

Agenda  
Village of Roaming Shores Council  
October 1, 2024 – 7:00 PM

Call To Order

Pledge to the Flag

Roll Call

Minutes to the Previous Meetings: *September 17 Council Meeting*

Visitor's Comments

Mayor's Report: *Jennie D'Amicone*

Administrator's Report: *Mark Reed*

Solicitor's Report: *Cris Newcomb*

Committee Reports

Finance Committee  
Public Safety Committee  
Public Works Committee  
Human Resources Committee  
Technology Committee  
Planning Commission  
Records Commission  
SCAD

Special Committee on Effective Self-Government

Special Joint Committee on Streets

Old Business:

- 

New Business:

- 

Ordinance 937-08-2024: AN ORDINANCE CREATING THE POSITION OF PART-TIME ZONING INSPECTOR FOR THE VILLAGE OF ROAMING SHORES INCORPORATING THE JOB DESCRIPTION AND POSITION DUTIES/RESPONSIBILITIES ATTACHED HERETO AS EXHIBIT "A" AND NOT DECLARING AN EMERGENCY (TABLED) – Requested by: Village Council

Ordinance 938-09-2024: AN ORDINANCE APPROVING THE PROPOSAL AND CONTRACT WITH SITESTREAM, LLC FOR THE INSTALLATION AND ONGOING SERVICING OF TRAFFIC/SPEED CAMERAS AND PHOTO ENFORCEMENT ALONG THE PORTION OF STATE ROUTE 6 WITHIN THE LIMITS OF THE VILLAGE OF ROAMING SHORES AND NOT DECLARING AN EMERGENCY (3<sup>rd</sup>) – Requested by: Administrator Reed

Ordinance 939-09-2024: AN ORDINANCE CREATING CHAPTER 317 AUTOMATED TRAFFIC LAW ENFORCEMENT DEVICES UNDER THE CODIFIED ORDINANCES OF THE VILLAGE OF ROAMING SHORES AND AS DESCRIBED IN EXHIBIT A ATTACHED

(Over)

HERETO TO BE FULLY INCORPORATED HEREIN AND NOT DECLARING AN  
EMERGENCY (3<sup>rd</sup>) – Requested by: Administrator Reed

Ordinance 940-09-2024: AN ORDINANCE AMENDING CODIFIED ORDINANCE 111.01  
GOVERNING COUNCIL RULES AND COUNCIL MEETINGS AND NOT DECLARING AN  
EMERGENCY (3<sup>rd</sup>) – Recommended by: Solicitor Newcomb

Ordinance 941-10-2024: AN ORDINANCE DECLARING A VEHICLE SURPLUS AND  
AUTHORIZING THE VILLAGE ADMINISTRATOR AND/OR MAYOR TO SELL OR  
OTHERWISE DISPOSE OF SAID VEHICLES IN A MANNER PRESCRIBED BY LAW AND  
DECLARING AN EMERGENCY (1<sup>st</sup>) – Requested by: Administrator Reed

Bills For Review

Any Other Topic of Discussion

Visitor's Comments

Executive Session

Adjournment

Village of Roaming Shores Council Meeting  
September 17, 2024

The meeting was called to order by Mayor Jennie D'Amicone. Roll Call was taken and the following members were present: Bob Cook, Steven Kaufman, Ed Koziol, and Gary Meighen. Also present were Solicitor Christopher Newcomb, Clerk-Treasurer Kerri Philips, and Administrator Mark Reed. Sally Fell and Holly Mayernick were absent.

**MINUTES TO THE PREVIOUS MEETINGS:** A motion to accept the meeting minutes from the September 3, 2024 council meeting was made by Meighen and seconded by Kaufman. Roll Call: Cook – yes, Fell – absent, Kaufman – yes, Koziol – yes, Mayernick – absent, Meighen – yes.

**VISITOR COMMENTS:** Tim Mizer (1133) commented on the entrance of Lake Vue and Route 6, asked where to find the full ordinances being read, and commented on Ordinance 939-09-2024. Michelle Rose (1690) commented on speed cameras. Pat Long (1147) commented on speed cameras. Diane Reuschling (1881) commented on speed cameras. Sandra D'Amicone (1553) commented on speed cameras. Julianne Pugh (2541) commented on the lift station on Rosewood Pl. William Fettig (45) commented on speed cameras. Alice McGinnis (454) commented on speed cameras. Rick Gainar (827) commented on speed cameras. Libby Company (1129) commented on speed cameras. Yvonne Gibson (2574) commented on speed cameras. Pat Kearns (1293) commented on speed cameras. Nan-Marie Graham (1535) commented on speed cameras. Joy Milano (292) commented on speed cameras. Joe Milano (292) commented on speed cameras.

**MAYOR'S REPORT:** At the Planning Commission meeting on September 11, it was determined that based on the building and zoning codes for the Village of Roaming Shores, it has become necessary to have a building inspector. Based on this, I am temporarily appointing David Muraco as the Building Inspector for the Village of Roaming Shores. He will also continue to be the temporary Zoning Inspector for the village. He will not incur any more hours or pay at this time.

**TREASURER'S REPORT:** Philips reviewed the financial statements ending May 2024 and stated June will be ready for the next meeting. She also stated that the state auditors have completed their work in the office for the 2022-2023 audit. There is no timeline for completion of the audit.

**ADMINISTRATORS REPORT:** In addition to the written report that was provided to the council and the public, Reed stated that he sent in additional information regarding the headworks project. Mr. Elkins stated that he can attend the October 15 council meeting to discuss speed cameras further. Reed also stated that since September 1, there are 25 new autopay signups with bank accounts.

**POLICE CHIEF'S REPORT:** In addition to the written report that was provided to the council and the public, Chief Roskos introduced the village's new part-time police officer, Ed Orient.

SOLICITOR'S REPORT: Newcomb stated that the surplus vehicle ordinances will be ready for the next meeting. He sent the council rules ordinance out to the council for review. Newcomb will be working on an ordinance regarding postings of ordinances and meetings on the website as the Ohio Revised Code has changed.

RRA REPORT: Kaufman stated that with the association having fewer meetings, he does not have anything to report right now.

FINANCE COMMITTEE: No report.

PUBLIC SAFETY COMMITTEE: The committee met this evening.

PUBLIC WORKS COMMITTEE: The next meeting is 10/04/2024. There are two new members, Bryan Hitch and Joe Milano.

HUMAN RESOURCES COMMITTEE: The next meeting is 10/01/2024.

TECHNOLOGY COMMITTEE: No report.

PLANNING COMMISSION: The next meeting is 10/09/2024. New zoning permits were adopted at the last meeting.

RECORDS COMMISSION: No report.

SCAD: August: 20 village calls, 154 district calls. YTD: 116 village calls, 1,225 district calls. SCAD approved a wage increase package equally approximately 4% each year.

SPECIAL COMMITTEE ON SELF-GOVERNMENT: The committee had it's first meeting. The next meeting will be 10/28/2024.

SPECIAL JOINT COMMITTEE ON STREETS: No report.

SPECIAL COMMITTEE ON UTILITY BILLING LATE FEES: Kaufman suggested removing this committee from the agenda. Newcomb stated that the council can make a motion during new business to dissolve the committee.

#### OLD BUSINESS:

- No old business to discuss.

#### NEW BUSINESS:

- A motion to eliminate the Special Committee on Utility Billing Late Fees was made by Kaufman and seconded by Meighen. Roll Call: Cook – yes, Fell – absent, Kaufman – yes, Koziol – yes, Mayernick – absent, Meighen – yes.

