

SPECIAL SESSION

July 16, 2009

The Council of the City of Chardon met in Special Session Thursday, July 16, 2009 at 6:30 P.M. in Council Chambers of the Chardon Municipal Center.

Karen Simpson, President of Council presiding.

The meeting opened with the pledge of allegiance and roll call.

Members of Council present: Leslie Bednar, Mary Bramstedt, Jefferey Campbell, Jr., Philip King, Deborah Reiter, Karen Simpson.

Members of Council absent: Robert Cromwell

Others present: City Manager David Lelko, Finance Director Jeffrey Smock, Assistant Manager Randy Sharpe, Law Director James Gillette, Clerk of Council Amy Day, Planning & Zoning Administrator John Sheehan, Public Service Director Gayland Moore, Sue Schade, Karen Baptie, Marci Mondello, Gwen Sheehan, Norma Ritter, Dan Meleski, Ted & Debbie Crease, Adele Melzer, Allyn & JoAnn McNaughton, Sue & Al Obranovich, Ken Ovarik, Adam Sopenski, Diane Ryder, Jackie Good, Jeff Stone, Mark Schneider, Jacob Park, Paula Noyes, Thomas Egan, John Mallen, Dave Miller, Frank Pitrone, Ben Park, Elizabeth Ferrall, Ed Ferrall, Arlene Hill, Gary & Barbara Mohnacsky.

Regarding the Wilson Mills Sanitary Sewer Project, Mayor Simpson noted that staff and Council will be establishing public policy regarding infrastructure in the City.

City Manager David Lelko provided a brief history of the project and highlights of recent discussions with the OhioEPA.

Ted Crease, 352 Wilson Mills Road, asked if the residents of Wilson Mills Road will still be responsible for the cost of the project even if the City does not receive the \$434,000 in Federal stimulus money.

Members of Council stated that this is correct.

Mr. Crease stated that if this happens, it will put a burden on the residents just as it did to the Thwing Road residents.

Mr. Lelko stated that that he did not think the cost would go as high as predicted for Wilson Mills Road residents.

Mr. Crease suggested that the City wait to sign the contract with the contractor until it is determined if the City receives the stimulus money.

Mr. Lelko stated that he did not anticipate that the EPA would say that the costs are so high that the project will not be mandated.

Mr. King stated that he thinks the City must move forward with the project because it is being mandated by the EPA . The City knows that the cost will be a burden to the residents which is why they designated Wilson Mills Road as a project for the stimulus money in hopes that it will reduce the costs to the residents.

Mr. Crease asked what the deadline for the project is.

Mr. Lelko stated that the EPA has allowed the City to wait until the sewer line had something to be connected to which it now has, and they are allowing a 3-year tie-in for the residents.

Al Obranovich, 378 Wilson Mills Road, asked if the City is concerned that the stimulus money will fall through due to unforeseen strings that may be attached to it.

Mr. Lelko stated they while they are concerned, the requirements are mainly contract requirements that the City puts into the

contract for the contractor to sign so as long as it is in there, that is the City's protection.

Marci Mondello, 340 Wilson Mills Road, asked if the City will be paying for any of the "strings attached" to the stimulus money, what the costs to the homeowners will be, and if the City will pay for the cost of the impact fee if the stimulus money is not provided to this project.

Mr. Lelko stated that he believes that the "strings attached" will be incorporated into the overall cost to the project.

Mrs. Bednar stated that the stimulus money that is put towards the Wilson Mills Sanitary Sewer Project will be reduced by the amount of the "strings attached".

Mr. Lelko stated that the cost of the project will be discussed later in the meeting and the impact fee is a policy decision to be decided on by Council.

Adam Sopenski, 347 Wilson Mills Road, asked what the repercussions would be if the City did not do the project.

Mr. Lelko stated that the City has a written agreement with the EPA to do the project. If it is not done, the City would end up in litigation.

Mr. Sopenski stated that while he would like more time to connect, he is in favor of the 3-year requirement to tap-in and asked if the residents would be required to tap into the City's water system.

Mr. Lelko stated that connection to the City's water supply is a Council policy decision.

Mr. Sopenski asked when his repayment to the City would begin.

