

**VILLAGE OF SEVILLE**  
**Village Council Meeting**  
**Minutes October 13, 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		James Lovejoy
Courtney Harlan	Richard Barbera	Ralph Smith
James Carrick-Fiscal Officer	Larry Landis- Mayor	Ted Lesiak-Solicitor

Absent: Bonnie Gordon

Mr. Smith made a motion to pay the bills. The motion was seconded by Mr. Harlan. The motion passed unanimously.

Mr. Lovejoy made a motion to approve the minutes of the September 14, 2009 council meeting. The motion was seconded by Mr. Smith. The motion passed unanimously.

Jeff Van Loon of the Medina County Soil and Water Conservation District gave a presentation concerning a proposal for upper Chippewa Creek watershed to get state grants to study development of the area on the attached map. He stated that the district is neither pro or anti business. The proposal to study the area is being offered to 10 different government jurisdictions. The study will help determine whether the land should be used for commercial development or be held back as a conservation area. There would be a possibility of lower loan rates for development of the area. The Conservation District would like Seville to pass a resolution to ask the state to make a grant to the district in order to conduct the study. There would be no cost of any kind to the Village of Seville and Mr. Van Loon offered to answer any questions the council or citizen might have. Mrs. Frey endorsed the plan. Mr. Harlan asked at what point participation is no longer voluntary and said that the plan sounded a lot like a JEDD. Mr. Van Loon said that the village can opt out at any time and that the plan was a way for jurisdictions to co-operate with doing a JEDD. Mr. Harlan asked if any other jurisdictions had opted out of previous plans like this one. Mr. Van Loon said that several entities had opted out of similar plan once the final plan had been evaluated. Mr. Van Loon further stated that he would keep council apprised of any developments which may occur during the approximately year and a half process. Village resident William Carter voiced several concerns he about the plan to Mr. Van Loon. Mr. Carter questioned why this had to be done as an emergency since the report proposal was over 25 pages and some council members had received the information that day and had not had time to read and digest the material. He also mentioned that the Medina County Flood Plain plan had not been passed and that while some jurisdiction were partially in the proposed area all of Seville was in the proposed area and that on page 25 of the proposal there is a mention of revenue sharing. Mr. Carter concluded by saying the proposal would be a stumbling block to new development in Seville. Mayor Landis pointed out that resolution 2009-16 was not an endorsement of the proposal. The purpose of the resolution was giving an endorsement for The Medina County Soil and Water Conservation District to get grant money from the state to conduct a formal study of the area. When the final study and findings of the report are submitted

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to council, the village can choose not to participate in the plan. Mr. Carter asked again about the necessity of having emergency language in the resolution. Village resident Rick Stallard also asked what council was endorsing. Mayor Landis reiterated that the council would be simply be approving the application for the grant to make the study.

Councilman Barbera added that it was necessary to show the state there was enough interest in the proposal before the grant money would be given out. Charles Marshall said that the purpose of the proposal was to prevent urban sprawl. He said that Seville does a good job of working with developers and does not need outside assistance. He further stated that Seville can decide for itself concerning development issues. Stan Scheetz pointed out that the proposal would cover a large area and could cause problems with future zoning issues and that this was going to be another hurdle for development. He also pointed out that the Westfield portion of the area was already designated as a conservation area. Mr. Van Loon stressed that this was not a big government plan and that Seville could still opt out when the final plan was presented.

Privilege of the floor

Nancy Girton from the County Auditor's Office gave a brief presentation concerning residential foreclosures and what the county was doing to assist people. Village resident Barb Schwartz asked what Law Director Ted Lesiak's role on the Housing Council was. Mr. Lesiak said he attends meetings when asked and reports to council. Mayor Landis gave a list of the current Housing Council members and how they were appointed. Mrs. Schwartz also asked about the impact on streets and police for the potential annexation to area. Mrs. Frey said that there would be a financial impact on both departments. Both the street commissioner and the police chief said at previous meetings they would be able to handle the additional responsibilities.

Stan Scheetz brought up the subject of the zoning of the land being annexed by the village. He pointed out that the land had been zoned for business for quite some time. Charles Marshall asked if ordinance 2009-60 for the stricter flood control regulations would be passed tonight. Ted Lesiak said that tonight would be only the second reading and that a public hearing would have to be held before the ordinance could be passed. Mr. Marshall suggested that an H & H study be done before the ordinance is voted on.

Mayor's Court Report

None

Solicitor's Report

None

**COMMITTEE REPORTS:**

Finance

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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 October 5, 2009 government committee meeting. The minutes are available in the Fiscal Officer's office.

