

VILLAGE OF LODI

REGULAR COUNCIL MEETING

**Monday, January 15, 2007
7:00 P.M.**

Lodi Village Council met on the above date for a Regular Meeting with the following Council Members present: Miller, Landis, Hershberger, Graham, Carpenter, and Rice.

Also in attendance were Village Solicitor Ted Lesiak, Mayor Thomas Longsdorf, Clerk/Treasurer Annette Geissman, Police Chief Steve Sivard, Fire Chief Roland Jenkin, Assistant Fire Chief Andy Wurstner, EMS Chief Dave Young, and Utility Superintendent Don Eaken.

CONSIDERATION OF MINUTES

A motion was made by Carpenter and seconded by Landis to approve the minutes of the December 18, 2006, Regular Council Meeting.

Upon roll call: YEAS: Carpenter Landis, Miller, Hershberger, Graham, and Rice
NAYS: None

A motion was made by Carpenter and seconded by Hershberger to approve the minutes of the January 2, 2007, Special Organizational Council Meeting.

Upon roll call: YEAS: Carpenter, Hershberger, Landis, Graham, and Rice
ABSTAIN: Miller

A motion was made by Rice and seconded by Landis to approve the minutes of the January 2, 2007, Council Committee Meeting.

Upon roll call: YEAS: Rice, Landis, Hershberger, Graham, and Carpenter
ABSTAIN: Miller

A motion was made by Miller and seconded by Landis to approve the minutes of the January 4, 2007, Safety Committee Meeting.

Upon roll call: YEAS: Miller, Landis, Hershberger, Graham, and Rice
ABSTAIN: Carpenter

PUBLIC PARTICIPATION:

Shanda Patalon, of 117 Grove Street, read a statement expressing her gratitude for the ability to express her views at the January 4, 2007, Safety Committee Meeting. In her statement she also expressed that she felt Council Member Miller displayed inappropriate behavior by sending her a specific E-Mail (see attached copy of E-Mail).

Elizabeth Khoury, of 419 Young Drive, thanked the Council for all their work regarding cats. Elizabeth also asked if there was a law prohibiting luring. Village Solicitor Ted Lesiak responded that there is no law pertaining to luring but if a person were to lure an animal it could be considered baiting. At that point the animal would not be trespassing on the property and therefore it would not be permissible to harm it.

Thomas Whelan, representing Lodi Community Hospital, discussed the recent open house held at the hospital and invited council members to come and visit the facility if they were unable to attend the open house. Thomas also reported that Lodi Community Hospital is now a smoke free campus and asked council to please report to him any complaints they may receive regarding this issue.

Jeff Miller, of 105 Birch Street, asked for clarification regarding a letter sent to village officials from Village Solicitor Ted Lesiak regarding the trespassing of animals. Village Solicitor Ted Lesiak explained that if an animal trespasses on personal property, the property owner cannot be prohibited from trapping or harming the animal. However, the property owner must compensate the family owning the animal for any loss if harm does occur to the animal. The County Prosecutor's Office would need to determine if any violation had occurred in the trapping and disposing of the animal and whether or not charges would be filed.

LEGISLATION:

FIRST READING OF AN ORDINANCE OF THE VILLAGE OF LODI, MEDINA COUNTY, OHIO, AMENDING SECTION NO. 1276.06 (n) OF THE PLANNING AND ZONING CODE.

A motion was made by Landis and seconded by Graham to approve the first reading of the Ordinance.

Discussion: Illumination will be allowed for portable signs and size requirements for the signs will be established. A Public Hearing for this Ordinance will be held February 19, 2007.

Upon roll call: YEAS: Landis, Graham, Miller, Hershberger, Carpenter, and Rice

NAYS: None

FIRST READING OF AN ORDINANCE AND JOINT RESOLUTION OF THE COUNCIL OF THE VILLAGE OF LODI, MEDINA COUNTY, OHIO, AND THE LODI BOARD OF PUBLIC AFFAIRS AUTHORIZING THE MAYOR, SUPERINTENDENT OF THE BOARD OF PUBLIC AFFAIRS, AND CLERK TO ENTER INTO CONTRACTS WITH THE HIGHEST AND BEST BIDDER FOR THE SALE OF PERSONAL PROPERTY NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND DECLARING AN EMERGENCY. A motion was made by Carpenter and seconded by Miller to suspend the three reading rule and pass the Ordinance as an emergency.

