

# RECORD OF PROCEEDINGS

Minutes of

BARRETT BROTHERS - DAYTON, OHIO

Meeting

Form 6101

Held

## RECORD OF PROCEEDINGS

### 2<sup>nd</sup> REGULAR COUNCIL MEETING

JANUARY 22, 2019

The 2<sup>nd</sup> Regular Council Meeting was called to order by Mayor James Waller after the Lord's Prayer and the Pledge of Allegiance were said.

Guests: Denise Freeland, Chris Miller, Patti Willoughby, Linda Cowden (Historical Society) Brent Cowden, Darlene Lutz, Eleanor Carson, Jeff & Melissa Fletcher, Adam & Amanda McCrobie, Birch Billiter, Arthur & Rebecca McClish, Mark Daily, Darlene Billiter & Vanessa Cercone.

Linda Cowden representative of the Historical Society reported on projects and improvements that are happening at the Haas Museum. Grand Opening will be May 18<sup>th</sup>.

Denise Freeland stated renewed the contract with the company that they lease the rights to show the movies. State of The Village will be January 31. May 18 Art & Jazz Festival. February 2 Pop Up Shop. They received a grant check from Arts N Stark to perform Steel Magnolias. State of The Village Luncheon will be January 31.

Melissa Fletcher & Birch Billiter spokes persons for the group of Middle School Wrestling parents. An incident took place during the end of practice with a drill that happened with one of the wrestlers on December 14, 2018. Two coaches have been charged with a crime. Birch Billiter stated the parents were advised by the medical team to file a report, because the medical team would be doing the same. As far as we understand both reports were filed. Then the Minerva Police Department did an investigation which led to the Prosecutor pressing charges on two of the coaches. Melissa stated we are not here about the family that is pressing charges we are here for what happened after that. How it affected our boys after that. This incident happened December 14 and we were not made aware of this incident until December 17 & 18. The parents were under the understanding this was a school board investigation not a police investigation. Melissa presented a school board policy Code PO5540. Chief Miller did speak with Mr. Chaddock and the principal to ask for permission to interview the students. Chief Miller stated we received a complaint, we investigated it. I went with our legal department to the prosecutor's office to make sure we did this right. We went over the next Monday morning to talk to the 16 potential witnesses. These kids were never suspects. We needed to talk to them before stories got conflated with all the inaccuracies. Nobody knows this case but me and my two officers and the prosecutor. Melissa asked why it took so long from Friday to Monday to talk to the students. Chief Miller stated the report was not filed until Saturday morning around 2 am. Mr. Billiter asked why the parents were not notified. Chief Miller stated because we had to talk to the children. Mr. Billiter stated so you feel you have the right to talk to our children without our consent. Chief Miller stated in that case we did. Mr. Billiter stated you are incorrect! (Everyone is talking at one time). (Everyone is yelling) Melissa stated all we are asking is that we don't say know the school board says wait and contact the parents. But we should have had the right to protect our children. Councilman Hannen asked if the school gave a reason why they broke their own protocol. Melissa stated no. The recognized it. Atty. Battista stated the school board policy is not applicable to the village. Chief Miller stated on Monday morning we went to the school we advised.....Mr. Billiter stated the school board told them the school policy supersedes his policy. Chief Miller let me speak this is how it happened..... we went over Monday morning to advise the school of the complaint we received over the weekend and advised them we needed to talk to these 16 kids. They asked us if they could get their counsel. We waited until their lawyer came from Canton to permit us to talk to your children. Mr. Billiter asked in that time maybe you should call the parents. Chief Miller stated I know you don't like that, but we don't need too in that situation. It is school board police and we have a copy stated Birch! Chief Miller stated we went through the schools legal counsel! Birch stated they were told by Mr. Chaddock that they made a mistake in not contacting us. Chief Miller stated then you need to talk to Mr. Chaddock. Atty. Battista stated he heard the statement the village police department is obligated to abide by the schools policy. I will review that. My initial thought is that does not make sense. Atty. Battista spoke with the prosecutor and their position the Minerva Police Department investigation was proper. Councilman Tarbet stated the school was given the opportunity to enforce their policy. Melissa agreed they had time to enforce it. Councilman Tarbet stated when Chief Miller walked in on Monday the school had the opportunity to say our policy says.....Birch stated yes and they (school) has admitted to making a mistake. Councilman Tarbet so to clarify the school had the opportunity to tell them you can't proceed with this until we fulfill our policy right. So that opportunity was there.....so the school board or school administration made the decision

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then through their legal counsel that they were not going to do that. Am I getting the progression right? So at that time they took the responsibility right.....that they are going to allow your kids to be interviewed by the police department without your notification. Correct? For the most part ya stated Birch. So at that point whether our SRO knew of the policy or not that opportunity to enforce their policy was presented and they opted not to do that. Atty. Battista stated this department is the Chief's for the Chief to run and he would not be bound by a school board policy. The Chief operates it under the law. Melissa stated upon reviewing her sons interview she felt the questions were leading. When you ask the same question in more than one way it can be confusing. As a parent I have the right as to whether my child is interviewed. If the interviews would have been handled differently we might not be in this situation with the press. Councilman Hannen asked Melissa how you think the press was notified. I am pretty sure the school nor the police department would have contacted them stated Councilman Hannen. Birch stated we contacted the Minerva Leader. Birch stated the prosecutor could have. Chief Miller stated I will tell you how they found out....by reading the court dockets.

