

**VILLAGE OF PEMBERVILLE
COUNCIL MEETING
May 5, 2020**

Mayor Carol Bailey opened the May 5, 2020 virtual Council meeting at 7:00pm with a prayer and the pledge of allegiance.

Roll Call: Present at the regular meeting of Council were Rahe, Angel, Jacobs, Long, Madaras, and, St. Louis. Others present were, Bob Kuhlman, Gene Steele, Jim Miller, Eric Campbell, and the Clerk.

Minutes: Rahe moved and St. Louis seconded to approve the minutes from the April 21st, meeting. Motion passed unanimously.

Treasurer's Report: Long moved and Rahe seconded to approve the bills in the amount of \$6,389.49. Motion passed unanimously.

Rahe questioned the amount of the Toledo Elevator bill. Clerk explained the contract was for a couple years and based on the time the contract was originally signed the annual year is June to June. Clerk explained we would receive another invoice with a slight increase. Long explained most contracts have built in an automatic increase which is pretty low, usually two percent. Long stated if they come back with an increase more then the 2% bring back to council to discuss.

ORDINANCE 1594: ORDINANCE AMENDING ORDINANCE NUMBER 1550 ESTABLISHING A REQUIREMENT FOR SIDEWALK CONSTRUCION/REPAIR PERMIT. 1st Reading

Rahe explained the change was adding the Zoning Inspector to access and issue permit.

ORDINANCE 1595: ORDINANCE AMENDING ORDINANCE NUMBER 1552 CONCERNING THE AMOUNT OF REIMBURSEMENT FOR REPAIRS/REPLACEMENT OF EXISTING SIDEWALKS. 1st Reading

Rahe stated the ultimate goal to the changes is to remove the Street Committee from reviewing the permit and add the Zoning Inspector and/or Street Department.

Police Report:

Mayor stated the department is back to normal scheduled hours. Mayor stated the department discussed updating cameras at the Police Department including an additional camera for the lobby area where the medicine drop box is located.

Zoning Inspector Report:

Campbell stated there is a potential violation on Front St. that he was just made aware of. He will review the area before proceeding. Campbell stated he has been going through the review process on what he needs to do should he encounter violations. The clerk sent to him today the 1st and 2nd violation letter however it does not concur with the Village Ordinance. Campbell stated the Ordinance stated 'upon violation they shall be served with a notice of violation. Campbell is assuming any heavy handiness comes from Council. Campbell went on to explain that once he notifies the resident of the violation, they have to change what the issue is immediately or make an attempt to resolve the issue. Campbell stated the noncompliance can result in a \$100 fine per day. Campbell stated there is no starting point in the Zoning Ordinance other than applying the notification of violation. Campbell stated he knows this was discussed a few years back but nothing was officially added to the Ordinance. Long stated, since the issue has been identified with the process, what is the plan moving forward. Campbell replied to follow the Ordinance, which is to work with the Mayor and Village Solicitor and inform the resident they are in violation and never completed a permit for the work being done. Long asked how they will be notified, and what format. Campbell replied by him using a form letter. Long stated that what he was hearing was going back to a process that was not working. Therefore, Long suggests that Campbell meet with Kuhlman and come up with an updated process on how we notify residents that is in line with the Ordinance. Kuhlman stated most processes begin with the Zoning Inspector sending them a certified letter and the Police would initiate prosecution. Campbell will meet with Kuhlman to discuss the current violation and a process.

Council Reports:

Rahe:

Street Committee:

Rahe stated there was a pre-construction meeting yesterday for the reconstruction of College Ave. and only three contractors where present. Rahe stated contractors had to be present to submit a bid. The companies in

attendance were GEO Gradel, Crestline, and Bauers Asphalt. Rahe stated final bids need to be submitted prior to the bid opening meeting on Tuesday, May 12th at 10:00am at the courthouse. Rahe does plan on attending that meeting.

Personnel and Finance Committee:

Rahe stated the Village received \$16,339.56 from the Bureau of Worker's Compensation to use as the Village see's necessary for COVID19 materials. Rahe stated Personnel discussed the need to purchase immediately, masks and gloves. Rahe stated she found 100 masks for roughly \$120 through Wal-Mart and recommends purchasing 300 to start with. In addition, they discussed having gloves available and purchasing hand sanitizer. Rahe stated just the container to hold the hand sanitizer is approximately \$10 and is looking to purchase a couple to place throughout the Village offices and restrooms. Long stated to make sure we as employers are providing the necessary items needed. Rahe made a motion and Long seconded to purchase safety materials for COVID19 for the employees, not to exceed \$2,000 of the funds received from BWC. Motion passed unanimously.

Angel:

Angel thanked Jim Bailey for his assistance in figuring out the security cameras and computer at the street garage. Angel stated they need to do some adjusting on the angle of the cameras and look at purchasing better cameras. Angel stated with the security system in place, you can view the footage and cameras from any computer.

Jacobs:

Jacobs stated the Flood Committee will be meeting next Tuesday at 6:30 using the Zoom.com platform.

