



Minutes of the Village Council Meeting September 28, 2015

On Monday, September 28, 2015, the Village of Galena Council meeting was called to order at 7:03 p.m. in Council Chambers of the Village Hall, 109 Harrison St., by Mayor Thomas Hopper.

Roll Call

Tom Hopper, Mayor (Present)
Dave Adams, Council President (Present)
Joe Stoll, Council Member (Present)
Chrissy Fuller, Council Member (Present)

Nancy Feole, Council Member (Present)
David Simmons, Council Member (Present)
Grace Piper, Council Member (Present)
Marty Mazzie, Fiscal Officer (Present)

Also Present

Ken Molnar, Solicitor
Jeanna Burrell, Administrator
David O'Neil
Zach Hopper

Michelle Dearth, Assistant Fiscal Officer
Heather Adams
Chris & Karin Underwood

Minutes of August 24, 2015

David Simmons made a motion to approve the minutes of August 24, 2015 as presented. Dave Adams seconded the motion and the motion passed unanimously in a 6-0 voice vote.

Guest Participation

There was no guest participation at this time.

Administrator's Report

Jeanna Burrell's report is attached. Burrell reported the Galena Village Hall restroom project bids came in more than \$16,000 over budget. The more than \$100,000 project is being funded by a Community Development Block Grant administered by Delaware County. Rezod LLC was awarded the \$106,750 contract and will begin in October to create separate male and female Americans with Disabilities Act (ADA) compliant restrooms on the upper level and a unisex ADA restroom on the lower level.

David Simmons made a motion to authorize Jeanna to contribute additional funds not to exceed \$17,000 for the rest room project. Chrissy Fuller seconded the motion and the motion passed unanimously in a 6-0 voice vote.

Burrell also reported that various project bids have come in high this year. The Galena Brick Trail grant project bids came in significantly over budget. The Village received an extension on the project to rebid it this winter.

Chris Underwood, 61 N. Walnut Street, asked questions regarding Galena Cemetery lawsuits. Mayor Hopper explained that there was no lawsuit but a Motion for Declaratory Judgment asking the judge to decide who owns the cemetery and how to handle private plot contracts with the township. Underwood asked how much had been spent and was told that the Village has spent \$5,000 on special counsel. Mayor

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Hopper added that this has never happened in Ohio and there is no case law on the subject. The issue could have been handled by the township in a less adversarial manner but the Village has to determine if it is the rightful owner before spending its taxpayers' funds in the cemetery.

Fiscal Officer's Report

Marty Mazzie's report is attached. Mazzie reported that the Village's 2013-2014 state audit is complete. A final audit review meeting was held and the Village is awaiting the final report. She also reported that three individuals who forged checks against the Village's checking account have been indicted on fifth degree felonies of theft and forgery. Mazzie reported that 11 liens were sent to the Delaware County Auditor to collect overdue sewer bill via property taxes. Several people responded to the lien notice letter and paid their accounts current.

Payment of Invoices

David Simmons made a motion to approve the payment of invoices for September. Chrissy Fuller seconded the motion and the motion passed unanimously in a 6-0 voice vote.

Financial Statements for August

The Bank Reconciliation, Cash Activity, and Cash Summary by Fund reports for the month of August were presented to Council for approval. Chrissy Fuller made a motion to approve these reports and Nancy Feole seconded the motion. The motion passed unanimously in a 6-0 voice vote.

Code Compliance Report

David LaValle's report is attached. LaValle reported that Sambuca's Greenhouse is still not in compliance with the Village's zoning resolution and the Fifth District Court of Appeals' ruling. The property at 24 Front Street with long-term property maintenance violations has been sold and the new owner intends to demolish the dilapidated structure and build a new home on the site. Several other violators have made significant progress toward compliance.

Wastewater Treatment Report

Jason Watts' report is attached. During the month of September there were no violations.

Maintenance Report

Josh Cherubini's report is attached. Cherubini completed rebuilding the stone flower bed wall on the square.

Resolution No. 2015-18 (1st Reading)

A Resolution Specifying The Public Places In Which Ordinances, Resolutions, And Other Notices Are Posted In The Village In Lieu Of Publication In A Newspaper Of General Circulation; Amending Any Resolutions Which Are Inconsistent.

Mayor Hopper read the resolution. Ken Molnar noted recent changes in the law that will be reflected in next month's resolution.

Resolution No. 2015-19 (1st Reading, Emergency)

A Resolution Authorizing The Application For A Grant To The District 17 Ohio Public Works Commission Integrating Committee For Phase IV Reconstruction Of Walnut Street, And, Declaring An Emergency.

Mayor Hopper read the resolution. Jeanna Burrell explained that she has worked on this with EMH&T all year but at this date she does not have all of the information needed for an OPWC application. She left the

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meeting to check if any information had arrived from EMH&T regarding the grant application. She returned to state nothing had been received.

Nancy Feole made a motion to suspend the rules for the second and third readings. David Simmons seconded the motion. The motion failed in a 4-2 roll call vote:

Fuller-Yes Feole-Yes Simmons-Yes Piper-Yes Adams-No Stoll-No

Following a discussion, David Simmons made a motion to carry the discussion to another meeting scheduled for September 30th when we have more information. Nancy Feole seconded the motion and the motion passed unanimously in a 6-0 voice vote.

