

LEESBURG VILLAGE COUNCIL

September 24, 2009

Mayor Jim Cook, Presiding

Mayor Jim Cook called the regular September session of the Leesburg Village Council to order on Thursday, September 24, 2009 at 6:45 P.M. in the Leesburg Municipal Building. Pastor Mary Cyrus gave the invocation and Mr. Bob Cunningham led all present in the Pledge of Allegiance to the Flag.

ROLL CALL:

Present: Council Members Mr. Robert Barrett Jr., Mr. Danny Daulton, Mr. Pat Hagen, Mr. Mark Henson, Mr. George Phillips, and Mrs. Bernease Priest.

Also present: Fiscal Officer Tracy Evans, Administrator Freddie Snyder, Police Chief Tim Tyree and Solicitor Fred Beery.

Also attending: Mr. Gary Barnett – resident, and Mr. Dean Fetters – resident.

I. CONSENT CALENDAR:

a. Minutes for the August 12, 2009 regular session were motioned for approval by Bernease Priest with corrections. Motion was seconded by George Phillips. Roll call vote 6-0. Motion passed.

b. Council reviewed all bills paid in August 2009. Motion to approve bills paid was made by Pat Hagen. Motion was seconded by Robert Barrett. Roll call vote 6-0. Motion passed.

II. PRIVILEGE OF THE FLOOR:

Mr. Gary Barnett approached Council regarding the teens in Leesburg walking on and sometimes in the middle of the village streets instead of using the sidewalk or walking on the side of the street. Mr. Barnett told Council of an incident he had with some teens and he stated he thinks Council needs to pass an Ordinance to stop teens from doing this. According to Solicitor Beery, the teens have to obey all traffic laws that are currently in place. Chief Tim Tyree advised Mr. Barnett to call the police when he sees this again and the teens could be cited for disorderly conduct.

Mr. Dean Fetters approached Council regarding his house and barbershop located on Church Street. Currently both the house and shop have the same address of 122 Church Street. Mr. Fetters stated he will eventually sell the house but for now he is renting it, and keeping the shop. Mr. Fetters asked Council if he could keep the address of the shop 122 Church Street and issue the house a new address. After discussion Council decided the house address would be 122 ½ Church Street.

Danny Daulton motioned for the home owned by Dean Fetters be 122 ½ Church Street. Robert Barrett seconded the motion. Roll call vote 6-0. Motion passed.

III. LEGISLATION:

ORDINANCE NO. 09-08

AN ORDINANCE TO ESTABLISH TRASH SERVICE IN THE VILLAGE OF LEESBURG.

2nd reading.

RESOLUTION NO. 09-08

A RESOLUTION TO FIND THAT TRANSFER OF FUNDS FROM THE GENERAL FUND TO COVER SHORT-FALL IN THE WATER AND SEWER OPERATING FUNDS BY RESOLUTION 07-06 WAS INTENDED AS AN ADVANCE FROM THE GENERAL FUND AND TO AMEND RESOLUTION 07-06 ACCORDINGLY.

Mark Henson motioned to accept Resolution No. 09-08 as read. Bernease Priest seconded the motion. Roll call vote 6-0. Motion passed.

RESOLUTION NO. 09-09

A RESOLUTION TO FIND THAT TRANSFER OF FUNDS FROM THE GENERAL FUND TO COVER SHORT-FALL IN THE WATER AND SEWER OPERATING FUNDS BY RESOLUTION 08-02 WAS INTENDED AS AN ADVANCE FROM THE GENERAL FUND AND TO AMEND RESOLUTION 08-02 ACCORDINGLY.

Bernease Priest motioned to accept Resolution No. 09-09 as read. Pat Hagen seconded the motion. Roll call vote 6-0. Motion passed.

RESOLUTION NO. 09-10

A RESOLUTION TO AUTHORIZE REPAYMENT OF ADVANCES FROM THE GENERAL FUND TO THE WATER AND SEWER OPERATING FUNDS.

Pat Hagen motioned to accept Resolution No. 09-10 as read. Bernease Priest seconded the motion. Roll call vote 6-0. Motion passed.

COMMITTEE REPORTS:

Fiscal Officer Tracy Evans reported the Finance Committee met on Thursday, 8/27/09. Those in attendance were Robert Barrett - Chairman, Pat Hagen, Fiscal Officer Tracy Evans, Mayor Jim D. Cook, and Solicitor Fred Beery. Councilman Mark Henson was absent.

