

Minutes of October 6, 2008 Council Meeting

Meeting was called to order with the pledge to the flag.

The West Alexandria Village Council met in regular session in the Town Hall on Monday, October 6, 2008. Those council persons present were Ian Campbell, David Mays, Ron Nisius, Russ Schenck, Mitch Suggs. Greg Thompson was excused.

Motion:

Ron Nisius moved to approve the September 2, 2008, minutes, seconded by David Mays. VV: 5 yea. The September 15th meeting was cancelled due to the power outage.

Bills #30223 - 30261 and 11648 - 11665 (check# 30217 was voided) totaling \$75,029.05 were presented to Council for payment.

Motion:

Russ Schenck moved to pay the village bills, seconded by Mitch Suggs. Roll call vote: 5 yea.

GUESTS:

Karen Mays, Sarah Morrison, Brenda Miller, Roy Kouts, Kevin Thorpe, Chief Webb, Asst. Chief Timson, Officer Setty, Chief Martin, and Chief Bliss. Sarah Morrison and Brenda Miller work for a division of the county prosecuting attorney's office, the Preble County Victim's Witness Program. They explained about the witness program. They are funded through federal and state grants. Currently the county contributes \$20,000.00 and the City of Eaton contributes \$12,000.00 annually. Their funding is being cut by approximately 10%. They are asking villages to help out by giving \$500 each.

CLERK:

Gave the August and September financial reports.

MAYOR:

Thanked all the departments and residents for their assistance during the power outage. The Oktoberfest is October 11th and 12th

Community Garage Sales will be October 9th - 11th

Beggars' Night will be October 30th from 6:00 - 7:30 P.M.

The committee gave out the beautification awards.

Mayor Lunsford reminded residents to clean up brush from the windstorm.

She read the letter from Lanier Bicentennial Committee inviting council members and the Mayor to attend their celebration. Mayor Lunsford read the letter of resignation from Tony Cascio as a volunteer firefighter.

Motion:

Russ Schenck moved to accept the resignation, seconded by Ron Nisius. Roll call vote: 5 yea.

FIRE:

Chief Bliss gave the September report. There have been 29 calls and 145 calls year to date. Fifteen of the incidents were due to the wind storm. Russ Schenck asked if there was a generator at the fire station. There is a small one.

EMS:

Chief Martin stated they have had 79 calls in September and 611 year to date. She thanked Mr. Day for allowing her department to charge cell phones and cardiac monitors at the water plant.

POLICE:

Chief Webb introduced Officer Setty who is currently in training. He thanked Chris Day, the fire department, the EMS, and his officers for their help during the wind storm. His department set up at the water plant. Chief Webb read letter of resignation from Officer LaForce.

Motion:

Russ Schenck moved to accept the resignation, seconded by Ian Campbell. Roll call vote: 5 yea. Chief Webb gave the monthly report. He sent the letter about vicious dogs to the prosecuting attorney's office. The Preble County Dog Warden has exclusive jurisdiction over the regulation of vicious dogs. Anyone who has concerns about a vicious dog should contact the Preble County Dog Warden.

INCOME TAX ADMINISTRATOR:

Karen Mays gave council a written report.

VILLAGE ADMINISTRATOR:

Chris Day thanked Chief Bliss, Chief Martin, and Chief Webb for their work during the wind storm. They met with the Mayor to address their concerns and lay out a plan. After the event the department heads discussed what was needed for future incidents. They will collect data about special needs in the community and possibly purchase some more generators. Mitch Suggs suggested meeting with WACOA to have plans for feeding people. There is a shortage of salt. It costs approximately \$120 a ton. The Village is purchasing some salt. Mr. Day is looking at what he can do to help save on salt while keeping public safety a priority. David Mays went to an OML seminar. He attended a session on open meetings and one on conflict of interest. He will submit a written report.

OLD BUSINESS:

None.

NEW BUSINESS:

Motion:

Ron Nisius moved to go into executive session to discuss several matters of pending litigation, seconded by David Mays. Roll call vote: 5 yea. Council went into executive session at 8:05 P.M. Back in regular session at 8:36 P.M. No action taken.

Motion:

David Mays moved to approve the recommendations of legal counsel, Chester, Willcox, & Saxbe, LLP in their letter dated September 24, 2008, regarding litigation with Gasper Township and Gasper Township's pending tax appeals, and their potential resolution/settlement, seconded by Ian Campbell. Roll call vote: 5 yea. Chris Day stated that on the day of the wind storm Hugh Overton's building sustained considerable damage due to the current condition of the building. He secured the sidewalk and street on the day of the storm. Mr.Overton tied the roof with a rope. Bill Bliss and Chris Day met with the county and state building inspectors. They won't do anything until Mr.Overton applies for a permit. Chris and Bill also met with two fire inspectors who suggested a letter from the building inspector. The fire inspectors thought it best to go with the property maintenance ordinance. Richard Faber stated that action could be civil or criminal. If the village chooses to do the seven day emergency, the village will incur some expense. Mr. Day and Mr. Bliss would like some direction from council. Should the whole building be condemned or only go after the part held up by a rope? Richard Faber read the proposed ordinance - **An Ordinance Providing for the Removal and/or Repair of Insecure, Unsafe, or Structurally Defective Buildings or Other Structures in the Village of West Alexandria, Ohio, and to Declare an Emergency Necessary for the Immediate Preservation of the Public Peace, Health, Safety, or Welfare in its entirety.** Mitch Suggs asked if the village was protected from the property owner suing for loss of property. He also asked if the council should back the village administrator before he takes action. Council may not know the administrator's action. Discussion over who has liability if the building falls and injures or kills someone. Discussion about having a structural engineer check the building. Richard Faber reminded council that it may end up in court. Bill Bliss suggested addressing the front part of the building which is not safe. The property maintenance ordinance is criminal. The proposed ordinance is civil.

Motion:

Russ Schenck moved to waive three readings, seconded by Mitch Suggs. Roll call vote: 5 yea.

Motion:

Mitch Suggs moved to adopt the ordinance, seconded by Russ Schenck. Roll call vote: 5 yea. Discussion about whether handling the problem should be done as an emergency or thirty days. Consensus of council was to move forward with a thirty day notice.

Motion:

Russ Schenck moved to adjourn, seconded by Ron Nisius.

PASSED: _____