Upon roll call: YEAS: Carpenter, Miller, Landis, Hershberger, Graham, and Rice

NAYS: None

A motion was made by Carpenter and seconded by Graham to pass the Ordinance.

Upon roll call: YEAS: None

NAYS: Carpenter, Graham, Miller, Landis, Hershberger, and Rice

In discussion it was determined that the attachment to the Ordinance needs to be completed before passing the Ordinance. A complete list of items will be compiled. Also, Assistant Fire Chief Andrew Wurstner will obtain information regarding using an outside service to sell the actual items on EBay.

A motion was then made by Rice and seconded by Landis to approve a first reading of the Ordinance.

Upon roll call: YEAS: Rice, Landis, Miller, Hershberger, Graham, and Carpenter

NAYS: None

AN ORDINANCE OF THE VILLAGE OF LODI, MEDINA COUNTY, OHIO, AUTHORIZING THE MAYOR AND CLERK TO ENTER INTO A RENEWAL CONTRACT WITH ALLEN & HARTZELL, INC., AND EMERGENCY SERVICES INSURANCE PROGRAM FOR THE PROVISION OF ACCIDENT INSURANCE FOR THE VILLAGE OF LODI, OHIO, AND DECLARING THE SAME TO BE AN EMERGENCY. A motion was made by Carpenter and seconded by Hershberger to suspend the three reading rule and pass the Ordinance as an emergency.

Upon roll call: YEAS: Carpenter, Hershberger, Miller, Landis, Graham, and Rice

NAYS: None

A motion was made by Landis and seconded by Carpenter to pass the Ordinance.

Upon roll call: YEAS: Landis, Carpenter, Miller, Hershberger, Graham, and Rice

NAYS: None

AN ORDINANCE APPROVING, ADOPTING, AND ENACTING AMERICAN LEGAL PUBLISHING S'OHIO BASIC CODE, 2007 EDITION, FOR THE VILLAGE OF LODI, OHIO; REPEALING ORDINANCES IN CONFLICT THEREWITH; PUBLISHING THE ENACTMENT OF NEW MATTER, AND DECLARING THE SAME TO BE AN EMERGENCY. A motion was made by Miller and seconded by Rice to suspend the three reading rule and pass the Ordinance as an emergency.

Upon roll call: YEAS: Miller, Rice, Landis, Hershberger, Graham, and Carpenter

NAYS: None

A motion was made by Rice and seconded by Miller to pass the Ordinance.

Upon roll call: YEAS: Rice, Miller, Landis, Hershberger, Graham, and Carpenter

NAYS: None

AN ORDINANCE OF THE VILLAGE OF LODI, MEDINA COUNTY, OHIO, TO ESTABLISH A STANDARD COST OF TRAINING AND PHYSICALS AGREEMENT FOR THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY.

A motion was made by Miller and seconded by Hershberger to suspend the three reading rule and pass the Ordinance as an emergency.

Upon roll call: YEAS: Miller, Hershberger, Landis, Graham, Carpenter, and Rice

NAYS: None

A motion was made by Carpenter and seconded by Miller to pass the Ordinance.

Upon roll call: YEAS: Carpenter, Miller, Landis, Hershberger, Graham, and Rice

NAYS: None

AN ORDINANCE FOR THE VILLAGE OF LODI, MEDINA COUNTY, OHIO, FIXING THE SALARIES AND WAGES OF EMPLOYEES OF THE VILLAGE OF LODI, COUNTY OF MEDINA, AND THE STATE OF OHIO, FIXING THE EFFECTIVE DATE FROM AND AFTER FEBRUARY 5, 2007, EXCEPT AS HEREINAFTER SET FORTH, AND REPEALING ALL ORDINANCES AND OR RESOLUTIONS INCONSISTENT HERewith, AND DELCARING THE SAME TO BE AN EMERGENCY.