The topics of discussion were as follows:

1. Fiscal Officer Tracy Evans presented Solicitor Beery with an e-mail from April Davis, State Auditors Office stating that Resolution # 09-04 "A RESOLUTION TO AUTHORIZE TRANSFERS TO THE GENERAL FUND FROM THE WATER OPERATING AND SEWER OPERATING FUNDS" is invalid because the original resolutions (#07-06 & #08-02) stated the monies were "transferred" from the general fund, not "advanced". According to April Davis the monies can not be paid back unless the original resolutions are replaced to reclassify the transfers as advances. If they are re-classified as an advance the General Fund can be paid back. In addition, Mrs. Davis stated that Fiscal Officer Tracy Evans would need Solicitor Beery's written opinion on this subject.
2. The second item Fiscal Officer Tracy Evans discussed with Solicitor Beery was how much money from Resolution # 07-06 and 08-02 could be paid back to the the General Fund. The amount transferred was to cover the full amount of our sewer debt, not just Highland's portion. According to Solicitor Beery, the full amount of the transfer can be paid back, no need to only transfer Highland's portion. Again, Mrs. Davis recommended we get Solicitor Beery's written opinion on this matter.
3. The third item discussed was setting up a Capital Improvement Fund for the sewer. According to Solicitor Beery, we can do this at any time and we can transfer monthly from Sewer Operating to Capital Improvements.
4. The fourth item discussed was if the Finance Committee recommended putting the

remaining balance of the lump sum pay-off from Highland in to a CD or savings account. After discussion, the Committee decided they would recommend to Council to put the money in a 30 month CD with a 2.5% interest rate yielding 2.53% APY.

In addition to the above items, Fiscal Officer Tracy Evans asked the Finance Committee to start considering whether or not they are going to give the employees a rate increase for the 2010 year. If so, she requested they decide by November so the increase can be effective by January 1, 2010.

The meeting was concluded at 8:05.

George Phillips motioned to accept the recommendations and minutes as read from the Finance Committee meeting. Bernease Priest seconded the motion. Roll call vote 6-0. Motion passed.

V. REPORT OF CITY OFFICIALS:

Calls for service 311

Hours worked – 7/12/2009 – 8/8/2009

1301-Tyree 146.75 **1302-Bussey** 132 **1303-Nolley** 108 **1304- Boris-** 0 **1305- Holiday** 107.50 **1306- Sharp** 85

Overtime 5.0 27.5 6.25

Traffic Crash Reports 2

Offense Incident Reports 34

Type of Report

Curfew Violation – reported 300 Block W. Main St. Loud Music – reported 100 Block Middle St.
Child Neglect – reported 300 Block Eastern Ave. Domestic Violence – reported 200 Block S. Fairfield St.
Loud Music – reported 200 Block Eastern Ave. Nuisance – reported 200 Block Eastern Ave.
Unruly Juvenile – reported 400 Block Market St. Menacing – reported 600 Block Market St.
Interference with Custody – 200 Block Railroad St. Theft – reported 200 Block W. Main St.
Neighbor Dispute – reported 200 Block Elm St. Criminal Damaging – reported 100 Block Elm St.
Found Property- reported 100 Block E. Main St. Domestic Violence – reported 200 Block Eastern Ave.
Domestic Violence – reported 300 Block Theft – reported 100 Block W. Main St.
Disorderly Conduct – reported 300 Block Miller St. Reckless Operation – reported 9000 Block Lovers Ln.
OMVI – reported – reported 500 Block Elm St. Felonious Assault – reported 100 Block E. Main St.
Burglary – reported 300 Block Grove St. Parking Complaint – reported 400 Block E. Main St.
Disorderly Conduct – reported 100 Block Elm St. Animal at Large – reported 300 Block Grace Lane
Disorderly Conduct – reported 100 Block Forest Ave. Theft – reported 100 Block S. Fairfield St.
Criminal Mischief – reported 100 Block Market St. Theft – reported 300 Block W. Main St.

Arrest Information

Arrest/Reports 8

Traffic Citations / Violations: 3

Speed – 1 Traffic Control Device – 2

Warning Citations: 21

Speed – 5 Equipment – 8 Traffic Control – 2 Display of Plate - 2 Space between Vehicles-1

Fail to Dim -1 Obstruction of View – 1 Turn Signal - 1

Police Vehicle Information and Maintenance:

U-1-2005 Crown Vic. Miles driven: down due to gasoline odor

U-2 1998 Chevy Lumina Miles driven: 289

U-3 2008 Crown Vic. Miles driven: 2,284 replace & mount tires \$453.36

Training: CPR/AED

Training Cost: \$300.00

Additional Information:

The Police Department currently has 70 active case reports. At the end of August our total reports received has shown a small increase, unfortunately our felony reports for the year has almost doubled over last year.

