

THE CITY OF FREMONT, OHIO

Journal of Council

July 5, 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, Nalley, Root and Ruiz. Councilmember Marker was absent due to health issues.

The minutes of the June 21, 2012 meeting were approved as written and received.

An executive session was requested by Law Director (LD) Jim Melle to discuss pending litigation. On motion by Root, seconded by Ruiz, the council agreed to go into executive session on 6 yeas after agenda items #1- 6 and 8.

Third 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 by Root, seconded by Knisely, motion carried 6 yeas votes. (Res. 2012-1850)

Motion by Nalley, seconded by Root, council agreed to address agenda item # 3 before agenda item#2.

Agenda item #3, the second 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. On motion by Nalley, seconded by Root, agenda #3 was amended to eliminate the \$7,500 fee and lower license fee for cafés to \$4,000. The ordinance was also amended to indicate the fee year would be July 1 to June 30 instead of a calendar year and there would be no prorating of the fees. Nalley explained that he has had discussions with café owners and the fees seem excessive. No other cities seem to have such high fees. Of 19 Ohio communities with fees that he checked, he added up those fees and developed an average fee to establish the \$4,000 fee. The biggest cost would be inspecting the cafés, he said. Leake asked about the frequency of inspecting the cafes, and SSD Marc Glotzbecker said he'd do on a monthly basis to start. Leake said he believes how the health and fire departments conduct inspections should be the standard. Council President Jim Weaver called for public comment and Mark Wallace, 1513 North St., shared that he thought the fees are exorbitant and that a fee of \$2,400 was more appropriate. Fred Recktenwald, 1604 McPherson Blvd., told council he researched the subject and, based on the fees he collected, he suggested a license fee of \$1,200 together with a \$50 fee for 1-25 terminals, \$100 for 25-50 terminals, \$150 for 50 to 100 terminals, and so on was more appropriate. He said the bigger the café the more they should pay. Mike Koebel, 850 Morrison St., said he did not like the fee implementation because it begs the question of who's next to be licensed by the city. Then, Joe Albrechta, attorney for Marvin Dabish, owner of Players Internet Café, said his client is not opposed to a lower license fee and that the most important fact was to resolve the issue and he encouraged council to adopt the ordinance. On motion to suspend Rule 4 by Kreilick, seconded by Ruiz, motion carried 6 yeas votes. On motion to adopt by Nalley, seconded by Knisely, motion carried 6 yeas votes. (Ord. 2012-3589)

Second 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. On motion by Nalley, seconded by Ruiz, this ordinance was amended to reflect the new license fees approved in agenda item#3 on 6 yeas votes. On motion to suspend Rule 4 by Root, seconded by Ruiz, motion carried 6 yeas votes. On motion to adopt by Knisely, seconded by Ruiz, motion carried 6 yeas votes. (Ord. 2012-3588)

On motion by Root, seconded by Knisely, motion carried 6 yeas votes to show no objection to the Fremont Country Club's (FCC) request to change to a D5I liquor license.

First reading of an ordinance to appropriate \$2,051.55 to the Street Fund and declaring an emergency. On motion by Ruiz, seconded by Leake, motion carried 6 yeas votes. On motion to adopt by Root, seconded by Knisely, motion carried 6 yeas votes. (Ord. 2012-3590)

First reading of a resolution to appoint a representative and an alternate to serve on the Board of Directors of the Buckeye Ohio Risk Management Association.

First reading of an ordinance to authorize the expenditure and direct the Safety Service Director to contract with Midwest Compost in the amount of \$78,000 for spent lime lagoon cleaning and declaring an emergency. On motion to

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suspend Rule 4 by Root, seconded by Knisely, motion carried 6 yea votes. On motion to adopt by Nalley, seconded by Root, motion carried 6 yea votes. (Ord. 2012-35-91)

Council then went into executive session to discuss pending litigation.

Council returned from executive session at 9:45 p.m.

First reading of an ordinance authorizing the transfer of \$600,000 from the General Fund to the Water Reservoir Fund and a transfer of \$1,900,000 from the Water Fund to the Water Reservoir Fund for a total transfer of \$2,500,000 to the Water Reservoir Fund and declaring an emergency. On motion to suspend Rule 4 by Root, seconded by Ruiz, motion carried 6 yea votes. On motion to adopt by Root, seconded by Kreilick, motion carried 6 yea votes. (Ord. 2012-3593)

First reading of an ordinance authorizing the expenditure and to direct the Safety Service Director to ratify the May 27, 2010 contract with HM Miller and declaring an emergency. On motion to suspend Rule 4 by Root, seconded by Ruiz, motion carried 6 yea votes. On motion to adopt by Ruiz, seconded by Knisely, motion carried 6 yea votes. (Ord. 2012-3592)

Committee reports

Citizens Service Chair Ruiz said the next Block Watch meeting is set for July 10 at 7 p.m.

Finance Committee Chair Nalley reported that meeting set for July 19 has been cancelled and will be rescheduled. He will announce the new date at the next council meeting.

Council members comments

Leake wished Marker a speedy recovery from his surgery.

Kreilick noted the amount of public comments and said she appreciated the public input.

Knisely said he thought the fireworks display on July 4 were outstanding.

The mayor thanked Ken Dumminger for the July 4 fireworks and the rec dept for the parade.

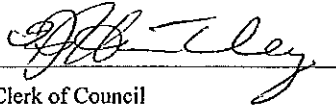
Weaver reported that a work session on council's bylaws took place before this meeting and all the amendments were made and a copy will be provided to Melle for review.

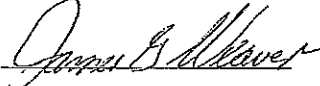
Public comments

Joe Michels, 1614 Birchard Ave., shared he was informed that a letter from ODNR's legal counsel on the possible fine for not making the deadline of the dam removal will be sent to Law Director Jim Melle. He also suggested that the city should have an infrastructure to fund major projects so that residents are not saddled with high rates. He also suggested that city council consider rules to prohibit gas and diesel engines on the new reservoir.

Recktenwald asked about the possible return of confiscated items from residents present in the cafés during the raid in January. He said he believes private property should be returned. Melle replied that he had no information on that subject.

There being nothing further to come before council, on motion by Knisely, seconded by Ruiz to adjourn, motion carried 6 yea votes. Meeting adjourned at 10:25 p.m.


Clerk of Council


Council President