Mr. Sheehan stated that this is for Council to decide.

Mayor Simpson stated that Council is going to have a discussion on about 10 issues which may answer some of Mr. Sopenski's questions.

Mr. Sheehan referred to his handout which included policy decisions needed to be made by Council on the Wilson Mills Sewer. He noted that the handout includes staff's recommendations on how to implement the policy recommendations from the Water and Sewer Committee and stated that the policy decisions need to be decided on by July 23, 2009 in order to complete the City's application to the OhioEPA to find out if the City will be able to receive the stimulus money.

Mr. Sheehan noted that Council may wish to ask the Law Director about questions pertaining to equitable handling of the Claridon Road Sanitary Sewer District and the Wilson Mills Road residents.

Mr. Sheehan reviewed the first policy decision which was regarding establishing the Southwest Sanitary Sewer District and its included service areas. Tap-in fees in the City are applied only within established sewer districts which is the entire area being served from a given sewer line. The area of the Southwest Sanitary Sewer District extends from Burlington Green across Chardon Lakes Golf course and across Hidden Glen PUD, up Wilson Mills Road and then west across Rollin Cooke's property to Water Street. He noted that this is only a portion of the Southwest Sanitary Sewer District. The other service areas are Hidden Glen, Thwing Road, Rollin Cooke's property are included in the district but they would have tap-in fees are well but the cost will be slightly different. He stated that in the Claridon Road Sanitary Sewer District, which was another EPA mandate, homeowners' costs were similar to those of Wilson Mills Road; however, they received no relief from the City. The policy of previous Councils has been that the benefitting property owners should pay for the cost of the improvement; however, the Water and Sewer Committee is recommending a change to this policy to assist the homeowners with the costs associated with the tie-in to the City's sanitary sewer.

Mr. King inquired about the Claridon Road residents tap-in costs.

Mr. Sheehan stated that the tap-in cost was \$2,100 which is higher than the Wilson Mills tap-in which is estimated to be \$1,680.

*Mrs. Bednar moved and Mr. King seconded to establish the Southwest Sanitary Sewer District. Upon roll call vote the motion passed unanimously.*

Mr. Sheehan stated that the next issue is to identify the service areas within the Sewer District. The Hidden Glen Service Area, Thwing Road Area, Wilson Mills Service Area, Rollin Cooke's property area and then a collection of lots at the west end of the Water Street area.

*Mr. King moved and Mr. Campbell seconded to establish the service areas within the Southwest Sanitary Sewer District. Upon roll call vote the motion passed unanimously.*

Mr. Sheehan reviewed the method of cost distribution of the project costs. Council's historic policy has been to distribute the cost to those who benefit from the infrastructure. The committee evaluated alternatives and decided that the two that would yield the best return for the City and least expense for the homeowner is the statutory assessment process provided for by Ohio law and the tap-in fee method of cost distribution where the costs are not distributed through the tax duplicate but rather as the proportionate share of the cost to install the line that is necessary to serve a specific area.

Mr. Sheehan noted that the Water and Sewer Committee had recommended that the costs from previous years not be passed on to the residents.

Mayor Simpson asked if the method of calculation is the same for expenses for Claridon Road and Wilson Mills Road.

Mr. Sheehan stated that the method of calculation is identical between Claridon Road and Wilson Mills Road.

Mr. Sheehan stated that the tap-in fee is how the City would recover its costs for the installation of the sewer line which includes the installation of the pipe in the ground and the sewer laterals that the property owners will connect to. The City will pay for undeveloped properties and will be reimbursed in the future.

*Mr. Campbell moved and Mrs. Bednar seconded to determine the method of cost distribution as a tap-in fee as described by the Planning and Zoning Administrator.*

*Results of the roll call vote:*

<i>Bednar:</i>	<i>Yes</i>	<i>King:</i>	<i>Abstain</i>
<i>Bramstedt:</i>	<i>Yes</i>	<i>Reiter:</i>	<i>Yes</i>
<i>Campbell:</i>	<i>Yes</i>	<i>Simpson:</i>	<i>Yes</i>
<i>Cromwell:</i>	<i>Absent</i>		

*Upon roll call vote the motion passed.*

Mr. Sheehan stated that a time limit needs to be decided in which properties within 200 feet of the street right of way must connect to the sewer. It has been proposed that everyone from 320 to 409 Wilson Mills Road will be given 3 years from the date that the Wilson Mills Road sewer has been determined to be substantially completed in which to tie into the sewer.

