

**MINUTES  
LOUISVILLE CITY COUNCIL  
DECEMBER 17, 2007  
7:00 P.M.**

Louisville City Council met in regular session with Mayor-Council Member Kerchner presiding.

7:00 P.M. – PUBLIC HEARINGS:

**ORDINANCE NO. 07-64** – BEING AN ORDINANCE OF THE COUNCIL OF THE CITY OF LOUISVILLE, STARK COUNTY, OHIO; AMENDING SECTION 157.01(A) OF THE CODIFIED ORDINANCES OF THE CITY OF LOUISVILLE RELATIVE TO THE EMPLOYMENT PROVISIONS OF THE EMPLOYEES OF THE CITY

There were no comments on Ordinance No. 07-64.

**ORDINANCE NO. 07-65** – BEING AN ORDINANCE AMENDING CHAPTER 191.15(A) OF THE CODIFIED ORDINANCES OF THE CITY OF LOUISVILLE RELATIVE TO THE CREDIT FOR TAX PAID TO OTHER MUNICIPALITIES

There were no comments on Ordinance No. 07-65.

CALL TO ORDER

COUNCIL MEMBER THORLEY MOVED, SECONDED BY COUNCIL MEMBER CONNER, and the motion carried approving the December 17, 2007 agenda.  
The vote: All yea.

Council members bowed their heads for a moment of silent prayer followed by the Pledge of Allegiance.

**MEMBERS PRESENT**

Cynthia Kerchner, Mayor-Council Member  
Jerry Brown, Council Member  
Peggie Conner, Council Member  
Richard Guiley, Council Member  
David Thorley, Council Member

**CITY OFFICIALS PRESENT**

Thomas Ault, City Manager  
Peggy Howald, City Clerk  
William Rouse, Director of Finance  
Robert Duffrin, Law Director

Mayor-Council Member Kerchner presented the City Clerk's Certificate of Open Meeting.

**MINUTES OF THE DECEMBER 3, 2007 LOUISVILLE CITY COUNCIL AND LOUISVILLE PUBLIC LIBRARY JOINT SPECIAL MEETING**

COUNCIL MEMBER THORLEY MOVED, SECONDED BY COUNCIL MEMBER GUILLEY, and the motion carried to accept the minutes of the December 3, 2007 Special Council meeting as presented. The vote: All yea.

**MINUTES OF THE DECEMBER 3, 2007 REGULAR COUNCIL MEETING**

COUNCIL MEMBER THORLEY MOVED, SECONDED BY COUNCIL MEMBER CONNER, and the motion carried to accept the minutes of the December 3, 2007 regular Council meeting as presented. The vote: All yea.

**CITY MANAGER'S REPORT**

City Manager Tom Ault submitted his City Manager's report which included the following items:

- Read a memo from Fire Chief John Fetty regarding the delivery of the new fire truck. The \$272,000 Rosenbaur pumper was manufactured in South Dakota. Former Fire Chief Denny Myers applied for a Homeland Security grant over a year ago. The grant was approved for \$251,000.

There will be a housing ceremony for the new truck Saturday, December 22<sup>nd</sup> at 10:00 a.m. Fire Chief John Fetty and former Chief Denny Myers will drive the truck from the Service Department to the fire station where it will be washed down with water from the truck to be replaced. This is an old fire custom. After washing, the fire fighters and guests will towel-off the new truck.

- The Library Board met to talk about what they were looking for with the old middle school and came up with a list of eight items. Tom suggested Council do the same.
- Tom commended the Service Department for the terrific job over the weekend of plowing and salting.
- Issues on Cheverton continue. The weight limit on the Reno bridge is 40 tons. Tom had a meeting with Great Lakes and John Schumacher. Hopefully the hours of operation for trucks coming in and out can be limited. Possibly the pickup truck that comes in on a daily basis can use the private lane.

COUNCIL MEMBER GUILLEY MOVED, SECONDED BY COUNCIL MEMBER CONNER, and the motion carried requesting a legal opinion as to whether or not the City is permitted to barricade the end of Cheverton. The vote: All yea. COUNCIL MEMBER THORLEY MOVED, SECONDED BY COUNCIL MEMBER GUILLEY, and the motion carried to suspend the rules allowing Mr. Miller, Mr. Walters of Cheverton and Georgeann McGinnis to speak. The vote: All yea.