ORDINANCE 937-08-2024: AN ORDINANCE CREATING THE POSITION OF PART-TIME ZONING INSPECTOR FOR THE VILLAGE OF ROAMING SHORES INCORPORATING THE JOB DESCRIPTION AND POSITION DUTIES/RESPONSIBILITIES ATTACHED HERETO AS EXHIBIT “A” AND NOT DECLARING AN EMERGENCY (3<sup>rd</sup>) – Requested by Village Council. A motion to table the ordinance in order to have a full council for the vote, and to have time to review some additional information, including the building inspector position, should it be included in this ordinance, was made by Kaufman and seconded by Koziol. Roll Call: Cook – yes, Fell – absent, Kaufman – yes, Koziol – yes, Mayernick – absent, Meighen – yes.

ORDINANCE 938-09-2024: AN ORDINANCE APPROVING THE PROPOSAL AND CONTRACT WITH SITESTREAM, LLC FOR THE INSTALLATION AND ONGOING SERVICING OF TRAFFIC/SPEED CAMERAS AND PHOTO ENFORCEMENT ALONG THE PORTION OF STATE ROUTE 6 WITHIN THE LIMITS OF THE VILLAGE OF ROAMING SHORES AND NOT DECLARING AN EMERGENCY (2<sup>nd</sup>) – Requested by: Administrator Reed.

ORDINANCE 939-09-2024: AN ORDINANCE CREATING CHAPTER 317 AUTOMATED TRAFFIC LAW ENFORCEMENT DEVICES UNDER THE CODIFIED ORDINANCES OF THE VILLAGE OF ROAMING SHORES AND AS DESCRIBED IN EXHIBIT A ATTACHED HERETO TO BE FULLY INCORPORATED HEREIN AND NOT DECLARING AN EMERGENCY (2<sup>nd</sup>) – Requested by: Administrator Reed.

ORDINANCE 940-09-2024: AN ORDINANCE AMENDING CODIFIED ORDINANCE 111.01 GOVERNING COUNCIL RULES AND COUNCIL MEETINGS AND NOT DECLARING AN EMERGENCY (2<sup>nd</sup>) – Recommended by: Solicitor Newcomb

TOPICS OF DISCUSSION: There were none.

BILLS FOR REVIEW OF PAYMENT: No discussion.

VISITOR COMMENTS: Mayor D’Amicone stated that the council received three letters from the public regarding speed cameras. They were from Carol Murphy (1558), Kathryn Christoph (1560), and Scott Soble (300).

Diane Reuschling (1881) commented on speed cameras. Michelle Rose (1690) commented on speed cameras. Pat Long (1447) commented on speed cameras. Alice McGinnis (434) commented on speed cameras. Libby Company (1129) commented on speed cameras. Joe Milano (292) commented on speed cameras. Pat Kearns (1293) commented on speed cameras.

ADJOURNMENT: A motion to adjourn the meeting was made by Cook and was seconded by Meighen. The motion PASSED with all those present in favor.

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MAYOR

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CLERK-TREASURER



## Village of Roaming Shores

2500 Hayford Road,  
Roaming Shores, Ohio 44084  
Phone: 440-563-3132  
RoamingShoresOH.gov

# ADMINISTRATOR'S REPORT

DATE: September 20th, 2024

TO: Mayor & Council

FROM: Mark Reed II -Administrator

MEETING DATE: October 1<sup>st</sup>, 2024

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*Note: N/A*

### Utilities/Public Works

12-E has the Godwin running , awaiting the replacement pumps (roughly (3) weeks out.

Fresh water leak on Lodestar drive (Underground) completed work, awaiting driveway reconstruction (Ordered).

Contacted the county to replace the guard rail on Rome Rock Creek Rd this is our issue we need to address.

### **Ongoing Utility Billing Issues**

Second round of (In house Billing has gone out to residents of Roaming Shores).

Since the Penalty update we have waved : (5) Since Ordinance update 8-21-24.

As of 9-1-24 there is no longer a Fee for residents paying online through their bank accounts.

### **Lead Service Line Survey**

As part of the Lead Service Line Inventory, the Village will be sending out a survey to all homeowners to determine the material of customer-owned service lines. This survey is currently in development. Resident letters will be sent out this week, staff has been actively updating the information for Octobers end date. Receiving back surveys.

## **Village Engineer “CT”**

### ***Village Engineer***

#### ***Water System Study (Task Order #2)***

- Schedule:
  - Next Project Meeting Date: 10-18-24
    - Monthly meetings via Teams on the 2<sup>nd</sup> Friday of each month

#### ***Copper and Cyanide Study (Task Order #3)***

- CT submitted the completed Copper and Cyanide Study to OEPA on February 22, 2024.
- OEPA reviewed the study as part of the Permit to Install (PTI) review for the Headworks project (the two are intertwined, since the study recommends the headworks auger unit/Muffin Monster®).

#### ***WWTP Headworks Project (Task Order #4)***

- OEPA has issued the Permit to Install.
- Timeline:
  - Receive funding: October TBD day
  - Construction Start Date: TBD
  - Expected Completion Date: 6-01-25 (Estimate)
- The Village will need to utilize a construction loan from OEPA DEFA (Department of Environmental and Financial Assistance). This loan is expected to be awarded in early September, awaiting our welcome packet to draw funding.

#### ***Pavement Condition Rating (PCR) Study (Task Order #5)***

- We have received the final study. – Not moving forward

#### ***Waste Water Lift station analysis (Task Order #6)***

- With CT, waiting on estimated cost and projections in comparison of full replacements and refurbishing units and the addition of generators.
- Not recommended by Administrator.

## **Dam Engineer**

### ***2022 HHPD Lake Roaming Rock Shore Dam Grant***

- We received \$58,500 in grant funding, with a \$31,500 match.
- DLZ will be taking over administration and implementation of this grant once the contract has been signed by ODNR.
- ODNR has been working with FEMA to move their HHPD grants along. The bulk of the wait has been project review (for construction projects, which we are not a part of) specifically the Environmental and Historical Preservation investigation that the federal government conducts. ODNR reports that FEMA is finished with their requests for information, and we are beginning to see some light at the end of the tunnel.

- FEMA is finalizing the review with a 30-day comment period for local tribes and the State Historic Preservation Officer. Once the 30-day time period is up and there are no outstanding concerns from the mentioned parties, they will finalize their review and we are planning to move forward with the grant.
- While we are not a construction grant, we are lumped in with all of ODNR's HHPD grants.
- Projected grant release date 10-01-24.

### **Speed Camera Project**

*Met with Consultant and have agreed to a contract pending our councils agreement and ordinances have been produced for readings.*

### **Insurance**

#### **Ohio Plan 2024-2025 Renewal**

We met with Love Insurance on August 5 to review the 2024-2025 Ohio Plan renewal proposal. Final draft has been agreed on and sent for finalization.

### **Village Hall Repairs & Maintenance**

#### **Fire & Security Alarm System**

Vector Security is preparing a quote to replace both the Fire and Security panels with one combined panel.

Also received a quote to potentially change to Security Technologies.

### **Equipment for Bid / Sale**

*Equipment is being drafted for ordinance proposal by Solicitor. Per 9-3-24 meeting*

#### **Additional Notes:**

*Looking into another used Godwin pump for the plant.*

*Our current Godwin pump is being serviced.*

*Looking at quotes for Pavement / resurface of the boulevard and Village hall parking lots.*

*The updated Employment Manual is being finalized for review.*

*New Zoning Applications have been reviewed accepted and ready for use by the public.*

*(Placed on the website and with the Billing Clerks).*

End Of Report 9-20-24 @ 1425hrs. MR2



**ORDINANCE NO. 937-08-2024**

**AN ORDINANCE CREATING THE POSITION OF PART-TIME ZONING INSPECTOR FOR THE VILLAGE OF ROAMING SHORES INCORPORATING THE JOB DESCRIPTION AND POSITION DUTIES/RESPONSIBILITIES ATTACHED HERETO AS EXHIBIT A AND NOT DECLARING AN EMERGENCY**

**WHEREAS**, the Village council has determined it to be in the best interest of the village necessary to the daily operations of the village to require adoption of this Ordinance.