*Mr. King moved and Mrs. Bednar seconded to authorize a 3-year time limit for sewer connection for the residents of homes within 200 feet or less from 320 to 409 Wilson Mills Road from the date the City Engineer determines the Wilson Mills Sanitary Sewer Project to be substantially complete.*

Mrs. Reiter asked for clarification about when and how the sewer will be determined to be substantially complete.

City Engineer Doug Courtney stated that he anticipated the end of October, the project will be substantially completed which means the project would be completed with the exception of ancillary items such as grading and seeding.

Mayor Simpson asked Mr. Sheehan to review the City's existing regulations which require sewer connections within one year.

Mr. Sheehan stated that the City's current regulations require a property owner must connect to the City's water or sewer system within 1 year that the service is complete. This policy was enforced with the Claridon Road Sanitary Sewer District but not with Wilson Mills residents because in Claridon Road, there was a WPCLF condition which required residents connect in one year. There are bills pending before the Senate which suggest that Ohio change its law and require that people connect within 3 years of when the service becomes available.

Mayor Simpson asked the Law Director if it is equitable that Claridon Road residents had 1 year to connect and Wilson Mills residents will have 3 years to connect.

Mr. Gillette explained that if the regulating agencies are willing to extend the time property owners are required to connect, then the property owners should be able to take advantage of this opportunity.

*Upon roll call vote the motion passed unanimously.*

Mr. Sheehan stated that a time limit needs to be decided in which properties greater than 200 feet of the street right of way must connect to the sewer. He suggested that the properties greater than 200 feet of the street right of way be allowed to connect to the sewer at their convenience unless required by State law or by administrative or judicial order.

*Mrs. Bramstedt moved and Mrs. Bednar seconded to allow properties greater than 200 feet of the street right of way to connect to the sewer at their convenience unless required by State law or by administrative or judicial order.*

Mayor Simpson asked Mr. Sheehan if there was any reason why it would not be a good idea.

Mr. Sheehan stated that he feels it is appropriate.

*Results of the roll call vote:*

<i>Bednar:</i>	<i>Yes</i>	<i>King:</i>	<i>Abstain</i>
<i>Bramstedt:</i>	<i>Yes</i>	<i>Reiter:</i>	<i>Yes</i>
<i>Campbell:</i>	<i>Yes</i>	<i>Simpson:</i>	<i>Yes</i>
<i>Cromwell:</i>	<i>Absent</i>		

*Upon roll call vote the motion passed.*

Mr. Sheehan stated that a decision by Council needs to be made regarding the requirement of the connection to the City's water system. Currently the City's requirements state that connection needs to be made within one year; however, this has not been enforced. The committee has discussed that it is an inopportune time to require both water and sewer connections and therefore, it has been recommended that Council temporarily defer the City's requirement for homeowners to connect to the existing water main. This does not exclude the property owners from connecting if they so wish.

Mr. Campbell asked how this has been handled currently.

Mr. King stated that the City has not been enforcing its policy for connecting to the City's water system.

Mr. Sheehan noted that approximately 6 homes on Wilson Mills have connected to the City's water system.

*Mr. Campbell moved and Mrs. Bramstedt seconded to temporarily defer the City's requirement for homeowners to connect to the existing water main at this time. Upon roll call vote the motion passed unanimously.*

Mr. Sheehan stated that the Committee has suggested that the City offer a limited loan program to assist the owners of existing homes between 320 to 409 Wilson Mills Road and Chardon Baptist Church.

The expenses that would qualify for the loan program include:

- Cost to purchase water meter (loan does not cover cost to install the meter) \$100
- Cost of installing a sewer lateral from the street to the house (this cost will vary house to house) \$3,000 on average
- Cost of abandoning septic system \$1,000
- Cost of the System Development charge
- Cost of Sewer Tap-in fee

The loan shall be repaid through a loan payment surcharge included in the monthly sewer bill. On average the cost for the loan for the Wilson Mills Sewer would be \$78 per month.

