

# THE CITY OF FREMONT, OHIO

## *Journal of Council*

June 21, 2012

The regular meeting of Fremont City Council was called to order at 7:30 p.m. in the form prescribed by the General Rules of Council, with President James Weaver presiding.

The following members answered roll call: Knisely, Kreilick, Marker, Nalley, Root and Ruiz.

The minutes of the June 7, 2012 meeting were approved as corrected by citizen Joe Michels. Michels corrected a comment in the minutes that was attributed to him. (See correction underlined in minutes of June 7)

An executive session was requested by Law Director (LD) Jim Melle to discuss pending litigation. On motion by Root, seconded by Marker, the council agreed to go into executive session on 6 yeas votes.

A third reading of a resolution authorizing the approval and issuance of warrant for payment of \$10,629.30 to Robison, Curphey & O'Connell LLC and declaring an emergency. On motion by Root, seconded by Marker, motion carried 6 yeas votes. (Res.2012-1849)

Second reading of a resolution authorizing the approval and issuance for a warrant for payment of \$5,176.80 to ASCO Services, and declaring an emergency. On motion to suspend rule 4 by Root, seconded by Knisely, motion failed 5 yeas and 1 nay vote.

First reading of an ordinance authorizing the mayor to execute on behalf of the city a settlement agreement between the city and Marvin Dabish (DBA The Players' Club Internet Café in connection with case #3:12CV146 in U.S. District Court of the Northern District of Ohio, Western Division, and to execute all documents and take action as required under the agreement, and declaring an emergency.

First reading of an ordinance enacting a new Chapter 749 of the Codified Ordinances of the City of Fremont titled Sweepstakes Terminal Café, and declaring an emergency.

Council President James Weaver called for council to take action on the Fremont Country Club's (FCC) D51 liquor license. LD Melle explained that the FCC wants to change its license from a D4 to a D51, which will allow the FCC to serve alcohol to the public and up to 2:30 a.m. Council agreed to add it to the July 5 agenda for consideration.

### Committee reports

Citizens Service Chair Ruiz said the Block Watch meeting on June 11 when the mayor addressed the group was well attended. The next meeting is set for July 9.

Citizens Committee Chair Knisely reported that he received correspondence from Fremont Schools Superintendent Tracy McCaudy that announced the graduation of high school seniors from Ross High school as well as the demolition of the former middle school.

Finance Committee Chair Nalley reported that his committee has received the May finance report and it's under review. He also reported that the next meeting of the Beautification Committee will be on the first Tues of August.

Parks & Rec Committee Chair Marker said he was unable to attend the last committee meeting, but Councilman Knisely was there. Knisely reported that the committee met the new recreation superintendent and there was no action taken at the meeting. Marker added that the Camelback Race went smoothly.

### Council members Comments

Nalley reported that the 2012 Sesquicentennial scholarships went to Katherine Stierwalt, Alesha Overmyer, and Malcolm Leake. He also reported that he and Councilmember Ruiz attended the *Water is Life* seminar at TMACOG, and encouraged council members to participate in such seminars/trainings. He said the Safety Service Director Marc Glotzbecker should encourage employees to attend such seminars.

Marker reported that he will miss future meetings due to health issues.

Ruiz said she was happy to see the agreement on the internet café subject.

Weaver reported that a work session on council's bylaws took place before this meeting and that another work session will be conducted at 6:30 p.m. prior to the July 5 council meeting.

Glotzbecker reported that the citywide garage sales event is set for June 29&30. He added that the city will schedule some citywide clean up days to take place at the end of summer. During these days residents can get rid of bulky items. The sites of disposal at Birchard, Rodger Young and Eastside parks will be monitored and another clean-up date will be set for the spring. Nalley questioned the trash hauling contract, noting that there is an increase in costs,

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### Public comments

Dave Mosser, 528 Keller Drive, asked if the city administration had noticed any effects of the electric aggregation since his electric bill is still the same.

Robert Johnson, 1714 W. Alexis, a restaurateur in Oregon and owner of Sweepstakes Internet Café, said he's happy to hear that the Internet Café business will be regulated in the city, but he was upset at the fee schedule since it is difficult for small business owners to pay the fees designated in the agreement. He said the fee should be used only to reimburse the city's cost of policing the industry – not to deter businesses from setting up in the city.

Mark Wallace, North St., regrets his vote for the mayor. And questioned the city's right to adjudicate and close down the cafés. He said the fee schedule amounts to extortion.

Fremont Police Capt White respond to Nalley's question regarding the reason for closing the cafés, saying that the legal advice the Police Department received indicated that the cafés were operating illegally. The law required the department to seize all property and to hold such property until it is determined proper to return the property.

Fred Recktenwald, 1614 McPherson Blvd., asked if the cafés were illegal before, why is it legal now. He also asked the return of property the police took from those who were in the cafés at the time of the raid.

John Koble of Albrechta & Koble and representing Dabish and the Players Internet Café said that compromise is necessary to resolve the dispute. The agreement means that his client will be able to operate legally and customers won't have to be afraid the business will be raided. Even though clients won't mind lower fees, the agreement is still one that makes sense. He thanked Melle for his work and said his client is looking forward to operating his business.

Nalley asked Capt. White to address issue of returning property taken from clients during the raid. White said he couldn't say exactly what was seized, but the search warrant itemized the items to be seized.

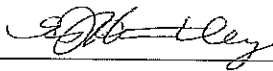
Brian Mullins, manager at the Players Club, said that clients in the club at the time of the raid had signed an affidavit indicating what was taken from them.

Ross Paulson of Port Clinton Road, a business owner in Fremont, said he's concerned as a small business owner that the city can impose a fee on a small business. He learned that an ordinance licensing adult entertainment in the city is much lower than those proposed for the Internet Cafés, which are similar to adult entertainment. He said while regulation is good, high fees are not good for small businesses.

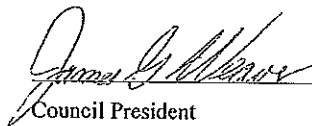
Joe Michels, 1614 Birchard Ave., asked for an update on the legal counsel of ODNR who he believed emailed information regarding a fine the city faces if the Ballville Dam is not removed by the deadline. Jim Melle said he has heard nothing from the state.

Nalley reminded everyone about the July 4 parade at 10 a.m. from SJCC to Rodger Young Park with fireworks at 10 p.m.

There being nothing further to come before council, on motion by Root, seconded by Ruiz to adjourn, motion carried 6 yea votes. Meeting adjourned at 8:55 p.m.



Clerk of Council



Council President