**WHEREAS**, the Village council has determined the need to create the position of part-time zoning inspector for the ongoing review and enforcement of the zoning regulations and ordinances of the Village of Roaming Shores.

**WHEREAS**, the Village council has approved the job description and duties and responsibilities of the part-time zoning inspector position attached hereto as Exhibit A and hereby incorporates said Exhibit A as part of this Ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the council of the Village of Roaming Shores, County of Ashtabula, and State of Ohio, that:

- Section 1.** The position of part-time Zoning Inspector is hereby created for the Village of Roaming Shores for the review and enforcement of the Village zoning code and regulations and ordinances of the Village.
- Section 2.** The position of part-time Zoning Inspector shall adhere to the job description and duties and responsibilities of the position attached hereto as Exhibit A with said Exhibit A being fully incorporated as part of this Ordinance.
- Section 3.** The Village of Roaming Shores council finds and determines that all formal actions of the council concerning and relating to the adoption of this Ordinance were taken in an open meeting and that all deliberations that resulted in those formal actions were open to the public in compliance with all applicable laws.
- Section 4.** This Ordinance was not deemed an emergency measure and shall take effect as prescribed by law.

**ADOPTED** by the Council of the Village of Roaming Shores, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Jennie D'Amicone  
Mayor

**ATTEST:**

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Kerri Philips  
Clerk/Treasurer

**APPROVED** as to form and legality:

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Christopher M. Newcomb  
Solicitor

**Clerk's Publication Statement:**

I hereby certify that a summary of the foregoing ordinance was published twice by the Jefferson Gazette News on the following dates, \_\_\_\_\_ and \_\_\_\_\_.

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Kerri Philips  
Clerk/Treasurer

## Position Profile

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Title: **Zoning Inspector**

Incumbent:

Reports to: **Administrator/Mayor**

Approved by: \_\_\_\_\_

\_\_\_\_\_  
Incumbent Sign-off

Grade:

Date assigned:

Revision Date:

June 2024

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### **I. POSITION PURPOSE :**

This is a part-time, position to manage the daily zoning operations of the village.

### **II. DUTIES AND RESPONSIBILITIES:**

The essential functions of the position include but are not limited to the following:

- a. Issue zoning permits/fees and deposits
- b. Schedule hearings
- c. Publish public notices
- d. Manage Construction Bond Account and deposits
- e. Maintain property files
- f. Know all Zoning and Building Codes
- g. Attend all meetings of the Board of Zoning Appeals
- h. Maintain the official Zoning District and Parcel Maps
- i. Strictly enforce the provisions of the Zoning and Building ordinances
- j. Conduct inspections of buildings and land uses to determine compliance with ordinances. In the case of noncompliance, notify the person(s) responsible, specifying the nature of the violation ordering corrective action through notices such as revocation notices, stop work orders, or citations.
- k. Track contractor registrations and compliance
- l. Provide written monthly reports to Council
- m. Review and approve site/building plans according to ordinances in the timeframes dictated by ordinance
- n. Issue Zoning permits and certificates of occupancy

- o. Record all permits, certificates, inspection documents, violations, variances, amendments, and special uses
- p. Provide in writing the outcome of all hearings
- q. Prepare reports

### **III. REPORTS PREPARED:**

- a. Draft budgets
- b. Monthly reports to Mayor, Council, Planning Commission and Board of Zoning Appeals
- c. Annual report to include any recommendations concerning the schedule of fees

### **IV. INTERFACE:**

**Internal:** Mayor, Council, Clerk/Treasurer, Staff, Police Department

**External:** Contractors, Residents

### **V. QUALIFICATIONS:**

**Education:** Minimum High School Diploma

**Experience:** Construction, engineering or real estate experience preferred

### **VI. SPECIAL REQUIREMENTS:**

1. Organizational skills & ability to prioritize.
2. Background and experience appropriate for effective problem solving.
3. Ability to multi-task and prioritize based upon constituent needs & requirements.
4. Attend meetings outside the regular business hours.
5. Proficient at planning & scheduling.
6. Excellent Verbal & Written Communication Skills.
7. Excellent customer service skills.
8. Excellent people skills
9. Sense of urgency.
10. Reliability and dependability.

**EQUIPMENT UTILIZED:**

- a. Computer
- b. Calculator
- c. GPS
- d. Camera
- e. Property measuring tools

**VII. Physical Requirements:**

- 1. Employee may be required to stand, walk, push, pull, reach overhead & bend to the floor.
- 2. Exert up to 50 pounds occasionally, and/or exert up to 25 pounds of force frequently.
- 3. Visual Acuity-Normal requirements for reading written instructions, other information & computer screens.
- 4. Hearing Ability-Normal requirements for understanding verbal instructions.
- 5. Working Conditions- The employee is subjected to an office environment/surroundings with intermittent exposure to high noise levels, inclement weather, construction sites, etc.

**VIII. POSITION DIMENSIONS:**

- a. Number of employees directly supervised: 0
- b. Number of employees indirectly influenced: Village staff

**Note: The mayor and council reserve the right to modify, i.e. add to or change the duties of this job description at any time.**

June 23, 2024  
Sally B. Fell

**ORDINANCE NO. 938-09-2024**

**AN ORDINANCE APPROVING THE PROPOSAL AND CONTRACT WITH SITESTREAM, LLC FOR THE INSTALLATION AND ONGOING SERVICING OF TRAFFIC/SPEED CAMERAS AND PHOTO ENFORCEMENT ALONG THE PORTION OF STATE ROUTE 6 WITHIN THE LIMITS OF THE VILLAGE OF ROAMING SHORES AND NOT DECLARING AN EMERGENCY**

**WHEREAS**, the Village council, Village Administrator and Village Police Chief have determined the need to install traffic control speed cameras for the safety of the public along the portion of State Route 6 located within the Village of Roaming Shores; and

**WHEREAS**, the Village council has determined that the proposal and contract with Sitestream, LLC is appropriate for the needs of the Village for purposes of installation and servicing of said cameras, said contract regarding the same attached hereto as reference only but not incorporated herein.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Village of Roaming Shores, in the County of Ashtabula, State of Ohio, as follows:

**SECTION 1.** The Village council hereby authorizes the Mayor and/or Village Administrator to execute the contract with Sitestream, LLC for the purposes of installation and ongoing services of speed/traffic cameras along the State Route 6 portion of road located within the territorial limits, boundaries and jurisdiction of the Village of Roaming Shores for enforcement by the Village police department.

**SECTION 2.** The Village Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

**SECTION 3.** This ordinance is not deemed to be an emergency and shall take effect as prescribed by law.

**ADOPTED** by the Council of the Village of Roaming Shores, Ashtabula County, Ohio this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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JENNIE D'AMICONE  
Mayor

**ATTEST:**

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Kerri Philips  
Clerk/Treasurer

**APPROVED** as to form and legality:

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Christopher M. Newcomb, Esq.  
Solicitor

**Clerk's Publication Statement:**

I hereby certify that a summary of the foregoing ordinance was published twice by the Jefferson Gazette News on the following dates: \_\_\_\_\_ and \_\_\_\_\_.