Thomas Egan, 371 Wilson Mills Road inquired if the loan would have to be repaid at the time of sale.

Mr. Sheehan stated that the recommendation is that the loan would have to be repaid at the time of sale.

Mr. Egan expressed opposition to this requirement.

Mr. Sheehan noted that it has been recommended that the loan be repaid at the time of sale in order to ensure that the City receives its money as quickly as possible because it is money that is being taken away from other projects.

Mr. Campbell noted that the Committee had also discussed that they did not want to get in a position that they would have to offer the impact fee to a new development.

Mrs. Bednar asked if a developer could ask for the same privilege that is being offered to the Wilson Mills residents of 15 years to pay for the impact fee.

Mr. Gillette recommended that Council establish a policy, subject to the opinion from the Law Director that the proposed policy would become legislation and is not vulnerable to attack by developers who may come in and try to demand the same type of loan the City is offering to the Wilson Mills residents.

Mr. King stated that this was one of the primary basises for having the loan paid back to the City at the time of title transfer because those details could be worked out at the time of sale and it could be transferred to the new homeowner to absorb the cost in the sale.

Mr. Gillette stated that in order to come up with a legal conclusion, he needs a set of facts that are going to apply to the situation.

Mr. Egan stated that he did not see a difference whether he paid the fee or the new homeowner paid the fee. He felt that the loan should stay with the property.

Mr. King stated that if the loan stayed with the property, the new homeowner would take on \$78 per month additional cost. Mr. King stated that a new buyer may not want to take on a \$78/month payment and would rather have this paid off at the time of the sale of the house.

Ms. Mondello asked if the cost could transfer to the buyer just as the sidewalk assessment has been done.

Mr. Sheehan stated that it could be done as an assessment; however, this would have cost the homeowners more.

Mr. Campbell asked how much money the City could possibly lose if it jeopardized the impact fee being paid by developers constructing new homes.

Mr. Smock stated that he did not have enough information to do this calculation.

Mr. Campbell noted that he thought it could cost the City hundreds of thousands of dollars.

Mr. Gillette stated that he has to look into protecting the City from developers being able to take advantage of the loan the City is offering the residents. He added that if Council adopts a provision to allow the loan to continue after the sale of the home, he will try to figure out a way that he can recommend to Council that it is legally permissible for them to do that and the City will not be penalized as a result by lawsuits or claims by other people to the same benefit.

Mrs. Reiter asked what happens if Mr. Gillette determines that it can not be done.

Mr. Gillette stated that Council can revise the policy decision at that time.

Mrs. Reiter and Mrs. Bramstedt asked if the issue could be tabled.

Mr. King stated that Council needs to adopt its policy in order for the application to be submitted to the EPA.

Mr. Sheehan stated that it has been proposed that the loan amount shall be calculated individually for each property and may vary.

Mr. Sheehan stated that the proposed policy is that the loan would be paid in full at the time the property is sold or transferred.

Mr. Sheehan stated that the proposed policy states that homeowners who participate in the program shall sign the City's standard loan agreement for this program at the time they apply for a sanitary sewer tap-in permit.

Mr. Sheehan stated that the proposed policy states that property which is not presently required to connect to the Wilson Mills Sewer shall not be eligible for the City loan program once the loan program enrollment period has expired. In addition, new construction connecting to the Wilson Mills Sewer and new construction connecting to any sewer which was constructed as part of the Hidden Glen PUD or connecting to the sewer installed across the Chardon Lakes golf course shall not be eligible for this City loan program.

*Mrs. Reiter moved and Mrs. Bednar seconded to offer a limited loan to 320-409 Wilson Mills Road homeowners and Chardon Baptist Church as highlighted by Mr. Sheehan, subject to the Law Director's opinion.*

Mayor Simpson asked if there was a City loan program offered to the residents of the Claridon Road Sanitary Sewer District.

Mr. Sheehan stated that a City loan program was not offered to the residents of the Claridon Road Sanitary Sewer District.