A motion was made by Carpenter and seconded by Hershberger to suspend the three reading rule and pass the Ordinance as an emergency.

Upon roll call: YEAS: Carpenter, Hershberger, Landis, Graham, and Rice
ABSTAIN: Miller

A motion was made by Carpenter and seconded by Hershberger to pass the Ordinance.

Discussion: It was determined that the Clerk/Treasurer s salary will be increased by \$3,713.09. Village employee categories will be increased by 3.3% (COLA). The possibility of implementing merit raises in the future was discussed.

Upon roll call: YEAS: Carpenter, Hershberger, Landis, Graham, and Rice
ABSTAIN: Miller

COMMITTEE REPORTS:

MILLER SAFETY

A motion was made by Miller and seconded by Landis for an expenditure of \$1300 to WW Williams for repairs to Fire Pumper 152.

Upon roll call: YEAS: Miller, Landis, Hershberger, Graham, Carpenter, and Rice
NAYS: None

EMS Chief Dave Young reported that no one in the department signed up for the February Medina County Career Center training mentioned at previous council meetings.

EMS Chief Dave Young reported that there were 466 EMS calls in 2006.

LANDIS - ZONING

A motion was made by Landis and seconded by Miller to declare 122 Bank Street as an unsafe property per the zoning inspector s report. A public hearing regarding this property will be held at the February 19, 2007, Council Meeting.

Upon roll call: YEAS: Landis, Miller, Hershberger, Graham, Carpenter, and Rice
NAYS: None

Landis reported that the next Zoning meeting will be February 14, 2007, at 7:00 P.M.

HERSHBERGER PUBLIC PROPERTIES

A motion was made by Hershberger and seconded by Carpenter for an expenditure of \$1500 to Swingle Plumbing and Heating for Village Hall heating repairs.

Upon roll call: YEAS: Hershberger, Carpenter, Miller, Landis, Graham, and Rice
NAYS: None

GRAHAM - PARKS

A motion was made by Graham and seconded by Carpenter for an expenditure of \$651 to Showcase Lawns for lawn care applications to Central Park and the fire station for 2007.

Upon roll call: YEAS: Graham, Carpenter, Miller, Landis, Hershberger, and Rice
NAYS: None

CARPENTER STREET/STORM SEWERS AND SIDEWALKS

A motion was made by Carpenter and seconded by Landis for an expenditure of \$135 for Competent Person Trench Training for Aaron Surrarer.

Upon roll call: YEAS: Carpenter, Landis, Miller, Hershberger, Graham, and Rice
NAYS: None

A motion was made by Carpenter and seconded by Hershberger for an expenditure of \$812.03 to Rapid 2 Way for radio programming and installation in the street department dump truck.

Upon roll call: YEAS: Carpenter, Hershberger, Miller, Landis, Graham, and Rice
NAYS: None

RICE FINANCE/LEGISLATION

A motion was made by Rice and seconded by Carpenter to pay the monthly bills.

Upon roll call: YEAS: Rice, Carpenter, Miller, Landis, Hershberger, and Graham
NAYS: None

A motion was made by Rice and seconded by Landis to approve the monthly financial reports.
Upon roll call: YEAS: Rice, Landis, Miller, Hershberger, Graham, and Carpenter
NAYS: None

MAYOR

Mayor Longsdorf reported that Assistant EMS Chief Chris Ridenour resigned as Assistant Chief and from the EMS Department as of January 15, 2007. Chris will remain as a member of the Fire Department.

There being no further business to come before Council, a motion was made by Landis and seconded by Graham to adjourn the meeting.

Upon roll call: YEAS: Landis, Graham, Miller, Hershberger, Carpenter, and Rice
NAYS: None

Mike Landis, Council President

Annette Geissman, Clerk/Treasurer

Thomas Longsdorf, Mayor