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Kerri Philips  
Clerk/Treasurer

## **ORDINANCE NO. 939-09-2024**

### **AN ORDINANCE CREATING CHAPTER 317 AUTOMATED TRAFFIC LAW ENFORCEMENT DEVICES UNDER THE CODIFIED ORDINANCES OF THE VILLAGE OF ROAMING SHORES AND AS DESCRIBED IN EXHIBIT A ATTACHED HERETO TO BE FULLY INCORPORATED HEREIN AND NOT DECLARING AN EMERGENCY**

**WHEREAS**, the Village council, Village Administrator and Village Police Chief have determined the need to install traffic control speed cameras for the safety of the public along the portion of State Route 6 located within the Village of Roaming Shores;

**WHEREAS**, the Village Council has determined that enforcement of laws for such speed cameras creates the obligation upon the Village of Roaming Shores to modify and add certain sections of codified language to the existing ordinances of the Village; and

**WHEREAS**, the Village Council has hereby determined that the creation of Chapter 317, titled “Automated Traffic Law Enforcement Devices” as proposed in the attached Exhibit A and to be fully incorporated and codified herein, should be adopted within the Village for enforcement purposes.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Roaming Shores, Ashtabula County Ohio, to wit:

**SECTION 1.** The Village Council hereby adopts Codified Ordinance Chapter 317 as indicated in the attachment hereto that is incorporated herein and that shall be codified in the ordinances of the Village of Roaming Shores.

**SECTION 2.** The Mayor and/or Administrator and/or Chief of Police shall continue to have full authority, consistent with this Chapter, to execute and deliver the requisite service agreements necessary for the efficient operation of the speed enforcement program as long as such changes approved by the Mayor are neither inconsistent with this Chapter nor materially detrimental to the Village.

**SECTION 3.** If any section, subsection, paragraph, clause, provision, or part of this Ordinance, or the proposed Codified Ordinance contained herein, shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Ordinance and/or Codified Ordinance shall be unaffected by such adjudication and all the remaining provisions of this Ordinance shall remain in full force and effect as though such section, subsection, paragraph, clause, provision, or part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

**SECTION 4.** It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in conformance with applicable open meetings laws and all deliberations of this Council that resulted in those formal actions were in compliance with all legal requirements, including any applicable open meetings requirements.



**SECTION 5.** This Ordinance is not declared to be an emergency measure and shall take effect as prescribed by law.

**ADOPTED** by the Council of the Village of Roaming Shores, Ashtabula County, Ohio this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
JENNIE D'AMICONE  
Mayor

**ATTEST:**

\_\_\_\_\_  
Kerri Philips  
Clerk/Treasurer

**APPROVED** as to form and legality:

\_\_\_\_\_  
Christopher M. Newcomb, Esq.  
Solicitor

**Clerk's Publication Statement:**

I hereby certify that a summary of the foregoing ordinance was published twice by the Jefferson Gazette News on the following dates: \_\_\_\_\_ and \_\_\_\_\_.

\_\_\_\_\_  
Kerri Philips  
Clerk/Treasurer

## **Exhibit A (To be Incorporated and Codified)**

### **CHAPTER 317 Automated Traffic Law Enforcement Devices**

- 317.01 Definitions.
- 317.02 General.
- 317.03 Civil Offense
- 317.04 Notice of Violation Liability.
- 317.05 Rights of those ticketed.
- 317.06 Civil penalties.
- 317.07 Contesting tickets.
- 317.08 Calibration.
- 317.09 Collection of civil penalty.

#### **317.01 DEFINITIONS.**

(a) "Designated Party" means the person whom the registered owner of a motor vehicle, upon receipt of a ticket based upon images recorded by an Automated Traffic Law Enforcement Device that indicates a traffic law violation occurred, identifies as the person who was operating the vehicle of the registered owner at the time of the violation.

(b) "Prosecuting Attorney" means the person appointed by the Village to litigate cases in the Ashtabula County Municipal Court.

(c) "Law Enforcement Officer" means a sheriff, marshal, deputy marshal, police officer of a police department of any municipal corporation, police constable of any township, or police officer of a township or joint police district, who is employed or an auxiliary of the Village of Roaming Shores Police Department.

(d) "Local Authority" means the Village of Roaming Shores.

(e) "Motor Vehicle Leasing Dealer" has the same meaning as in Ohio Revised Code Section 4517.01.

(f) "Motor Vehicle Renting Dealer" has the same meaning as in Ohio Revised Code Section 4549.65.

(g) "Recorded Images" means any of the following images recorded by an Automated Traffic Law Enforcement Device that show, on at least one image or on a portion of the videotape, the letters and numerals on the rear license plate of the vehicle:

(1) Two or more photographs, microphotographs, electronic images, or digital images;

(2) Videotape.

(h) "Registered Owner" means any or all of the following:

(1) Any person or entity identified by the Bureau of Motor Vehicles or any other state motor vehicle registration bureau, department, or office as the owner of a motor vehicle;

(2) The lessee of a motor vehicle under a lease of six months or longer;

(3) The renter of a motor vehicle pursuant to a written rental agreement with a motor vehicle renting dealer.

- (i) "System Location" means the approach to an intersection or area of roadway toward which an Automated Traffic Law Enforcement Device is directed and is in operation.
- (j) "Ticket" means any traffic ticket, citation, summons, or other ticket issued in response to an alleged traffic violation detected by a law enforcement officer using an Automated Traffic Law Enforcement Device that represents a civil violation.
- (k) "Traffic Law Violation" means the operation of a vehicle at a speed in excess of those set forth in Section 333.03 of these Codified Ordinances or Ohio Revised Code Section 4511.21 as each may be amended from time to time.
- (l) "Automated Traffic Law System Violations" means tickets for civil violations issued by a Village police officer using an Automated Traffic Law Enforcement Device.
- (m) "Automated Traffic Law Enforcement Device" means an electronic device that contains speed measurement and photographic imaging components with the means to determine the presence and speed of a moving vehicle and automatically produces recorded images.

### **317.02 GENERAL.**

(a) Notwithstanding any other provision of the traffic code ordinances of the Village, the Village hereby adopts a civil enforcement program for automated traffic law system violations as outlined in this chapter. This program imposes monetary liability on the owner of a vehicle for failure of an operator thereof to strictly comply with the posted speed limit on streets or highways within the Village. The imposition of liability under this chapter shall not be deemed a conviction for any purpose and shall not be made part of the operating record of any person upon whom the liability is imposed.

(b) The Chief of Police shall be responsible for administering the automated traffic law system.

(c) A traffic law violation for which a civil penalty is imposed under this chapter is not a moving violation, and points shall not be assessed against a person's driver's license. In no case shall such a violation be reported to the Bureau of Motor Vehicles or motor vehicle registration bureau, department, or office of any other state, nor shall such a violation be recorded on the driving record of the owner or operator of the vehicle involved in the violation.

(d) The Village may utilize an Automated Traffic Law Enforcement Device for the purpose of detecting traffic law violations. The Village Council may adopt such legislation as may be necessary to enable the Village to utilize Automated Traffic Law Enforcement Devices.

### **317.03 CIVIL OFFENSE.**

(a) The vehicle owner shall be liable for a penalty imposed pursuant to this section if such vehicle is operated at a speed in excess of those set forth in Section ~~333.03~~ of these Codified Ordinances or Ohio Revised Code Section 4511.21 as each may be amended from time to time.

(b) A traffic law violation for which a ticket is issued by the Village pursuant to Chapter 317 is a civil violation.

