office.

Safety

Mrs. Frey gave the minutes of the October 28, 2009 safety committee meeting. The minutes are available in the Fiscal Officer's office.

Parks

Mrs. Gordon discussed the October 28, 2009 park committee meeting minutes. The minutes are available at the Fiscal Officer's office.

Cemetery

None

LEGISLATION UNDER CONSIDERATION:

Ordinance 2009-35 AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO, REPEALING ORDINANCE 2005-03 AND AMENDING THE VILLAGE OF SEVILLE'S POLICE RULES AND REGULATIONS TO SET FORTH HIRING PROCEDURES FOR POLICE OFFICERS (3rd Reading)

The ordinance remained tabled.

Ordinance 2009-41 AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO ESTABLISHING THE ZONING OF APPROXIMATELY 77.2527 ACRES OF ANNEXED LAND FROM WESTFIELD TOWNSHIP AND 26.1014 ACRES FROM GUILFORD TOWNSHIP. (2nd Reading)

Mrs. Frey moved to untable the ordinance. The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

Mrs. Frey moved to suspend the three reading rule. The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

Mrs. Frey moved to adopt the ordinance. The motion was seconded by Mr. Lovejoy. Voting against the motion to adopt the ordinance were Mr. Barbera, Mr. Harlan, Mr. Smith, Mrs. Gordon and Mrs. Frey. Voting to adopt the ordinance was Mr. Lovejoy. The motion to adopt failed and the ordinance will be removed from consideration.

VILLAGE OF SEVILLE
Village Council Meeting
Minutes November 9, 2009

Ordinance 2009-51 AN ORDINANCE REPEALING ORDINANCE NO. 5-72, AS AMENDED AND ADOPTING RULES AND REGULATIONS GOVERNING PUBLIC PARKS WITHIN THE VILLAGE AND ASSESSING PENALTIES FOR VIOLATION OF SAID RULES AND REGULATIONS. (3rd Reading)

Mrs. Gordon moved to untable the ordinance. The motion was seconded by Mrs. Frey. The motion passed unanimously.

Mrs. Gordon moved to amend the ordinance sections 16, 17 and 6. A copy of the amendment is attached to these minutes. Mrs. Frey seconded the motion. The motion passed unanimously.

Mrs. Gordon moved to adopt the ordinance. The motion was seconded by Mr. Smith. The motion passed unanimously.

Ordinance 2009- 60 AN ORDINANCE REPEALING ORDINANCE NO. 2008-21, AS AMENDED AND ADOPTING THE MEDINA COUNTY, OHIO SPECIAL PURPOSE FLOOD DAMAGE REDUCTION REGULATIONS (3rd Reading)

Mrs. Frey moved to table the ordinance. The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

A public meeting will be held prior to the December 14, 2009 council meeting to discuss the ordinance.

ORDINANCE NO. 2009-63

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO AUTHORIZING THE MAYOR AND THE CLERK TO ENTER INTO AN AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF MEDINA COUNTY, OHIO RELATIVE TO THE PURCHASE OF MATERIALS.

(3rd Reading)

Mrs. Frey moved to adopt the ordinance. The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

ORDINANCE NO. 2009-65

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE MEDINA COUNTY JOBS AND FAMILY SERVICES

(3rd Reading)

Mrs. Frey moved to adopt the ordinance. The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

ORDINANCE NO. 2009-69

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO AUTHORIZING THE APPOINTMENT OF A MAYOR'S COURT MAGISTRATE FOR THE YEAR 2010 AND ESTABLISHING COMPENSATION FOR SAME.

(2nd Reading)

Council proceeded with the second reading.

**VILLAGE OF SEVILLE
Village Council Meeting
Minutes November 9, 2009**

ORDINANCE NO. 2009-70

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO PROVIDING FOR LEGAL SERVICES FOR THE VILLAGE.

(2nd Reading)

Council proceeded with the second reading.

ORDINANCE NO. 2009-71

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO, AUTHORIZING THE FISCAL OFFICER TO ENTER INTO MEMORANDUM OF AGREEMENT WITH VARNEY, FINK & ASSOCIATES, INC. AND THE AUDITOR OF THE STATE OF OHIO TO PROVIDE AUDIT SERVICES FOR THE VILLAGE.

