

## CITY COUNCIL

March 21, 2011

The March 21, 2011 City Council meeting was called to order at 7:30 p.m. in Council Chambers by Gary Veith, President. A moment of silence was observed followed by the Pledge of Allegiance to the Flag of the United States of America. City Council members present were Chad Smith, Don Spiegel, Scot Swinehart, Gary Veith, Paul Wagner, Evie Hall-Case, and Kyle McColly.

Others present included: Scott Washburn, Mayor; Mark Ellis, Law Director; Randy Moore, Parks Manager; Keith Niederkohr, Waste Water Treatment Plant employee; Mary Snyder; Bill Thornton; John Hawkins; Rick Roberts; Brandson Drake, Daily Chief Union; and Sarah Bennett, Clerk.

The minutes of the March 7, 2011 City Council meeting, having been mailed to each City Council member, were approved as received.

The minutes of the March 7, 2011 Service Committee meeting, having been mailed to each City Council member, were reviewed.

The minutes of the March 7, 2011 Safety Committee meeting, having been mailed to each City Council member, were reviewed.

The minutes of the March 7, 2011 Park Board meeting, having been mailed to each City Council member, were reviewed.

Mr. Rick Roberts expressed his appreciation to the Sanitation Department as they cleaned up a mess created when someone stole his garbage can that was set out at the street and dumped the garbage contained in the garbage can on his front lawn.

A motion was made by Mr. Veith, seconded by Mr. Swinehart, to place Ordinance No. 50-12 entitled, "AN ORDINANCE ENACTED BY THE COUNCIL OF THE CITY OF UPPER SANDUSKY, WYANDOT COUNTY, OHIO, IN THE MATTER OF THE HEREINAFTER DESCRIBED IMPROVEMENT AND TO REQUEST THE COOPERATION OF THE DIRECTOR OF TRANSPORTATION, AND DECLARING THIS ACT AN EMERGENCY.", on its first reading by title only. Upon Roll Call, all members voted Yes; the President declared the motion carried. The Clerk read Ordinance No. 50-12 for the first time by title only.

A motion was made by Mr. Veith, seconded by Mr. Spiegel, to suspend the rules of the Municipal Charter calling for separate readings on different days. Upon Roll Call, all members voted Yes. The President declared the motion carried.

A motion was made by Mr. Swinehart, seconded by Mr. Smith, to place Ordinance No. 50-12 on its second reading by title only. Upon Roll Call, all members voted Yes; the President declared the motion carried. The Clerk read Ordinance No. 50-12 for the second time by title only.

A motion was made by Mr. Swinehart, seconded by Mr. Veith, for the adoption of Ordinance No. 50-12. Upon Roll Call, all members voted Yes. The President declared the motion carried and Ordinance No. 50-12 was duly adopted.

A motion was made by Mr. Smith, seconded by Mr. Swinehart, to place Ordinance No. 51-12 entitled, "AN ORDINANCE AMENDING SECTION 151.01 OF THE CITY OF UPPER SANDUSKY CODIFIED ORDINANCES RELATING TO RESIDENCY REQUIREMENTS OF EMPLOYEES, AND DECLARING THIS ACT AN EMERGENCY.", on its first reading by title only. Upon Roll Call, all members voted Yes; the President declared the motion carried. The Clerk read Ordinance No. 51-12 for the first time by title only.

A motion was made by Mr. Spiegel, seconded by Mr. Swinehart, to place Ordinance No. 52-12 entitled, "AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS TO THE ANNUAL APPROPRIATIONS ORDINANCE NO. 42-12, TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF UPPER SANDUSKY, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2011.", on its first reading by title only. Upon Roll Call, all members voted Yes; the President declared the motion carried. The Clerk read Ordinance No. 52-12 for the first time by title only.

A motion was made by Mr. Veith, seconded by Mr. Swinehart, to place Resolution No. 53-12 entitled, "A RESOLUTION TO ESTABLISH AN OHIO OFFICE OF CRIMINAL JUSTICE SERVICES (OCJS) GRANT FUND WITHIN THE CITY'S BUDGET.", on its first reading by title only. Upon Roll Call, all members voted Yes; the President declared the motion carried. The Clerk read Resolution No. 53-12 for the first time by title only.

It was noted that a tour of the new Water Plant, currently under construction, is being planned for members of City Council and the Service Committee.

Mr. Smith inquired as to if the tree stumps left after removals by the contractor hired by AEP clearing the electric lines are going to be removed. It was noted that the stumps located in the right-of-way will be removed but not the grindings, however stumps located on private property will not be removed.

City Council members reviewed a written notice to the Clerk of Council received on March 17, 2011 from Mayor Washburn of his disapproval of Resolution No. 47-12, pursuant to Section 3.05 Veto Power, of the Charter of the Municipality of Upper Sandusky. Mayor Washburn explained that he filed his objection (veto) to this legislation in its entirety based upon public disapproval of the matter. Mr. Mark Ellis, Law Director, explained that City Council has three options: 1. City Council can do nothing and the Resolution is vetoed; 2. City Council can by a two-thirds majority vote approve the Resolution without the Mayor's signature and the Resolution will go into effect; or 3. City Council can do nothing and the Resolution is vetoed, and then City Council can pass another Resolution with different terms that the Mayor can either approve or veto.

Considerable discussion was held concerning retire/rehire.

A motion was made by Mr. Wagner, seconded by Mr. Spiegel, to override the Mayor's veto of Resolution No. 47-12 and approve the legislation.

A motion was made by Mr. Swinehart, seconded by Mr. Veith, to table the pending motion until the next City Council meeting. Upon Roll Call, all members voted Yes. The President declared the motion carried.

Mayor Washburn reported that Mr. Jim Geary is planning to resign from the Tree Commission following the June 20, 2011 Tree Commission meeting.

Mayor Washburn recommended Mr. Jim Geary be approved for appointment to the Park Board to fill the vacancy created by Mr. Jim Schuster's resignation.

A motion was made by Mr. Veith, seconded by m. Swinehart, to approve the appointment of Mr. Jim Geary to the Park Board. Upon Roll Call, all members voted Yes. The President declared the motion carried.

Mayor Washburn reported that the Angeline Indians basketball team will be playing in the State tournament in Bowling Green, Ohio this coming weekend.

Mayor Washburn also shared a media release from the Ohio Emergency Management Agency stating that Governor Kasich has announced Small Business Administration (SBA) disaster declaration for flood damaged counties, including Wyandot County. It was noted that residents and businesses located in these counties who were affected by this event may apply for a low interest disaster loan.

City Council members reviewed the recapitulation for February 2011.

There being no further business, the President declared the meeting adjourned.

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Sarah J. Bennett, Clerk

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Gary Veith, President