

MINUTES
City of Geneva
Council Meeting
March 23, 2009
7:30 p.m.

Roll Call – Beckwith, Buskirk, Cordova, Ebersole, Fuller, Latimer and Piotrowski.

Pledge of Allegiance to the Flag was said and prayer was offered by Reverend Jim Walker of Peoples Church.

Motion by Cordova, seconded by Ebersole to accept the minutes of the March 9th, 2009 Council Meeting. Roll call, 4 yeas, 3 abstains – Latimer, Piotrowski, and Beckwith.

Citizens – Citizens were present along with representatives from the Star Beacon and Gazette.

Department Presentation – Fire – Chief Starkey

- Chief Starkey stated that tonight's word was communications and explained that the Geneva Fire Department has been working with Austinburg and Harpersfield Fire Departments with Automatic Aid. Through this communication, an engine from Harpersfield was automatically at a fire on Myers Rd. Saturday bringing assistance which enabled the fire to be contained very quickly.
- Chief Starkey announced, for those who did not know, that Reverend Walker is the Fire Department Chaplin who communicates with and helps the Fire Fighters. Chief Starkey thanked Reverend Walker for his efforts throughout the community.
- Chief Starkey explained that Dale Arkenburg has done fire extinguishing demonstrations for many years. To help local factories with overtime pay for this training, Dale Arkenburg has even gone out at midnight to catch shifts when they change. A Bullex Digital Fire Extinguisher Training Simulator was purchased with donations received in the amount of \$3,500.00 along with department funds. This simulator has enabled demonstrations to be increased and brought in doors to make the citizens of Geneva a little safer.
Dale Arkenburg explained that with the Bullex Digital Fire Extinguisher Training Simulator he no longer uses diesel fuel, diesel pans, or live fire extinguishers which cost \$25 to \$30.00 each to refill. The simulator gives a live affect and Mr. Arkenburg can diagram whatever type of fire he wants for training purposes.
Dale Arkenburg thanked Chief Starkey, Council, and Jim Pearson for making this happen for the Fire Department.
Kim Ebersole volunteered to extinguish a fire using the simulator.
- Chief Starkey announced that the first burn at the Training Center will be in April. A burn stand is being manufactured, policies are developed, a hydrant has been installed, and a street light has been installed.

Margie Trax, Star Beacon Staff Writer, asked Chief Starkey if the Fire Department is still fund raising for the Training Center.

Chief Starkey replied that they are still fund raising and currently organizing a golf outing. They would like to expand the Training Center in the future.

Rodger Fuller thanked Chief Starkey and Dale Arkenburg for their presentation.

Citizens

Ray Gruber – 587 State Rt. 534 South – Ray Gruber thanked Council for the opportunity to speak to them about the American Recovery and Reinvestment Act recently signed by the President and enacted. Contained in that stimulus bill is the Buy American Provision on page 189 which states that if it is found that the inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of an overall project by more than 25% the municipality has the right to apply for a waiver. At that point they can go to a foreign product. The Steel Workers have created a resolution which was adopted by the House and is soon to be voted on by the Senate. This resolution states that if a municipality was to apply for a waiver under the stimulus plan only, that waiver would then be posted on the Governor's website giving an American Company the opportunity to come within that 25% margin and provide services. Mr. Gruber explained that this resolution does not lock the municipality in, but states "whenever and wherever" possible. Whenever and wherever a product is made in the United States, the first consideration will be given to an American Company to provide jobs for this country.

Mr. Gruber affirmed that this resolution was adopted in Conneaut by unanimous vote and the County Commissioners will be voting on it this week. Mr. Gruber plans to ask Ashtabula City for their consideration next.

Rodger Fuller asked how the City determines what is or is not American made products.

Mr. Gruber replied that when the City goes out to bid, the company would have to attest that the product is American made.

Bill Buskirk affirmed that this resolution will not incur additional obligation or restrict the municipality in any way, but will encourage the posting of the waiver requirement on the governor's website.

Ray Gruber replied that the United Steel Workers are a labor organization and have no legal authority to mandate the City Council. This is a non binding resolution that the Steel Workers are asking the City to adopt in good faith that should they receive stimulus money and should they find pipe for example that is in question and apply for a waiver, they will then post that waiver on the website.

Lauren Gardner asked if this resolution is necessary to post the waiver on the website.

Ray Gruber replied that the resolution is not needed to post the waiver, but by bringing it to Council it does educate the public.

Lauren Gardner stated that she appreciates Mr. Gruber's goal, but questioned from a legal perspective, that by passing this resolution are the Steel Workers looking for a show of support of goal or is the intent to tie Council's or Administration's hands to do certain things.

Ray Gruber affirmed that they are only trying to have municipalities post the waiver on the governor's website to give a second chance to an American supplier.