Terry Miller of 1379 Cheverton addressed the Council regarding barricading the end of the road. He feels there is some defiance from the City Manager in his meeting today. He thought Council instructed Tom Ault to pursue legal avenues to close the road. He called the police department yesterday morning at 7:00 because the salt brine truck came up the street using its jake brake and is also overweight. The officer said he couldn't do anything. Mr. Miller asked if he parked his car at the end of the street would he be ticketed? The officer replied no nor would he tow it. Forty five minutes later another salt brine truck went into the property. Mr. Miller parked his car at the end of Cheverton. The police asked him to move his vehicle because he was too close to the fire hydrant. Mr. Miller indicated he was over 14 feet away and the Ordinance says ten feet. He cannot get the police department to enforce anything. He wants the mud cleaned up.

City Manager Tom Ault informed the Council he requested the meeting today due to the complaints. He was not aware of the incident on Sunday until the meeting today. He has been reviewing Ordinances and forwarded to the Law Director.

Tim Walters of 1390 Cheverton addressed the Council indicating the cement curbing has separated and sunk since the heavy trucks started coming through; the catch basin has depressed; his sump pump runs almost constantly possibly from all the debris and muck.

Council Member Guiley informed Mr. Miller over the past 12 months the State of Ohio has enacted new regulations that prohibit anyone from putting in a new driveway that gains access, egress or ingress, onto a state highway without contacting them first.

Council Member Thorley commented he would like a guardrail put up to protect the citizens. The City has done this in other areas.

Georgeann McGinnis of 415 W. Broad Street addressed the Council regarding the importance of transportation for senior citizens. She commended past and current City Councils for their foresight and support of the van service. She thanked all of the van supporters. She asked City Council's continued support for the future.

**MAYOR'S COURT REPORT OF RECEIPTS AND DISBURSEMENTS FOR THE MONTH ENDING NOVEMBER 30, 2007**

Total fines \$535, total forfeitures \$1,575, total computer costs \$481, total court costs \$481, subtotal \$3,072, total Reparation Rotary fund \$333, total General Revenue fund \$555, subtotal (State Victims of Crime) \$888, TOTAL REVENUE \$3,960

Credited to City General fund \$2,852, credited to State Treasurer \$888, cost of Magistrate \$220, TOTAL DISBURSEMENTS \$3,960

**FINANCIAL REPORT OF RECEIPTS AND DISBURSEMENTS FOR THE MONTH ENDING NOVEMBER 30, 2007**

Council was presented with a financial statement prepared by the Department of Finance indicating the City's financial status for the month ending November 30, 2007.

**ORDINANCE NO. 07-64** – BEING AN ORDINANCE OF THE COUNCIL OF THE CITY OF LOUISVILLE, STARK COUNTY, OHIO; AMENDING SECTION 157.01(A) OF THE CODIFIED ORDINANCES OF THE CITY OF LOUISVILLE RELATIVE TO THE EMPLOYMENT PROVISIONS OF THE EMPLOYEES OF THE CITY

COUNCIL MEMBER THORLEY MOVED, SECONDED BY COUNCIL MEMBER GUILLEY, and the motion carried to table Ordinance No. 07-64 to allow for a study to be conducted of salary ranges. The vote: All yea.

**ORDINANCE NO. 07-65** – BEING AN ORDINANCE AMENDING CHAPTER 191.15(A) OF THE CODIFIED ORDINANCES OF THE CITY OF LOUISVILLE RELATIVE TO THE CREDIT FOR TAX PAID TO OTHER MUNICIPALITIES

COUNCIL MEMBER THORLEY MOVED, SECONDED BY MAYOR-COUNCIL MEMBER KERCHNER, and the motion carried for the second reading of Ordinance No. 07-65. The vote: Brown nay, Conner nay, Guiley yea, Kerchner yea, Thorley yea.

COUNCIL MEMBER THORLEY MOVED, SECONDED BY COUNCIL MEMBER GUILLEY, and the motion failed to suspend the rules for emergency adoption of Ordinance No. 07-65. The vote: Brown nay, Conner nay, Guiley yea, Kerchner yea, Thorley yea.

Ordinance No. 07-65 did not pass by emergency. Director of Finance Bill Rouse commented there will be no reduced tax credit for 30 days.