### **317.04 NOTICE OF VIOLATION.**

(a) The Village or its designee shall process such a ticket for a civil violation and shall send the ticket by regular mail to any registered owner of the motor vehicle that is the subject of the traffic law violation. The Village or its designee shall ensure that the ticket contains all of the following:

- (1) The name and address of the registered owner;
- (2) The letters and numerals appearing on the license plate issued to the motor vehicle;
- (3) The traffic law violation charged;
- (4) The date, time, and location of the violation;
- (5) A copy of the images recorded by the law enforcement officer who used the Automated Traffic Law Enforcement Device to record the violation;
- (6) The badge number of the law enforcement officer who used the Automated Traffic Law Enforcement Device to record the violation;
- (7) The amount of the civil penalty imposed, the date by which the civil penalty is required to be paid, and the address to which the payment is to be sent;
- (8) A statement signed by a law enforcement officer employed by the Village indicating that, based on an inspection of recorded images, the motor vehicle was involved in a traffic law violation, and a statement indicating that the recorded images are prima facie evidence of that traffic law violation both of which may be signed electronically;
- (9) Information advising of the options prescribed in Section 317.05, specifically to include the time, place, and manner to contest a violation and any necessary forms to do so, and the procedure for disclaiming liability by submitting an affidavit as prescribed in this Section 317.05;
- (10) A warning that failure to exercise one of the options prescribed in Section 317.05 is deemed to be an admission of liability and waiver of the opportunity to contest the violation.

(b) The Village or its designee shall send a ticket not later than 30 days after the date of the alleged traffic law violation.

(c) The Village or its designee may elect to send by ordinary mail a warning notice in lieu of a ticket under this section.

### **317.05 RIGHTS OF THOSE TICKETED.**

(a) A person or entity who receives a Ticket for a Traffic Law Violation sent in compliance with this chapter shall elect to do one of the following within thirty (30) days after receipt of the Ticket:

- (1) In accordance with instructions on the Ticket, pay the civil penalty, thereby failing to contest liability and waiving the opportunity to contest the violation; or
- (2) Contest liability for the Ticket in accordance with this Chapter; or
- (3) The Registered Owner may provide the Ashtabula County Municipal Court with one of the following affidavits or requisite notification:
  - (A) An affidavit executed by the Registered Owner stating that another person was operating the vehicle of the Registered Owner at the time of the violation, identifying that person as a Designated Party who shall be held liable for the

violation, and containing at a minimum the name and address of the Designated Party; or

(B) An affidavit executed by the Registered Owner stating that at the time of the violation, the motor vehicle or the license plates issued to the motor vehicle were stolen and therefore were in the care, custody, or control of some person or entity to whom the Registered Owner did not grant permission to use the motor vehicle. In order to demonstrate that the motor vehicle or the license plates were stolen prior to the Traffic Law Violation and therefore were not under the control or possession of the Registered Owner at the time of the violation, the Registered Owner shall submit proof that a report about the stolen motor vehicle or license plates was filed with the appropriate law enforcement agency prior to the Traffic Law Violation or within forty-eight (48) hours after the Traffic Law Violation occurred; or

(C) If the Registered Owner is a corporate entity, an affidavit, sworn to or affirmed by an agent of the corporate entity, that provides the name and address of the employee who was operating the motor vehicle at the time of the Traffic Law Violation and who is the Designated Party; or

(D) If the Registered Owner is a Motor Vehicle Leasing Dealer or a Motor Vehicle Renting Dealer, written notification of the name and address of the lessee or renter of the motor vehicle at the time of the Traffic Law Violation and who is the Designated Party. Neither the Motor Vehicle Leasing Dealer nor the Motor Vehicle Renting Dealer shall pay such a Ticket and subsequently attempt to collect a fee or assess the lessee or renter for any payment of such a Ticket made on behalf of the lessee or renter.

(b) When the Ashtabula County Municipal Court receives an affidavit or notification described in this Section 317.05 from a Registered Owner, the Court shall provide the Village or its designee with a time-stamped copy of the affidavit or notification. Thereafter, the Village or its designee may proceed to send a Ticket that conforms with the requirements set forth in Section 317.04 to the Designated Party. The Village or its designee shall send the Ticket to the Designated Party by regular mail not later than twenty-one (21) days after receipt of the affidavit or notification or notice from the Ashtabula County Municipal Court to the Village or its designee that the affidavit or notification was received by the Ashtabula County Municipal Court.

(c) A Registered Owner shall not be responsible for a Traffic Law Violation if, within thirty (30) days after receipt of the Ticket, the Registered Owner furnishes either an affidavit or the notification specified in subsection (b) above, to the Ashtabula County Municipal Court and one of the following conditions is met:

- (1) Under this Section 317.05, within thirty (30) days after receipt of a Ticket to the Designated Party, the Designated Party either accepts liability for the Traffic Law Violation by paying the civil penalty or fails to contest liability for the Ticket in accordance with Section 317.05;
- (2) Under Section 317.05, the Registered Owner submits an affidavit that is supported by a stolen vehicle or stolen license plate report filed with an appropriate law enforcement agency.
- (3) Under Section 317.05, if it is determined that a valid Motor Vehicle Leasing Dealer or Motor Vehicle Renting Dealer received a Ticket for an alleged Traffic Law Violation detected by an Automated Traffic Law Enforcement Device, the dealer will not be held liable for a Ticket issued for a motor vehicle that was in the care,

custody, or control of a lessee or renter at the time of the alleged violation.

### **317.06 CIVIL PENALTIES.**

(a) Unless the driver of a motor vehicle received a citation from a police officer at the time of the violation, or unless an exception or defense to liability set forth in Section 317.05 applies, the owner or responsible party for the motor vehicle is subject to a civil penalty if the motor vehicle is recorded by an Automated Traffic Law Enforcement Device while being operated in violation of this Chapter.

(b) The civil penalty under this chapter shall be the following:

(1)

Miles Per Hour Over Speed Limit	Amount of Penalty
10-19	\$150.00
20-29	\$175.00
30 or more	\$225.00
within a school zone	
6-19	\$175.00
20-29	\$200.00
30 or more	\$250.00

- (2) The failure to respond to a notice of violation in a timely fashion as set forth in this ordinance shall constitute a waiver of the right to contest liability for the violation under this Chapter.
- (3) Persons who choose to pay the civil penalty without appearing before the Ashtabula County Municipal Court as set forth in Codified Ordinance Section 317.07 may do so in the manner indicated on the notice of violation or as otherwise permitted by the Ashtabula County Municipal Court
- (4) A violation for which a civil penalty is imposed under this Chapter is not a moving violation for the purpose of assessing points under Ohio Revised Code Section 4507.021 for minor misdemeanor moving traffic offenses and may not be recorded on the driving record of the owner or operator of the motor vehicle and shall not be reported to the Bureau of Motor Vehicles, nor shall a violation be recorded in the driving record of the owner or operator of the vehicle involved in the violation.

### **317.07 CONTESTING TICKETS.**

(a) When a person or entity named in a Ticket for a civil violation elects to contest a Ticket, the person or entity shall request a hearing in the Ashtabula County Municipal Court by completing and filing the appeal form provided by the Ashtabula County Municipal Court, within the time frame required.

(b) The Ashtabula County Municipal Court shall set the matter for a hearing not sooner than twenty-one

(21) days, but not later than forty-five (45) ~~days~~, after the filing of the request for hearing. The Prosecuting Attorney shall litigate the case to a conclusion. The Court may extend the time period in which a hearing must be conducted upon its own motion, or either a request for additional time or waiver of time limits by the person or entity who requested the hearing. Notice of the hearing shall be provided by the Ashtabula County Municipal Court. The Ashtabula County Municipal

Court shall determine whether a preponderance of the evidence establishes that a Traffic Law Violation alleged in the Ticket did in fact occur and whether the person or entity requesting the hearing is the person who was operating the vehicle at the time of the Traffic Law Violation.