All officers' on the department have received re-certification in CPR/AED training and that certification will be good for two years.

The department has received several reports of thefts from parked vehicles of electronic equipment, need to remind residents to lock their vehicles or remove items such as GPS, Radar Detectors, etc. from inside their vehicles and lock items in trunk.

Report of Administrator Freddie Snyder:

Administrator Snyder reported the following has been completed for the month of August:

Streets and signs around town have all been painted.

Installed new street signs where needed.

Wyatt Irvin marked off Pike Natural cuts and will repair as soon as possible.

Mowed the lot of the new Community Center Building and will maintain monthly.

Contracted Rick Priest to install a new roof for the Municipal Building.

Received sewer piping for Marc Sanderson's property.

Called Jim Lyle regarding grants for tornado sirens. Mr. Lyle reported he applied for a grant in 2008 for all of Highland County and was denied. Mr. Lyle stated he is re-applying this year.

Sent notice to property owner on 144 South Street regarding weeds and trash. According to Administrator Snyder, they mowed but have not cleaned up. According to Solicitor Beery we can have our employees go in and clean up the residence and bring the charges to the next meeting for Council to approve.

Report of Income Tax:

Dorothy Vance reported that \$27,408.69 was collected for the month of August 2009. We are down approximately \$21,000.00 year to date from 2008.

Report of Fiscal Officer Tracy Evans:

Fiscal Officer Tracy Evans asked Council to approve the following assessments for mowing:

<u>PARCEL NUMBER</u>	<u>PROPERTY ADDRESS</u>	<u>NAME</u>	<u>DELINQUENT AMOUNT</u>
17-02-110-090.00	290 Eastern Ave.	5/3 Bank	\$155.00
17-02-100-257.07	308 Eastern Ave.	Irvin	\$117.50
17-02-105-058.00	217 West Main	Wait	\$65.00
17-02-105-039.00	118 S. Middle	Yerian	\$305.00
17-02-110-034.00	233 Railroad	T. Smith	\$525.00
17-02-105-081.00	200 East Main	J. Smith	\$370.00
17-02-110-043.00	148 S. Fairfield St.	Williams	\$225.00

Pat Hagen motioned the amounts being assessed were fair and reasonable.

Bernease Priest seconded the motion. Roll call vote 6-0. Motion passed.

Fiscal Officer approached Council regarding a telephone call received from Mr. Shupert who resides at 365 West Main. Mr. Shupert stated his son wanted to put a camper in his back yard to temporarily live in. After discussion Council agreed it would be ok because there is currently no Ordinance in place to forbid it.

Informed Council that Mary Beth Hodson has requested a second pool fill adjustment due to having a defective liner and needing to install a new one.

Pat Hagen motioned to grant Mary Beth Hodson a second pool fill adjustment. Mark Henson seconded the motion. Roll call vote 6-0. Motion passed.

Requested reimbursement for employee Phil Weyrich in the amount of \$69.00 for a meter he purchased during week-end duty.

George Phillips motioned to reimburse Phil Weyrich \$69.00. Mark Henson seconded the motion. Roll call vote 6-0. Motion passed.

Requested two income tax refunds in the amount of \$75.00 and \$88.42.

Mark Henson motioned to approve the two income tax refunds for \$75.00 and \$88.42. Pat Hagen seconded the motion. Roll call vote 6-0. Motion passed.

MISCELLANEOUS:

Chief Tim Tyree informed Council the Village of Highland would like to purchase the 1992 police cruiser that is no longer in use from the Village. Solicitor Beery stated if the cruiser is worth \$1,000.00 or less the Mayor has the authority to make the decision. Chief Tyree wasn't sure of the value but did not think it was over \$1,000.00. Just to be sure, the Mayor asked Council for their opinion. After discussion, Council agreed to give Highland the police cruiser since it has no real value.

Pat Hagen motioned to transfer the 1992 Crown Victoria Cruiser to the Village of Highland. George Phillips seconded the motion. Roll call vote 6-0. Motion passed.

Mayor Cook set the following dates as Council meetings:

Thursday, October 22, 2009 at 6:45 P.M., Thursday, November 19, 2009 at 6:45 P.M. and Thursday, December 17, 2009 at 6:45 P.M.

Robert Barrett motioned to adjourn at 7:55 P.M. Bernease Priest seconded the motion. Roll call vote 6-0. Meeting adjourned.