Motion to approve the Minutes of the 1<sup>st</sup> Regular Council Meeting held January 8, 2019 was made by Mayor Waller seconded by Councilman Hannen. All voted yea.

Motion to approve bills totaling \$351204.98 for the month of January was made by Councilman Tarbet seconded by Councilman Boldizar. All voted yea.

Administrator: No report

Service Director: No report

Law Director: No report

Mayor: No report

Old/New Business

Resolution No. 1-19 authorizing the interfund transfer of interest earned proportionately from specific accounts from the General Fund back to the respective accounts generating said interest earnings. Second reading.

Motion to hear second reading of Resolution No. 1-19 was made by Mayor Waller seconded by Councilman Tarbet. All voted yea.

Motion to approve the second reading of Resolution No. 1-19 was made by Councilman Hannen seconded by Councilman Boldizar. All voted yea.

Resolution No. 2-19 authorizing the finance director to move monies from one line item to another within funds that are solely designated as allowable transfers by the Auditor of State of Ohio and the Ohio revised Code. The approval of such allowable transfers is for fiscal year 2019. Second reading

Motion to hear second reading of Resolution No. 2-19 was made by Mayor Waller seconded by Councilwoman Stoller. All voted yea.

Motion to approve the second reading of Resolution No. 2-19 was made by Councilwoman Stoller seconded by Mayor Waller. All voted yea.

Ordinance No. 3-19 authorizing the village administrator to advertise and receive bids for the milling of various municipal streets. Second reading

Motion to hear second reading of Ordinance No. 3-19 was made by Councilman Tarbet seconded by Councilwoman Stoller. All voted yea.

Ordinance No. 4-19 authorizing the village administrator to advertise and receive bids for material and/or labor for resurfacing of village streets and other municipally owned properties. Second reading

Motion to hear second reading of Ordinance No. 4-19 was made by Councilman Boldizar seconded by Councilwoman Stoller. All voted yea.

Motion to approve the second reading of Ordinance No. 4-19 was made by Councilwoman Stoller seconded by Councilman Tarbet. All voted yea.

Ordinance No. 5-19 an ordinance authorizing the Village of Minerva, Ohio to sell personal property not needed for public use, obsolete or unfit for use by internet auction pursuant to ORC Section 721.15. First reading

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Motion to hear first reading of Ordinance No. 5-19 was made by Councilman Hannen seconded by Councilman Tarbet. All voted yea.

Motion to approve first reading of Ordinance No. 5-19 was made by Mayor Waller seconded by Councilwoman Stoller. All voted yea.

Resolution No. 6-19 Resolution to certify to the Stark County Auditor various matters pursuant to ORC 5705.03. First reading

Motion to hear first reading of Resolution No. 6-19 was made by Mayor Waller seconded by Councilman Boldizar. All voted yea.

Motion to approve first reading of Resolution No. 6-19 was made by Councilman Tarbet seconded by Councilman Hannen. All voted yea.

Ordinance No. 7-19 Ordinance No. 7-19 an ordinance consenting to the intersection at STA US 30 at Grant Blvd. in the Village of Minerva, and Declaring an Emergency.

Motion to hear first reading of Ordinance No. 7-19 was made by Councilman Hannen seconded by Mayor Waller. All voted yea.

Motion to approve first reading of Ordinance No. 7-19 was made by Councilman Tarbet seconded by Councilwoman Stoller. All voted yea.

Motion to suspend statutory rules of Ordinance No. 7-19 was made by Councilman Hannen seconded by Mayor Waller. All voted yea.

Motion to have second and third readings by title only on Ordinance No. 7-19 was made by Councilwoman Stoller seconded by Councilman Hannen. All voted yea.

Ordinance No. 8-19 an Ordinance approving the Village of Minerva credit card policy, and declaring it an emergency.

Motion to hear first reading of Ordinance No. 8-19 was made by Councilman Boldizar seconded by Mayor Waller. All voted yea.

Motion to approve first reading of Ordinance No. 8-19 was made by Councilwoman Stoller seconded by Councilman Tarbet. All voted yea.

Motion to suspend statutory rules of Ordinance No. 8-19 was made by Councilman Tarbet seconded by Councilman Boldizar. All voted yea.

Motion to have second and third readings by title only on Ordinance No. 8-19 was made by Councilman Tarbet seconded by Councilman Hannen. All voted yea.

Motion to purchase a Golf Lift GL-9 Premium 2 Column space saving design, includes tray and wheel fork for three wheeled machines and truck kit. 9000 lbs. cap. With installation-electrical service line not Included not to exceed \$6799 was made by Councilman Hannen seconded by Mayor Waller. Councilman Tarbet & Councilwoman Stoller voted nay. 3 yeas 2 nays. Councilwoman Stoller suggested a salt spreader instead.

Motion to adjourn was made by Councilwoman Stoller seconded by Mayor Waller. All voted yea.

The next Regular Council Meeting will be February 12, 2019.

Attest:

Brenda Albaugh Clerk of Council

James B. Waller Mayor