**ORDINANCE NO. 07-66** – BEING AN ORDINANCE MAKING APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF LOUISVILLE, STARK COUNTY, STATE OF OHIO, FOR THE YEAR BEGINNING JANUARY 1, 2007

MAYOR-COUNCIL MEMBER KERCHNER MOVED, SECONDED BY COUNCIL MEMBER THORLEY, and the motion carried for the first reading of Ordinance No. 07-66. The vote: All yea.

COUNCIL MEMBER THORLEY MOVED, SECONDED BY MAYOR-COUNCIL MEMBER KERCHNER, and the motion carried to suspend the rules to allow for the emergency adoption of Ordinance No. 07-66. The vote: All yea.

COUNCIL MEMBER THORLEY MOVED, SECONDED BY MAYOR-COUNCIL MEMBER KERCHNER, and the motion carried for the emergency adoption of Ordinance No. 07-66. The vote: All yea. Mayor-Council Member Kerchner declared Ordinance No. 07-66 duly passed and enacted.

**NEW BUSINESS**

COUNCIL MEMBER THORLEY MOVED, SECONDED BY MAYOR-COUNCIL MEMBER KERCHNER, and the motion carried to reappoint John Cespedes to a three-year term on the Louisville Civil Service Commission. The vote: All yea.

COUNCIL MEMBER THORLEY MOVED, SECONDED BY MAYOR-COUNCIL MEMBER KERCHNER, and the motion carried to appoint Dorothea Linerode to a three-year term on the Louisville Tree Board. The vote: All yea.

City Manager Tom Ault informed the Council Article VIII of the Charter states no person can be appointed to the Louisville Planning Commission and Board of Zoning Appeals shall not hold any other public office or position in the City. This would disqualify one of the applicants.

COUNCIL MEMBER GUILLEY MOVED, SECONDED BY MAYOR-COUNCIL MEMBER KERCHNER, and the motion carried to instruct staff to schedule interviews in January for the two candidates that applied for the Louisville Planning Commission and Board of Zoning Appeals. The vote: All yea.

Council Member Thorley addressed the Council and thanked everyone he has worked with and each of the Councils he has had the pleasure of working with. He welcomed incoming Council Members Guy Guidone and Tom McAlister. He especially thanked the citizens of Louisville for allowing him to serve these past 22 years.

Mayor-Council Member Kerchner announced there will be an open house at City Hall for Council Member Thorley on December 28<sup>th</sup> from 1 to 3 p.m.

Council Member Conner addressed the Council and commented it has been interesting and thanked everyone. She has learned a great deal and enjoyed it.

City Manager Tom Ault requested Council to act on the senior van issue and the engineering fees. Staff recommends the City make it very clear on permits that engineering fees for storm water review with plats and commercial developments may be included but not have a specific fee.

COUNCIL MEMBER GUILLEY MOVED, SECONDED BY COUNCIL MEMBER CONNER, and the motion carried to invoice the four companies that are on hold for Hammontree & Associates engineering fees for no more than \$500 each. From here on out the City must provide applicants with notice that there may be additional fees. The vote: Brown yea, Conner yea, Guiley yea, Kerchner nay, Thorley nay.

COUNCIL MEMBER GUILLEY MOVED, SECONDED BY COUNCIL MEMBER CONNER, and the motion carried instructing staff to apply for the NAID permit so that when HUD homes become available within the City limits, the City is eligible to attempt to acquire for \$1 within ten days. The vote: Brown nay, Conner yea, Guiley yea, Kerchner nay, Thorley yea.

COUNCIL MEMBER THORLEY MOVED, SECONDED BY MAYOR-COUNCIL MEMBER KERCHNER, and the motion carried to continue the senior van program and instructed City staff to continue monitoring the funding of the program. The vote: Brown nay, Conner yea, Guiley yea, Kerchner yea, Thorley yea.

Council moved back into Executive Session.

There will be no further business following the Executive Session.

COUNCIL MEMBER THORLEY MOVED, SECONDED BY COUNCIL MEMBER CONNER, and the motion carried for the Council to move out of Executive Session. The vote: All yea.

The meeting was adjourned.

Respectfully submitted,

Peggy Howald, CMC  
City Clerk