Zoning & Planning

R. Smith gave his report from the September 21, 2009 zoning and planning meeting. The minutes are available in the Fiscal Officer's office.

Utilities

Mr. Lovejoy presented the Board of Public Affairs minutes from September 21 and October 5, 2009. The minutes are available in the Fiscal Officer's office.

Streets

Mr. Harlan covered the minutes of the September 23, 2009 streets committee meeting. The minutes are available in the Fiscal Officer's office.

Safety

Mrs. Frey gave the minutes of the September 23, 2009 safety committee meeting. The minutes are available in the Fiscal Officer's office.

Parks

Mr. Barbera discussed the October 23, 2009 park committee meeting minutes. The minutes are available at the Fiscal Officer's office.

Cemetery

None

**LEGISLATION UNDER CONSIDERATION:**

Ordinance 2008-111 AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO, AMENDING SECTIONS 302; 606.02(A) (1); 607.02(A); 608.02(A); 609.02(A) AND SECTION 610.02 OF THE SEVILLE ZONING CODE ADOPTED IN ORDINANCE NO. 2007-12 WITH REGARD TO KENNELS (2<sup>ND</sup> READING)

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

Mr. Harlan 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. Voting for the motion to adopt were Mr. Lovejoy and Mr. Smith. Voting against the motion were Mrs. Frey, Mr. Harlan and Mr. Barbera. The motion failed by a 3-2 vote. The ordinance will be removed.

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. (2<sup>nd</sup> Reading)

The ordinance remained tabled.

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)

The ordinance remained tabled.

Ordinance 2009- 60    AN ORDINANCE REPEALING ORDINANCE NO. 2008-21, AS AMENDED AND ADOPTING THE MEDINA COUNTY, OHIO SPECIAL PURPOSE FLOOD DAMAGE REDUCTION REGULATIONS (2nd Reading)

Mrs. Frey moved to untable the ordinance. The motion was seconded by Mr. Lovejoy. Voting against the motion were Mr. Smith and Mr. Harlan. Voting for the motion were Mrs. Frey, Mr. Lovejoy and Mr. Barbera. The motion passed by a 3-2 margin and the second reading was conducted.

**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.

(2<sup>nd</sup> Reading)

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**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**

(2<sup>nd</sup> Reading)

**ORDINANCE NO. 2009-67**

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

(1<sup>st</sup> Reading)

**Bond Debt Service Fund Transfer**

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. The motion passed unanimously.

**ORDINANCE NO. 2009-68**

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

(1<sup>st</sup> Reading)

**Kilowatt hour tax transfer**

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. 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.**

(1<sup>st</sup> Reading)

**ORDINANCE NO. 2009-70**

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

(1<sup>st</sup> 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.**

(1<sup>st</sup> Reading)

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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.

(1<sup>st</sup> Reading)

ORDINANCE NO. 2009-73

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 ADMINISTRATIVE ASSISTANT AND AMENDING THE SALARY AND BENEFITS CODE RELATED TO THE PAY OF THE POLICE ADMINISTRATIVE ASSISTANT.

(1<sup>st</sup> Reading)

Mrs. Frey moved to remove the ordinance from consideration. The motion was seconded by Mr. Harlan. The motion passed unanimously.

ORDINANCE NO. 2009-74

AN ORDINANCE OF THE VILLAGE OF SEVILLE, MEDINA COUNTY, OHIO, AMENDING ORDINANCE 97-41 AS AMENDED IN 97-60 RELATIVE TO THE VILLAGE OF SEVILLE NO. 1 COMMUNITY REINVESTMENT AREA AND DECLARING AN EMERGENCY.

(1<sup>ST</sup> Reading)

Mrs. Frey moved to add emergency language to the ordinance. The motion was seconded by Mr. Harlan. The motion passed unanimously.

Mr. Smith moved to suspend the three reading rule. The motion was seconded by Mr. Harlan. The motion passed unanimously.

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

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.

(1<sup>st</sup> Reading)

ORDINANCE NO. 2009-76

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

(1<sup>st</sup> Reading) Transfers money from the general fund to police and street operating funds.

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. The motion passed unanimously.

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ORDINANCE NO. 2009-77

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

(1<sup>st</sup> Reading) Transfers money from the general fund to the general obligation bond retirement fund. (Payment on the building)

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. 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.

(1<sup>st</sup> reading)

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

The meeting was adjourned at 8:22 PM.

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LARRY LANDIS-MAYOR

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JAMES CARRICK-FISCAL OFFICER