Mayor Simpson asked if the expenses included in the loan such as the tap in fee and system development charge were offered to the residents of the Claridon Road Sanitary Sewer District.

Mr. Sheehan stated that they were not.

Mayor Simpson asked the Law Director if the City is putting itself in a compromising position by offering a loan to one group of residents and not another.

Mr. Gillette stated that he did not think that it would create a problem because a loan was not offered in the past; however, it may for future projects where existing homes are located.

Mr. Campbell stated that there are not very many areas remaining

in the City where homes exist that do not have sanitary sewer service already.

Mr. King stated that Council should look at this policy as a sample of policy that should be followed for other homeowners in the City in the future.

Mr. Gillette stated that Council would be hard-pressed to deny a similar program to other residents that may find themselves in the same situation as the Wilson Mills property owners.

Mrs. Bednar asked how the City will be paying for the items which are being paid for.

Mr. Smock stated that he expected it would come from existing revenues.

Mr. King asked if the City is in a better financial position currently than the City was in during the Claridon Road Sanitary Sewer Sanitary Sewer Project.

Mr. Smock stated that the City is in a better financial situation currently that when the Claridon Road Sanitary Sewer Sanitary Sewer Project was constructed due to the increase in the income tax rate.

Mrs. Bednar asked if the Finance Director sees the loan impacting the City negatively in its ability to do other projects.

Mr. Smock stated that this is a difficult question to answer as it would depend on the various factors. He stated that the portion of the project that the City has to fund that is not part of the EPA loan, is the abandonment of septic tanks and the impact fee.

Mr. Campbell stated that there are no other water and sewer projects which would require connection to the City's water or sanitary sewer system that are foreseen in the near future.

Mr. Gillette what would happen if EPA loans are not available in the future for similar projects to the Wilson Mills Sanitary Sewer.

Mrs. Bednar suggested that a revolving loan fund be established.

Mr. Smock stated that a revolving loan fund is a good idea as carrying costs would most likely be on the City.

Mr. Obranovich asked if the City will reduce the interest rate of the loan which is at 2% loan since they are receiving a 0% interest loan from the OhioEPA.

Mr. Sheehan stated that there are two separate loans. The City will receive a loan of approximately \$300,000 from the OhioEPA to be used towards various project expenses and the money the City would loan to the residents at 2% is coming from existing funds of the City.

Mr. Sheehan noted that stimulus money and a 0% loan was not available for the Claridon Road residents and he felt the City would be hard-pressed to be able to offer this to another group in town because this opportunity will not be available at another point in time.

*Results of the roll call vote:*

<i>Bednar:</i>	<i>Yes</i>	<i>King:</i>	<i>Abstain</i>
<i>Bramstedt:</i>	<i>Yes</i>	<i>Reiter:</i>	<i>Yes</i>
<i>Campbell:</i>	<i>Yes</i>	<i>Simpson:</i>	<i>No</i>
<i>Cromwell:</i>	<i>Absent</i>		

*Mayor Simpson noted that she is concerned about the future state of the City so she is voting against the motion.*

*Upon roll call vote the motion passed.*

Mr. Sheehan stated that the annual increase for the Wilson Mills tap-in fee once the loan term has expired needs to be established. The tap-in fee would increase at 4% compounded annually which is the rate currently in use on the Claridon Road Sanitary Sewer Project.

*Mr. King moved and Mrs. Reiter seconded to establish a 4% annual incremental increase in the Wilson Mills Sewer Tap-in Fee. Upon roll call vote the motion passed unanimously.*

Mr. Sheehan stated that a policy needs to be established regarding costs that are not included in the City loan program such as costs for inside plumbing costs, water meters, and water and sewer monthly bills. It has been recommended that costs that are not included in the City loan program are the responsibility of the property owners of the Wilson Mills Sanitary Sewer Project.

*Mr. Campbell moved and Mrs. Bramstedt seconded to establish a policy that any expenses not yet identified are the responsibility of the property owners of the Wilson Mills Sanitary Sewer Project. Upon roll call vote the motion passed unanimously.*

Mr. Gillette asked what the timeframe is on the issue of the loan program.

Mr. Sheehan stated that he thought Council and the residents would want it should be done before the sewer is completed.