Long:

BPA:

Long stated there was conversation last night regarding what the reimbursement and tap fees for the new condos should be. Long stated currently it is believed the Village is bearing most of the cost. BPA asked Nathan to do a little research on what was discussed a few years ago.

Long stated they have received more qualified applicants for the Utility Assistant position. Mel will be setting up the interviews using Zoom or by phone.

Long stated there is a Planning Commission meeting in 2 weeks.

Long asked Mayor if there was an update on the speed study. Mayor stated the data has all been entered and that they just need to put all the information together and submit it to ODOT. Rahe stated she would be available this week to complete that task.

Madaras:

Madaras stated the Tree Committee had planned on meeting towards the end of May but is not sure how that will look at the present time.

Madaras voiced his concern about speeders. Madaras stated that with school letting out and kids being outside more, speeding is a concern and he is afraid something will happen if something is not done.

Madaras asked if the Village was responsible for emptying the trash cans by the trail. Madaras stated the ones on the trail near Kesson Rd. and down by Perry St., are full. Rahe asked if they were trash cans like those placed downtown. Madaras replied they are small plastic cans. Madaras then asked who trims the bushes and trees. Rahe stated that would be Bourdo. Rahe will follow up with Bourdo tomorrow morning.

Madaras asked about the joint Council and BPA meeting that is scheduled for May 19th at 6:30pm. Mayor stated that due to all that has happened the meeting will be delayed until further notice.

St. Louis:

Park and Recreation Committee:

Pool: St. Louis stated Park and Rec met and the main discussion was the pool. The Committee discussed various scenarios. They would like to see it work but understand it's ultimately not the committee that makes the final decision and that Council needs to look out for the safety of the community. Mayor stated she received very

little information and guidelines from the State and County. Mayor spoke with the insurance company and there is an exclusion in the policy that is pretty standard and reads as follows: "Communicable Diseases-bodily injury or property damage arising out of the actual or alleged transmission of communicable diseases even if it is supervised and tested." Mayor stated she spoke with Kuhlman regarding this information and the feeling is we cannot open the pool because of the exclusion in the policy. Mayor added that we would not be covered and all liability would fall on the Village. Rahe asked if a decision needed to be made tonight with regards to closing the pool. Mayor replied, she believes so. Mayor stated there are only three pools that have not officially closed yet and those are Pemberville, Grand Rapids, which is owned privately, and Bowling Green. Mayor stated she spoke with the Director at Bowling Green and she told Mayor she was holding out for the Governor before making a final decision, but it was her view that they too would not be able to open. Long asked what Woodville was doing? Kuhlman replied they have closed. Mayor added that Walbridge and Perrysburg have closed. Rahe asked about Bradner pool. Mayor replied Brander's pool has not been in use for 3 years and is currently being filled in. Mayor stated that during the County call last week, it was stated they would like to see Pemberville pool open, which was before the insurance information was known. Mayor stated the steps we would need to take is to close the kiddie pool, cannot sell snacks or drinks, kids would need to bring in their own drinks with a bottle marked specifically for them and protected in such a way that nobody else could touch it, remove all pool chairs, be very diligent in cleaning, maintain social distancing, check temperatures and ask general health questions upon everyone's entry into the pool, and reduce the capacity of admissions by 50%. Mayor stated those were the suggestions the County had and again was before the insurance information was known. Mayor stated she does not feel confident that we have the ability to do all of that and keep individuals from touching each other. Long asked if the social distancing was expected and while in the pool expected to be 6 feet away from everyone else. Mayor replied yes, and feels it would just be a nightmare. Mayor stated there is no penalty for not opening the pool and there is no penalty this year if we do not renew the pool license, it can be renewed next year with no questions asked. In addition, there is no grandfathering issue that was thought to have existed. Mayor stated it is her opinion to close the pool. Jacobs stated he did not think it would be very responsible to open and just don't feel there is a way to open it that makes sense. St. Louis stated the Mayor provided and received as much information as she could for council to make a decision. St. Louis stated the decision is based on the safety of the residents and the financial safety of the Village in case something were to happen. Mayor stated the insurance clause is not going to change or go away unless they are absolutely sure everyone in the world is vaccinated and COVID19 is not going to pop its head back up again. Mayor stated she is currently trying to come up with ways for the kids to do something this year. The Children's Theater and Film Festival will run on-line for the kids, and she thinks she will pursue the talent show on line for kids. Jim Miller agrees with the Mayor and does not think there is a way to open the pool safely. Miller shared with the Park and Recreation Committee a document he received from USA Swimming that states chlorine will kill the virus so that would not be the issue. The problem is having to decrease the number of people that could enter the pool, having to enforce social distancing along with all the other things mentioned by the Mayor. Miller does not think there is any way to do that. Miller in speaking just to the swim team, stated that they usually have 6 to 8 kids per lane in a swim practice. There is no way to do social distancing with that and he does not see any way too healthily and responsibly open the pool, which pains him to say. Miller stated this will be the first year in 18 years that he won't have coached the swim team. Mayor stated that Miller also commented at the Park and Recreation meeting, that with all the other pools closing for the summer, they would probably not even have swim meets. Miller added that when you talk about cutting the capacity at the pool in half and having all the other pools closed, and we try to open, there will be people lined up at the door on a 95 degree day, which could potentially cause a lot of chaos because we cannot allow people into the pool due to the capacity rules. St. Louis moved and Madaras seconded, to sadly close the Pemberville pool for the 2020 summer. Motion passed unanimously.