Resolution No. 2015-20 (1st Reading, Emergency)

A Resolution Transferring Funds In The Amount of \$100 From The Professional & Technical Services Account Number 1000-790-349 To Insurance & Bonding Account Number 1000-730-351 And, Declaring An Emergency.

David Simmons made a motion to suspend the rules for the second and third readings. Grace Piper seconded the motion and the motion passed unanimously in a 6-0 roll call vote:

Fuller-Yes Feole-Yes Simmons-Yes Piper-Yes Adams-Yes Stoll-Yes

Dave Adams made a motion to adopt Resolution No. 2015-20 as an emergency. Grace Piper seconded the motion and the motion passed unanimously in a 6-0 roll call vote:

Fuller-Yes Feole-Yes Simmons-Yes Piper-Yes Adams-Yes Stoll-Yes

Ordinance No. 2015-09 (1st Reading, Emergency)

An Ordinance Approving An Administrative Extension For The Implementation Of A Development Plan For A 192.53 Acre Tract More Or Less Located At The Intersection Of Vans Valley Road And Joe Walker Road.

Mayor Hopper read the ordinance.

Delaware County Regional Planning Commission Report

Mayor Hopper reported that Berkshire Township is proposing increasing its density to a potential of 15 units per acre around the I-71 interchange. He noted that the reasons given the Village for the effort to merge the township with Galena included maintaining rural character with lower densities than the Village of Sunbury offers and protecting the Big Walnut Schools from high apartment densities.

Columbus Nature Preserves Advisory Council Report

Jeanna Burrell reported that there was no meeting.

BST&G Fire Board Report

Dave Adams reported he did not attend the meeting.

Zoning and Planning Commission Report

Mayor Hopper reported that extensions were granted to those who continue working on their property maintenance violations. Good progress is being made.

MORPC Report

David Simmons reported that New Lexington joined as a member of MORPC. A Greenways Conference is coming up. MORPC is supporting House Bill 154 stating that a minimum space of 3 feet is required for a vehicle to pass a bicycle on the road. Simmons also talked about HB 304 eliminating buffers zones

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around municipal reservoirs. Senate bill 198 sponsored by Kriss Jordan would eliminate income tax for sole proprietors who don't live where their business is.

Dave Adams made a motion for staff to review senate bill 198 and respond regarding implications for the Village on behalf of Council. David Simmons seconded the motion and the motion passed unanimously in a 6-0 voice vote.

Other Business

There was no other business.

Berkshire Township

Since Berkshire Township has abandoned its Galena Cemetery, the Village's special counsel filed a motion on September 11 with the Delaware County Court of Common Pleas. The motion requested a temporary restraining order (TRO) to require the township to continue operating the cemetery until the issue of ownership is resolved. The TRO was not issued. The motion also requested a preliminary injunction asking that the township continue operating its cemetery. That motion is still pending. The Village asked the court to review the applicable laws and arguments and make a declaratory judgement as to who should own and operate the cemetery. The Village has maintained that the laws the township has cited are not applicable in this particular situation.

Ordinance No. 2015-02 (Tabled until November) An Ordinance Authorizing The Village Solicitor And Mayor To Submit A Petition To The Board Of County Commissioners Of Delaware County, Ohio Pursuant To The Provisions Of Ohio Revised Code Section 503.07 For An Order Changing The Township Out Of That Portion Of Berkshire Township Within The Limits Of The Village Of Galena Changing The Boundaries Of Berkshire Township To Exclude The Village Of Galena.

Executive Session

David Simmons made a motion to adjourn to Executive Session for pending or threatened litigation (ORC 121.22G3). Grace Piper seconded the motion and the motion passed unanimously in a 6-0 roll call vote:
Fuller-Yes Feole-Yes Simmons-Yes Piper-Yes Adams-Yes Stoll-Yes

Council adjourned to Executive Session at 9:00 p.m.

David Simmons made a motion to reconvene. Dave Adams seconded the motion and the motion passed unanimously in a 6-0 roll call vote:

Fuller-Yes Feole-Yes Simmons-Yes Piper-Yes Adams-Yes Stoll-Yes

Council Reconvened at 10:23 p.m.

Resolution No. 2015-21 (1st Reading, Emergency)

A Resolution Engaging The Services Of Eugene L. Hollins Of The Firm Frost Brown Todd, LLC As Special Counsel For The Village Of Galena And, Declaring An Emergency.

Mayor Hopper read the resolution that Solicitor Ken Molnar brought to the meeting. Nancy Feole made a motion to suspend the rules for the second and third readings. Grace Piper seconded the motion and the motion passed unanimously in a 6-0 roll call vote:

Fuller-Yes Feole-Yes Simmons-Yes Piper-Yes Adams-Yes Stoll-Yes

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Grace Piper made a motion to adopt Resolution No. 2015-21 as an emergency and to authorize additional expenditures not to exceed \$7,000. David Simmons seconded the motion and the motion passed unanimously in a 6-0 roll call vote:

Fuller-Yes Feole-Yes Simmons-Yes Piper-Yes Adams-Yes Stoll-Yes

Adjournment

Grace Piper made a motion to adjourn. Joe Stoll seconded the motion and the motion passed unanimously in a 6-0 voice vote. The meeting adjourned at 10:34 p.m.

Next Meeting

The next Council meeting will be held October 26, 2015, 7 p.m., in Council Chambers at the Galena Village Hall.

Respectfully submitted, Marty Mazzie, Fiscal Officer

Fiscal Officer

Date

Mayor

Date