Mr. Gillette stated that he thought he could have it completed in 30 days.

Meeting recessed at 8:45 p.m.

Meeting reconvened at 8:50 p.m.

AN ORDINANCE AMENDING APPROPRIATIONS IN THE CITY OF CHARDON TREASURY AND DECLARING AN EMERGENCY was read for the first time by title only.

Mr. King moved and Mrs. Bednar seconded the rules be suspended and the Ordinance be read for the second and third time by title only.

Results of the roll call vote:

Bednar:	No	King:	Yes
Bramstedt:	No	Reiter:	Yes
Campbell:	No	Simpson:	No
Cromwell:	Absent		

Motion failed.

Mr. King asked how the City sits as far as paying for the investigation.

Mr. Smock stated that he has not received anymore bills from the investigator beyond the one he mentioned the previous week.

Mr. King how urgently the ordinance should be acted upon.

Mr. Smock stated that he does not know how many hours the investigator has put in and if the reward money has been committed to anyone.

Mrs. Bednar stated that she wanted to allow more time for public input on the issue. It has no bearing on the fact that Council authorized the investigation; however, she wants input so Council can proceed wisely.

Mr. King suggested that public opinion be sought immediately to determine if a special session of Council is necessary. He felt that it was imperative to support the investigation and did not think that Council could wait two months.

Mrs. Bednar concurred with Mr. King's statement.

Mrs. Reiter asked if a limit was set with the investigator. She

stated that she thought Council had agreed to spend \$5,000 on the investigation and \$5,000 on the reward and as of the last meeting \$12,500 was spent.

Mr. Smock stated that the motion by Council to hire an investigator did not include a dollar amount. He was not in the meeting where the investor was hired so he does not know about their costs.

Mr. King stated that he did not think that Council could set a limit. They were hired to investigate and report back to Council. The cost of the investigation is unknown.

Mr. Campbell stated that when the motion was made by Council to hire an investigator he had asked the Law Director what the anticipated cost would be and he was told approximately \$3,000 and the number now keeps growing. He stated that he is not willing to spend an unlimited amount of money on the investigation. He would like to know the amount of an expense when he authorizes appropriating money.

Mr. King asked if a financial limit was set by the State during the recent investigation of Attorney General Marc Dann. An investigation needs to continue until it is done.

Mr. Campbell asked Mr. King if he is comparing the actions of former Attorney General Marc Dann to the alleged actions of Council.

Mr. King stated that there are some similarities.

Mr. Gillette stated that Mr. Campbell had asked at the last meeting what the investigation would cost and he had responded with an off the cuff comment that he thought it would cost a few thousand dollars. It is not unusual for Council to set a cap for a certain purpose but this was not done in this case. He also provided all of Council with a copy of the contract between the City and the investigator and there is no maximum or minimum set. Finally, a purchase order was made for \$5,000 but this is not a cap.

Dan Meleski, 301 Water Street, spoke to state that he did not feel a cap could be put on investigating the person that betrayed the trust of the community and felt that the investigation should continue.

John Mallen, 101 Wynewood Place, stated that between 2001-2008, Mr. Campbell had received \$2,950 from various unions. He asked that since Mr. Campbell had a close association with unions over the years, who would be more likely to disclose sensitive information than him.

Mr. Campbell stated that he has tried to review in his mind what conversations he has had, and he thought back to the issue at hand which was noted by Mr. King, that the issue was regarding longevity. He stated that for quite some time, longevity has been an issue that he has been concerned about. Since 2006, he has been trying to have longevity removed from the contracts and he feels an expense that the City should not have. He noted that for him to tell a union of Council's position would have been counterproductive. He noted that various members of Council have received funds from developers but he does not outwardly call out these members of Council. He stated that he has not taken any money from the union which the City's employees belong to.

Mr. Mallen asked Mr. Campbell to clarify his answer to the question he had asked Council on July 9, 2009 regarding if any member had leaked the sensitive information during the union employee negotiations.

Mr. Campbell stated that he has no knowledge about any information being leaked by himself or any other member of Council. He felt it was insulting that some members of Council are being challenged that they are being untruthful. Everyone on Council at the last meeting went on record that they had not leaked the information and he feels that each member of Council is a concerned

representative and would not lie to the public.