St. Louis stated they discussed whether there would be Wood County Park grant monies available this year, but they have begun the process of preparing for it now. They intend to focus on the basketball courts as part of a grant request.

Mayor:

Mayor stated there has been more discussion regarding the use of the ball diamonds located on Village property. Mayor stated it was her understanding that if they could not get a field before June 1st then they would call the season. Madaras replied yes. Madaras stated the OHSAA has closed all school facilities therefore, the teams cannot use Eastwood diamonds. However, the town diamond is different. Mayor stated to keep in mind the insurance policy. Madaras stated that Mike Porter, head of the Baseball and Softball Association, contacted him today and asked if Council had made any decisions. Madaras thinks they are looking for a reason to finalize the cancellation rather than them making the decision, they are waiting for someone else to say it's cancelled.

Kuhlman feels under the circumstances Council should follow what the school is doing. Rahe asked if anyone knew what the Legion was doing, she assumes they are cancelled. Mayor stated she spoke with Golightly yesterday and asked. Mayor told Golightly that the Legion was private and they can do what they feel is best, but to keep in mind the social distancing that is put forward and that they should check with their insurance company as well. Madaras stated he was informed a lot of the Legion Leagues use the school facilities for practices and games. In addition, there is hope to have a condensed season starting after July 1st weekend, assuming Dr. Acton and the Governor lift the facility ban by July 1st. Further discussion ensued on how to move forward. St. Louis moved and Angel seconded to shut down the diamonds until June 30, 2020 and align with the schools for use of any athletic facilities. Motion passed unanimously.

Mayor stated that given the dispute in property lines behind the municipal building, where it was thought that the line was 10 feet off one end and 18 inches off at the other end is now looking more like 12 feet at one end and 17 ½ feet at the other end. Given this information, Mayor feels Council should move forward and have a proper survey done. Mayor stated the quote from Feller Finch is \$1000. Kuhlman stated from the pictures he saw of the stakes, they did not appear to be that far apart, what happened? Campbell stated the discrepancy was pointed out to him. The post that was put in, the location of the old red post verses what Tom's surveyor shows, is a 2 feet discrepancy. Campbell followed up with the county and Greg Feller per Longs suggestion and asked them to search their archives. Campbell stated in the meantime, he used a compass on the existing blue print of the property, and he was not too far off. Campbell stated he came up with 18 feet and Greg Feller came up with 17 ½ feet at the north end and 12 ½ at the south end of the building from the property line. Campbell stated if that measures out, Tom's infrastructure looks to be roughly 8 feet on Village property. Campbell stated he hopes that is not the case, but the discrepancy has not lessened, it's gotten wider. Campbell stated we went from 10 feet to about 18 feet. He does not know how that happened but the only way to know for sure, is a survey. Campbell stated the County sent many surveys but nothing pertaining to the municipal building. Long asked Campbell, when he is referring to the 18 feet, does he think 18 feet is what the set-back from the property line to the back of the building is or is he saying the stakes are 18 feet off the marks. Campbell clarified by stating if he measures it right now, based on where Oberhouse has his survey markers it is roughly 10 to 11 feet from our building to his property line. However, the blue prints from when the municipal building was built, using engineering tools and verifying with Greg Feller, the back of the building to the property line is 17 ½ feet, which puts the Village at a ballpark figure of 6 to 7 feet discrepancy. Long stated the Planning Commission did discuss this at their last meeting and they did agree to move forward with the survey based upon the quote from Feller Finch for \$1000. Mayor stated that if Campbell is correct then Oberhouse infrastructure is on village property. Long asked what utilities were installed. Campbell replied it looked to be electrical. Long moved and Angel seconded to accept the quote from Feller Finch to survey the Municipal Garage property for \$1000. Motion passed unanimously.

Mayor briefly discussed the 810 W. Front St. property. Mayor stated the Rife's are interested in purchasing that property. Lands and Building will put the language together to advertise the auction of the property. Mayor stated the ad would run for 5 weeks. There was discussion regarding an easement along the driveway on the property and how that would be handled with the sale. Mayor and Kuhlman will check into the easement information and if it can be vacated. More information to come.

Guests

Gene Steele: Gene asked about the tennis ball courts and the lines added for pickle ball, Gene suggested contacting the gentleman that painted the lines for pickle ball to see if there is something they could do together regarding the tennis courts.

Gene stated there are individuals dumping trash at Oberhouse Park. Gene stated they are entering Oberhouse Park from Bierley. He has not seen anyone specifically but he does notice things appearing. Mayor asked what kind of trash. Gene replied it is tree limbs and old Christmas trees. Campbell offered to place his game camera on the property at his liability. There was a brief discussion regarding Oberhouse Park, how it was obtained and what the intended purpose of the donation to the Village was.

Mayor Bailey adjourned the meeting at 8:42 P.M.