Greg Strnisa – 50 South Broadway, Geneva – Greg Strnisa asked two questions: 1) Does this involve union companies only and 2) Why is the margin set at 25% and not at 10%. Mr. Strnisa feels that there are a lot of shops that would be happy to take a job just to keep their doors open to avoid lay offs. Mr. Strnisa added that the tax payers will have to pay the extra, one way or another.

Ray Gruber replied that this resolution is not for unions only and explained that the original bill did not have the 25% included. Mr. Gruber stated that there was a flood of protectionism being called upon from other countries but he does not know how the government came up with the 25%.

Bruce Beckwith stated that an important point that should be recognized is that by applying for the stimulus money the City is bound by these regulations and the 25% is not for discussion. This resolution is only to post the waiver on the governor's website, but we still have to live by the terms and conditions of the stimulus plan.

Rodger Fuller thanked Ray Gruber and affirmed that Council will take this into consideration and have an answer at the next Council Meeting.

Items for Consideration of Council

Ordinance 2992 was read, first reading. (AN ORDINANCE UPDATING THE CITY OF GENEVA'S PROHIBITION AGAINST DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, AND DECLARING AN EMERGENCY).

Lauren Gardner explained that most of the law stays as it is now, but she has added revisions found in the Ohio Revised Code. Limits were added to the metabolites in regards to certain drugs which is a testing provision that allows the Officers to take a look at what is in the blood test and charge for operating a vehicle under the influence of drugs as opposed to an alcohol charge. The mandatory minimum fines have been updated reflecting the Ohio Revised Code. These fines were updated by the State Legislature within the last year. A new charge was added, complying with state code, for a person who refuses a breath test and convicted of a driving under the influence charge within the last 20 years. That will now be a separate charge in and of itself. Lauren Gardner affirmed that she is getting the City's code up to state standards.

Phil Cordova asked if there are any situations or criteria where an OVI in the City limits would be charged with code other than the ORC.

Lauren Gardner replied that there are times when they might anticipate that a jail sentence would be so high and having that person in the City jail would be cost prohibitive. Officers have the discretion to charge under state code. There are also situations where the Officer charges under state code when there are additional charges that the City does not have as Codified Ordinance.

Bill Buskirk asked if it is necessary to pass this ordinance as an emergency.

Lauren Gardner replied that she would like this ordinance to be enacted as soon as possible so that the City will be current, especially for the penalty provision.

Motion by Ebersole, seconded by Latimer to declare Ordinance 2992 an emergency measure. Roll call, 7 yeas. Motion by Piotrowski seconded by Latimer that the rule of law requiring certain Ordinances be read at three separate meetings be waived and suspended and Ordinance 2992 be placed on the final roll for passage. Roll call, 7 yeas. Roll call on passage, 7 yeas. Ordinance 2992 duly passed.

City Manager's Report – Jim Pearson

- Mr. Pearson stated that he had an opportunity to attend a meeting at Geneva-on-the-Lake to discuss a possible Fire District with Harpersfield, Geneva-on-the-Lake Village, Geneva Township and the City of Geneva. Mr. Pearson explained that there are \$300,000.00 grants available through Funds for Economic Development. The group was in agreement to move forward with an abstract of 250 words or less which is due April 15th and to look at a feasibility study. Austinburg and Trumbull will also be asked if they have any interest in a Fire District. Mr. Pearson will keep Council updated.

Unfinished Business - None

New Business

Phil Cordova stated that he spoke with Bob Covell regarding his grandparent's home located north of Green Ridge on Rt. 534. Bob Covell tries to keep the back yard mowed, but has difficulty due to the storm water run off from Green Ridge. Mr. Covell asked if Council could research this problem to see what the cause is.

Mr. Pearson replied that he will have someone look into this and contact Bob Covell.

Payment of Bills – No questions

Committee Reports

Bill Buskirk stated that a Utilities Committee Meeting was held tonight to discuss Fire Protection Fees per the request of the Geneva Public Library. Mr. Buskirk explained that it is the recommendation of the Utilities Committee to hold off on any decisions for two months while the Water Department does further research. The Utilities Committee will come back in June with further recommendation to Council.

Crystal Latimer stated that she has been attending the Tree Academy this month which has been very worthwhile and informative. The Street Superintendent has also attended the academy which has been beneficial to him, allowing him to serve the City even better than before with this new knowledge.

Citizens

Ray Gruber – 587 State Rt. 534 South – Ray Gruber stated that he had the opportunity to go to the GaREAT Complex this weekend and was in amazement when he walked in. Mr. Gruber congratulated the Geneva City Council and Harpersfield Trustees for their efforts in making the JEDD Agreement possible for future development to better both communities as a whole.

Kim Ebersole added that she was also at the GaREAT Complex and was amazed that this huge facility is in our area.

Council meeting adjourned at 8:13 p.m.

Recorded by: Laurie Donatone
Clerk of Council

President of Council

Clerk of Council