Gwen Sheehan, 143 Center Street, spoke to express that the leak is undermining the integrity of Council.

Karen Baptie, 134 Maple Avenue, spoke to express that she supports spending the necessary money to find out who leaked the information from executive session.

Adam Sopenski, 347 Wilson Mills Road, spoke to state that the trust of the residents has been broken by a member of Council. He felt that the person who did it should admit to it and resign to save the City money. He supported with spending what needs to be spent to proceed with the investigation.

Frank Pitrone, 327 South Street, spoke to support the continuation of the investigation.

Gary Mohnacsky, 123 North Street, questioned why the person who leaked the information from executive session can not admit to it. He further spoke in support of continuation of the investigation and felt that Council should spend whatever is necessary to find who leaked the information. If the person who did this is not found, he will have to actively work to get rid of each member of Council until the person is found.

Barbara Mohnacsky, 123 North Street, spoke to state that Council should spend what is necessary to find out who leaked the information from executive session. She stated that when it is discovered who leaked the information, they should pay for the cost of the investigation.

Mr. King recommended that a special session of Council be held on July 20, 2009 at 6:00 p.m. to read the Ordinance for the second time.

Mrs. Reiter stated that residents have asked if the investigation could have been handled by a local police department.

Mr. Gillette stated that on another occasion he had asked the Sheriff's Department if they would investigate another ethics matter and they would not because it was not a criminal offense.

Mrs. Bednar stated that the second and third reading could be done on July 20, 2009.

Mr. Gillette read the section of the Codified Ordinance pertaining to the requirements for setting a special session of Council.

Mayor Simpson, Mr. King and Mrs. Bednar spoke in support of setting a special session.

A special session of Council was set for July 20, 2009 at 6:00 p.m.

Mayor Simpson noted that based on the input from the public, she believes that integrity does not have a price tag and the investigation needs to continue.

**EXECUTIVE SESSION - none.**

**ANY OTHER BUSINESS**

**ORDINANCE NO. 2546**

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT/AGREEMENT WITH VALLEY FREIGHTLINER, STERLING AND WESTERN STAR TRUCKS OF CLEVELAND FOR THE PURCHASE OF ONE (1) NEW 2010 FREIGHTLINER M2 106V CAB & CHASSIS WITHOUT BID PURSUANT TO SECTION 125.04(C) OF THE OHIO REVISED CODE FROM A PARTY OTHER THAN THE OHIO DEPARTMENT OF TRANSPORTATION COOPERATIVE PURCHASING PROGRAM AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. Bramstedt moved and Mr. Campbell seconded the rules be suspended and the Ordinance be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Ordinance No. 2546 was then read for the second and third time by title only.

Mrs. Reiter moved and Mr. Campbell seconded for the adoption of Ordinance No. 2546.

Mr. Lelko stated that the ordinance is for a replacement of a snowplow truck at a price that is below state bid.

Upon roll call vote the motion passed unanimously.

**ORDINANCE NO. 2547**

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT/AGREEMENT WITH VALLEY FREIGHTLINER, STERLING AND WESTERN STAR TRUCKS OF CLEVELAND FOR THE SALE OF ONE (1) 2000 INTERNATIONAL 2554, 3 ½ TON DUMP TRUCK WITH PLOW AND DECLARING AN EMERGENCY was read for the first time by title only.

Mrs. Bramstedt moved and Mrs. Reiter seconded the rules be suspended and the Ordinance be read for the second and third time by title only. Upon roll call vote the motion passed unanimously.

Ordinance No. 2547 was then read for the second and third time by title only.

Mrs. Reiter moved and Mr. King seconded for the adoption of Ordinance No. 2547.

**EXECUTIVE SESSION** - none.

**ADJOURN**

Mr. Campbell moved and Mr. King seconded to adjourn. Upon voice vote the motion passed unanimously.

The meeting adjourned at 9:25 P.M.

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KAREN S. SIMPSON, Mayor  
President of Council

Attest:

\_\_\_\_\_  
AMY DAY  
Clerk of Council