(c)

(1) If the Ashtabula County Municipal Court finds that the person or entity named in the Ticket was not the person who was operating the vehicle at the time of the violation or receives evidence identifying a Designated Party, the Court shall provide to Village or its designee, a copy of any evidence substantiating the identity of the Designated Party.

(2) Upon receipt of evidence of the identity of the Designated Party, the Village or its designee may issue a Ticket to the Designated Party. The Village shall ensure that a Ticket issued under this section conforms with Section 317.04. The Village or its designee shall send the Ticket by regular mail not later than twenty-one (21) days after receipt of the evidence from the Court of the identity of the Designated Party.

(d) If a Designated Party, who is issued a Ticket under Section 317.04, contests the Ticket by filing a written request for a hearing and does so not later than thirty (30) days after the receipt of the Ticket, the Registered Owner of the motor vehicle shall also attend the hearing. If at the hearing involving the Designated Party the Ashtabula County Municipal Court cannot determine the identity of the operator of the vehicle at the time of the violation, the Registered Owner shall be liable for the violation. The Ashtabula County Municipal Court shall then issue a written decision imposing liability for the violation on the Registered Owner and submit it to Village or its designee and to the Registered Owner. If the Designated Party also is a Registered Owner of the vehicle, liability for the violation shall follow the order of Registered Owners as listed on the title to the vehicle.

(e)

(1) The Ashtabula County Municipal Court shall determine whether a preponderance of evidence establishes that a Traffic Law Violation occurred and the person requesting the hearing is the party operating the vehicle at the time of the violation.

(i) If the Ashtabula County Municipal Court finds by a preponderance of the evidence that the alleged Traffic Law Violation did in fact occur and that the person or entity named in the notice of violation is the person who was operating the vehicle at the time of the violation, the hearing officer shall issue a journal entry imposing liability for the violation upon the individual or entity and submit it to the Village of Roaming Shores or its designee and the person or entity named in the notice of violation.

(ii) If the Ashtabula County Municipal Court finds by a preponderance of the evidence that the alleged traffic law violation did not occur or did in fact occur but the person or entity named in the notice of violation is not the person who was operating the vehicle at the time of the violation, the Ashtabula County Municipal Court shall issue a journal entry finding that the individual or entity is not liable for the violation and submit it to the Village of Roaming Shores or its designee and the person or entity named in the notice of violation.

(iii) If the person who requested the hearing or a representative of the entity that requested the hearing fails to appear at the hearing, the Ashtabula County Municipal Court shall determine that the person or entity is liable for the violation. In such a case, the hearing officer shall issue a journal entry imposing liability for the violation upon the individual or entity and submit it to the Village of Roaming Shores or its designee and the person or entity named in the notice of violation.

(f) If the registered owner or designated party chooses to contest the notice of violation, the Ashtabula County Municipal Court may consider any of the following as an affirmative defense to a violation upon the defense being established by a preponderance of the evidence by the registered owner or responsible party:

(1) That the motor vehicle or license plates of the motor vehicle were stolen before the violation occurred and were not under control or possession of the registered owner at the time of the traffic law violation. In order to demonstrate that the motor vehicle or license plates were stolen before the traffic law violation occurred and were not under the control or possession of the registered owner at the time of the traffic law violation, the owner must submit proof that a police report about the stolen motor vehicle or license plates was filed prior to the traffic law violation or within 48 hours after the traffic law violation occurred.

(2) That the motor vehicle was under the custody and/or control of another person at the time of the violation. In order to establish this defense, the owner or responsible person must provide the name and address of the person who had custody and/or control of the motor vehicle at the time of the traffic law violation.

(3) That this section is unenforceable because the recorded image is not legible enough to determine the information needed.

(4) Evidence, other than that adduced pursuant to Section 317.07(e)(l), that the registered owner or person named in the notice of violation was not operating the motor vehicle at the time of the violation. To satisfy the evidentiary burden under this subsection, the owner or person named in the notice of violation shall provide to the Ashtabula County Municipal Court evidence showing the identity of the person who was operating the motor vehicle at the time of the traffic law violation, including, but not limited to, the operator's name and current address, and any other evidence the Ashtabula County Municipal Court deems pertinent.

(5) That the motor vehicle operator was yielding the right-of-way to an emergency vehicle in accordance with Ohio law, or to a funeral procession.

(6) That under consideration of the totality of the circumstances the person or entity named in the notice of violation is not liable.

(g) If the Ashtabula County Municipal Court finds that the person or entity named in the notice of violation was not operating the motor vehicle at the time of the violation or receives evidence as provided in this Chapter identifying the designated party, the Ashtabula County Municipal Court shall provide it to the Village of Roaming Shores or its designee, along with a copy of any evidence substantiating who was operating the motor vehicle at the time of the traffic law violation.

(1) Upon receipt of evidence of the responsible party pursuant to this Chapter, the Village of Roaming Shores or its designee may issue a notice of violation, with the name and address of the designated party and the information required by Section 317.04 of this Chapter, to the person that the evidence indicates was operating the motor vehicle at the time of the violation.

(2) A notice of violation issued under this Section 317.07(g), shall be sent by the Village of Roaming Shores or its designee by regular mail no later than twenty-one (21) business days after the receipt of the evidence from the Ashtabula County Municipal Court. The content of a notice of violation issued under this subsection shall be the same as set forth in division (a) of Section 317.04 of this Chapter.

(3) If a designated party who was issued a notice of violation under Section 317.07(e g) hereof contests the ticket by filing a written request for a hearing not later than thirty days after receipt of the notice of violation, the registered owner of



the motor vehicle shall also attend the hearing. If at the hearing involving the designated party the hearing officer cannot determine the identity of the operator of the vehicle at the time of the violation, the registered owner is liable for the violation. The hearing officer then may issue a written decision imposing liability for the violation on the registered owner and submit it to the Village or its designee and to the registered owner. If the designated party also is a registered owner of the vehicle, liability for the violation shall follow the order of registered owners as listed on the title to the vehicle.

(h) A person who is named in a notice of violation for a civil violation may assert a testimonial privilege in accordance with division (D) of Section 2317.02 of the Ohio Revised Code.

(i) A person or entity found liable for a Ticket may appeal the decision rendered by the Ashtabula County Municipal Court in accordance with Ohio law.

(j) No decision rendered under this Section, and no admission of liability under this Chapter is admissible as evidence in any other judicial proceeding in this state, except as is provided in Section 317.09 below.

### **317.08 CALIBRATION.**

(a) Upon request, each manufacturer of an Automated Traffic Law Enforcement Device shall provide to the Village the maintenance record of any such device used in the Village.

(b) The manufacturer of any Automated Traffic Law Enforcement Device used by the Village shall provide to the Village a certificate of proper operation that attests to the accuracy of the device.

### **317.09 COLLECTION OF CIVIL PENALTY.**

(a) In the event that the Registered Owner or Designated Party fails to take any action set forth in Section 317.05 or fails to satisfy any liability determined by the Ashtabula County Municipal Court for the penalties established under this Chapter and the time to appeal such decision has passed without the filing of an appeal, the Village may request and/or receive a judgment from the Ashtabula County Municipal Court against the Owner or Designated Party for the amount owed under Section 317.06(b)(1) of this Chapter, plus any applicable post judgment interest.

(b) If a judgment for a civil penalty under this Chapter is not satisfied, the Village may seek payment on the judgment amount, together with any applicable interest thereon, in any manner authorized by law. In addition to any authorized by this Chapter in relation to the commission of a Traffic Law Violation thereof and post-judgment interest warranted pursuant to law, a person liable for the penalties established under this Chapter may be assessed any costs incurred by the Village in the collection of the judgment, including but not limited to court filing fees and costs in conjunction with any collection proceedings and any collection and attorney's fees incurred by the Village. The amount of any collection or attorney's fees shall not exceed 35 percent of the penalty for which the Owner or Designated Party is liable for the Traffic Law Violation(s) in question pursuant to this Chapter.