(2nd Reading)

Council proceeded with the second reading.

ORDINANCE NO. 2009-72

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO APPOINTING A VILLAGE PROSECUTOR FOR THE PERIOD OF JANUARY 1, 2010 TO DECEMBER 31, 2012, AND AMENDING SALARIES & BENEFITS CODE §101.02 TO PROVIDE COMPENSATION.

(2nd Reading)

Council proceeded with the second reading.

ORDINANCE NO. 2009-75

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO AUTHORIZING THE MAYOR TO ENTER INTO A RECIPROCAL ASSISTANCE AGREEMENT WESTFIELD TOWNSHIP AND THE VILLAGE OF SEVILLE.

(2nd Reading)

Council proceeded with the second reading.

ORDINANCE NO. 2009-78

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO, AMENDING THE 2009 APPROPRIATION ORDINANCE NO. 2008-98.

Transfers money from the general fund to the bond debt fund.

(1st Reading)

Mrs. Frey moved to suspend the three reading rule. The motion was seconded by Mrs. Gordon. The motion passed unanimously.

Mrs. Frey moved to adopt the ordinance. The motion was seconded by Mr. Lovejoy. The motion passed unanimously.

ORDINANCE NO. 2009-79

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO TO APPROVE THE FORM AND AUTHORIZE THE EXECUTION OF POWER SALES

VILLAGE OF SEVILLE
Village Council Meeting
Minutes November 9, 2009

CONTRACTS WITH AMERICAN MUNICIPAL POWER, INC. AND TAKING
OTHER ACTIONS IN CONNECTION THEREWITH REGARDING MELDAHL AND
GREENUP HYDROELECTRIC PROJECT PARTICIPATION

(1st Reading)

The council proceeded with the first reading.

ORDINANCE NO. 2009-80

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO,
AMENDING THE 2009 APPROPRIATION ORDINANCE NO. 2008-98.

Transfers money from the general fund to the streets operating fund.

(1st reading)

Mrs. Frey moved to suspend the three reading rule. The motion was seconded by Mrs. Gordon. The motion passed unanimously.

Mrs. Frey moved to adopt the ordinance. The motion was seconded by Mrs. Gordon. The motion passed unanimously.

Resolutions

RESOLUTION NO. 2009-16

A RESOLUTION OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO
SUPPORTING A BALANCED GROWTH INITIATIVE FOR THE CHIPPEWA
CREEK AND DECLARING AN EMERGENCY.

(2nd Reading)

Mrs. Frey moved to add emergency language to the resolution. The motion was seconded by Mr. Lovejoy. Voting against the motion were Mr. Harlan and Mr. Smith. Voting for the motion were Mrs. Frey, Mrs. Gordon, Mr. Barbera and Mr. Lovejoy. The motion failed because five votes are needed to add emergency language.

Mrs. Frey moved to suspend the three reading rule. The motion was seconded by Mr. Lovejoy. Voting against the motion were Mr. Smith and Mr. Harlan. Voting for the motion were Mrs. Frey, Mrs. Gordon, Mr. Barbera and Mr. Lovejoy. The motion passed by a 4 to 2 vote.

Mrs. Frey moved to adopt the resolution. The motion was seconded by Mr. Lovejoy. Voting against the motion were Mr. Smith and Mr. Harlan. Voting for the motion were Mrs. Frey, Mrs. Gordon, Mr. Barbera and Mr. Lovejoy. The motion passed by a 4 to 2 vote.

Mayor Landis asked for a motion to approve the start of the process for the police department to apply for a grant. The legislation will be presented at the next council meeting.

Mrs. Frey moved to allow the police department to begin the process of applying for a grant. The motion was seconded by Mrs. Gordon. The motion passed unanimously.

Mrs. Frey moved to adjourn. The motion was seconded by Mrs. Lovejoy. The motion passed unanimously.

**VILLAGE OF SEVILLE
Village Council Meeting
Minutes November 9, 2009**

The meeting was adjourned at 8:02 PM.

LARRY LANDIS-MAYOR

JAMES CARRICK-FISCAL OFFICER