**AN ORDINANCE AMENDING CODIFIED ORDINANCE 111.01 GOVERNING COUNCIL RULES AND COUNCIL MEETINGS AND NOT DECLARING AN EMERGENCY**

**WHEREAS**, the Village Council has determined that modification and amendment of the Rules of Council for the Village of Roaming Shores is necessary for efficient and effective government operations.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Roaming Shores, **Ashtabula County**, Ohio:

**SECTION 1.** Codified Ordinance 111.01 is hereby amended to read as follows:

**111.01 RULES, REGULATIONS AND PROCEDURES.**

Whereas ~~statutory laws provide for and grant authority for such Council Rules under Ohio R.C. Revised Code Section 731.45 permits the Village Council to set its council procedures and rules, and therefore be it ordained that~~ the following rules ~~shall be~~ are hereby established for the Council of the Village of Roaming Shores.

- (a) President. The Mayor shall be President of Council and shall preside at all regular and special meetings thereof but shall have no vote except in case of a tie **vote**.  
(ORC 733.24)
- (b) President Pro Tem. At the first regular meeting in January of each year, Council shall ~~immediately proceed to~~ elect a President Pro Tem from its ~~own number~~ **current members**, who shall serve until the first meeting in January ~~next after election~~ **for the following year**. When the Mayor is absent from the Village or is **otherwise** unable **to serve or be present, for any cause to perform his duties**, the President Pro Tem shall be the Acting Mayor, and shall have the same powers and perform the same duties as the Mayor.  
(ORC 731.10)

In the absence of both the President and President Pro Tem, the Council shall appoint a temporary chairperson **who shall be responsible for presiding over the number of meetings that Council may deem necessary but not to exceed two (2) consecutive meetings**.

- (c) Succession. In the case of death, resignation or removal of the Mayor, the President Pro Tem shall become Mayor and serve for the unexpired term. When the President Pro Tem becomes Mayor, the vacancy thus created shall be filled by election of another President Pro Tem. **Should the President Pro Tem be unwilling or unable to serve as Interim Mayor or fill the vacant term as described hereinabove, Council shall vote and appoint from its membership another interim Mayor until a Mayoral election can take place pursuant to Ohio Revised Code Section 733.25.**  
(ORC 733.25 - 731.11 - 731.43)

(d) Vacancies. When the office of a member of Council becomes vacant, the vacancy shall be filled by election by Council for the unexpired term. If Council fails within thirty days to fill such vacancy, the Mayor shall fill it by appointment.

(ORC 731.43)

(e) Standing, Special Committees. At the first regular meeting of Council after its organization, or at such later time as established by Council, Council shall appoint standing committees each consisting of ~~only two (2) members of Council and no more than five (5) total members, remaining members of which are appointed by the Mayor, of Council for the following named programs,~~ committees as follows:

(1) Finance ~~Committee~~

(2) ~~Personnel and~~ Human Resources Committee

(3) Public Works & Utilities Committee

~~(3) Safety.~~

~~(4) Civic/Community Development.~~

~~(5) (4) Records Management and Technology Commission~~

~~(6) Dam/Stormwater/utilities~~

~~(7) (4) Planning Commission~~

~~(8) (5) SCAD Report (Liaison)~~

- The Mayor shall be responsible from time-to-time in the creation of any special committee(s) as it may arise for the needs of the Village and shall have full authority to appoint members to such committee and shall have full authority to dissolve such committee(s).
- Each committee shall elect a chairperson at the first meeting of the committee who shall serve at the discretion of the Mayor. The Chairperson is not required to be a member of the committee per discretion of the Mayor and if necessary.
- ~~Temporary special committees may be appointed by Council to undertake some special task. Council may at any time remove any member(s) of any committee and appoint a new member(s) of such committee to serve in place of such member so removed.~~

(f) Committee Responsibilities.

~~(1) Committee(s) shall:~~

- I. Review matters referred to said committee(s) by ~~Follow~~ Council and/or the Mayor. ~~direction in matters referred to it.~~
- II. ~~Normally~~ Generally will be expected to investigate or study ~~a given problem or need,~~ such matters referred but taking no ~~decision~~ action ~~itself but to~~ other than submission of ~~submit~~ a report and recommendations to Council.
- ~~III. Within its area of responsibility assume both short and long range study of plans and needs, work to establish desirable economic, budgetary, and work standards, and to train others, and inspect for accomplishment.~~
- IV. Not issue ~~no~~ any order(s) in conflict with the executive or administrative officers of the Village, ~~or the law;~~ and thereby acting in an advisory capacity ~~only~~, reporting to Council for potential action or consideration.
- V. Committees ~~shall not be required to meet monthly and~~ shall meet as required for the ordinary business of the Village or as directed by the Council and/or Mayor.

- VI. Committee meetings times and dates shall be provided at regularly scheduled Council meetings as necessary under the New Business portion of the agenda.
- VII. Committee meetings are not required to be open to the public, other than for ~~such~~ the public members who may be appointed to such committees by Council and/or the Mayor.
- VIII. Committee meetings shall not be required to have meeting minutes, only a general report of ongoing for submission to Council. The committee may keep meeting minutes if it so chooses.
- IX. A special committee shall be given direction by the Mayor ~~Council~~ when appointed and ~~will~~ may be discharged on receipt of its report or continued for a longer period as directed by the Mayor.

(g) Meetings.

- Council meetings shall be regularly scheduled on the first (1<sup>st</sup>) and third 3<sup>rd</sup>) Tuesday of each month at 7:00 p.m. and shall be held in the Village Hall. Work Sessions shall be held at 6:00 p.m. prior to the first (1<sup>st</sup>) regularly scheduled meeting of the month.
- When any regular meeting or work session of Council falls on a legal holiday, or on election day, Council shall meet in regular session on the day following at the stated place and hour or as arranged at the regular meeting preceding the meeting in question.
- Special meetings may be called by the President (mayor) or any three (3) members of Council, providing at least forty-eight (48) hours' notice to each Council member, served personally, or left at their usual place of residence, or provided by email. Any Council member may waive, in writing, notice of any special meeting.
- At the first (1<sup>st</sup>) regular meeting in January of each year, and at such other times as the Mayor deems expedient, the Mayor shall report to Council concerning the affairs of the Village and recommend such measures as seem proper.
- All meetings shall be held in conformity with Ohio R.C. 121.22. Those persons requesting advance notice shall receive an agenda of all meetings as requested, both regular and special, by mailing a copy thereof in a self-addressed, properly stamped envelope provided by the person requesting such advance notice or by email.

(h) Attendance. Attendance at Council meetings shall ordinarily include the Clerk-Treasurer, Village Administrator and such other staff and department heads as may be requested. Meetings of Council are open to the public.  
(ORC 731.46)

(i) Record of Proceedings; Meeting Agenda. The Clerk-Treasurer shall keep the only record of the proceedings, and of all the rules, by-laws, resolutions, and ordinances passed or adopted, which shall be subject to inspection of all person(s) interested. The Clerk

Treasurer shall ~~tape~~ audio record work session, special meetings and regular council meetings and shall retain such ~~taped~~ audio records for a period not less than four (4) years. In case of the absence of the Clerk-Treasurer, Council shall appoint one of its members ~~or the Village Administrator~~ to perform the duties as Clerk-Treasurer of Council. The Clerk-Treasurer shall prepare an agenda for every meeting, attend to all correspondence incidental to the office, and perform such other duties as may be assigned by a majority vote of Council, or as required by law. The Clerk shall deliver an agenda and ordinances for the meeting, by personal service or email, to the residence of each member of council at least ~~seventy-two (72)~~ hours prior to a regular meeting of council, ~~special meeting of council or work session~~, except as waived by a ~~three-fourths~~ ( $\frac{3}{4}$ ) majority of Council.

The Clerk-Treasurer shall be notified by officers and committee chairmen of matters to be presented ~~to Council~~, including ~~but not limited to~~ ordinances, ~~and~~ resolutions, ~~committee reports/minutes, potential new business matters and other matters before Council no later than 12:00 p.m. on the Friday preceding the next regularly scheduled council meeting or work session. in order that they may be listed on the meeting agenda.~~

For all meetings of Council, ~~or its committees, and~~ the Planning Commission, ~~and the Records Commission~~, the Clerk-Treasurer shall provide public notice for the date, time, and location of such meetings in the ~~as follows: following media:~~

- a) The E-Blast of the Roaming Rock Association;
- b) The Village website; and/or
- c) The Shore news, unless such notice would not be timely due to scheduling or the Star Beacon ~~Newspaper~~.

In the event that state law provides for remote access to such meetings, and such meetings provide for remote access, such notice shall specify the means and information necessary to access such meeting and to participate in the meeting as allowed by Village Ordinance and state law. ~~Council shall only live stream work sessions, regular meetings, and/or special meetings by a majority vote of council.~~

(j) Order of Business ~~for Regular Meetings~~.

- I. ~~Prayer/Moment of Silence~~
- II. ~~Pledge of Allegiance~~
- III. ~~Roll Call~~
- IV. ~~Additions or Corrections to Agenda~~
- V. ~~Review and Approval of Minutes of Previous Meetings~~
- VI. ~~Visitor Comments (three (3) two-minute limit per person or at discretion of Mayor)~~
- VII. ~~Administrative Staff Reports~~
  - a. ~~Mayor's Report~~
  - b. ~~Administrator's Report~~
  - c. ~~Solicitor's Report~~
  - d. ~~Zoning Inspector Report~~
- VIII. ~~Standing~~ Committee Reports

- a. Finance Committee
- b. Personnel & Human Resources Committee
- c. SCAD Report
- IX. Special Committee Reports (if any appointed)
- X. ~~Introduction of Resolutions and Ordinances~~ Legislation
- XI. Old Business
- XII. New Business (for upcoming meetings of Council, committees or matters to be scheduled or introduced at next meetings – not intended to be additional comments from public)
- XIII. Executive Session (if necessary)
- XIV. Adjournment

Roll call is to determine if a quorum is present. A quorum shall be four (4) members of Council present to conduct business.

- (k) At-Order and Decorum. The President of Council (Mayor) shall preserve order and decorum, and confine debate to the question or issue on the floor **or may limit such discussion to matters on the agenda only**. He or she may, in common with any other member, call any member to order who shall violate any of the rules, and shall, when in the chair, decide all questions of order, subject to an appeal to Council on the demand of two (2) members. On such appeal, there shall be no debate, but the member making the appeal may briefly state their reasons for the same, and the presiding officer shall have the same right to a similar statement. The President of Council (Mayor) may actively participate in debate before Council.
- (l) Delinquency. Council may punish or expel any member for disorderly conduct or a violation of its rules and declare their seat vacant for absence without a valid excuse where such absence has continued for two (2) **consecutive** months. No expulsion shall take place without the concurrence of two-thirds (2/3) of all members elected, and until the delinquent member has been notified of the charge against them and has had an opportunity to be heard.  
(ORC 731.45)
- (m) Voting. Every member shall vote by a yea, nay or abstain **and the Clerk-Treasurer shall reflect each individual vote in the minutes record**. Every member has the right to explain their vote and such reason shall be so recorded by the Clerk-Treasurer in the regular minutes. At the end of voting, any abstention shall be counted with the prevailing vote on the ordinance or motion. **Abstention shall be used for potential conflict of interest only and not for purposes of avoiding a controversial vote or upon inability to approve previous meeting minutes due to council member absences at such prior meetings. However, abstention is a personal choice of the council member whereas a yea or nay vote cannot be forced. Any council member may ask the abstaining council member the reason for abstention, while the abstaining council reserves the right to be silent on the same, and no council can be forced to change such a vote.**

- (n) Reference to Committee. Any new business brought before Council may be referred to the proper committee ~~by the Mayor and/or Council~~, if such referral is deemed necessary or proper. If such referral is not needed, and the matter can be disposed of quickly, then such action should be taken at once. When communications are read, they may, if necessary, be referred to committee immediately after being read by the Clerk-Treasurer. If the matter under consideration requires investigation and study or if such nature that long discussion may be provoked, it shall be referred to committee promptly by the ~~presiding officer~~ Mayor or President Pro-Tem. ~~The chair of a committee shall prepare written minutes or reports of a committee meeting to the Village Clerk within thirty days of the committee meeting, who shall then distribute to Council prior to the next council meeting. If any matters referred by Council to any committee, or officer, are not reported upon by the next regular scheduled meeting, such matter shall be brought up by the Village Clerk-Treasurer to the attention of Council, which shall take such further action in the premises as it may deem best.~~ The report of any committees of Council, or a municipal officer, upon matters referred to by Council, shall be made in writing and shall be accompanied by the original papers upon which such report is based, unless otherwise ordered by Council. ~~Council may accept or reject any committee report in whole or part.~~ Committee reports are not required to be acted upon by Council unless after a majority vote of the members present under a proper quorum.
- (o) Introductions. The Mayor or Mayor's designee or President Pro Tem ~~or Council members may introduce~~ shall introduce ordinances and resolutions after such ordinances or resolutions have been recommended or suggested by Village Administrative staff or upon recommendation of a committee or as requested generally by Council as indicated in subparagraph (p) hereinafter. ~~Ordinances and resolutions as may be presented to Council upon written recommendation of some committee of Council.~~
- (p) Legislation Referred to Committee, Commission or Solicitor. When ordinances and resolutions are to be prepared, Council ~~shall by majority vote, shall generally request their ordinance or resolution preparation by~~ the Village Solicitor after general discussion of such at council work session or during new business at regular meetings. Should disagreement of whether the preparation of an ordinance or resolution be prepared, Council shall then vote upon the same at the next regular meeting after such work session to be heard under New Business of the regular agenda, with majority vote prevailing. If the ordinance or resolution is referred to a committee or commission, the committee or commission will then report on the ordinance or resolution at the next Council meeting which shall only be considered a draft format and not placed on the agenda for reading until discussion with Council via work session or majority vote to place the same on the next available Council agenda. ~~The committee will also furnish a copy of the ordinance or resolution to the Clerk-Treasurer as well as Council for information and review in advance of the next Council meeting.~~ The Solicitor has the responsibility of preparing legislation in the manner prescribed by law. The committee or commission will only determine whether the subject matter has been fully covered, while the Solicitor will be responsible for the fulfillment of legal requirements and have discretion over legalities of such ordinances or resolutions and shall recommend the same to Council, committees, or Administrative staff. It shall be the duty of the committee to which legislation has been referred to make comparisons with all



existing ordinances, reporting thereon, and recommending any changes necessary. **The Planning Commission shall abide by the requirements as set forth in ORC 713.01.**

- (q) Voting on Legislation. Ordinances and resolutions shall be voted upon separately, even though the committee report urging approval of such legislation may be adopted unanimously. The voting of such legislation shall be entered in the minutes as “in favor of” and “opposed to” together with the name of the members of Council voting “in favor of” by words commonly used to express favor such as “yes”, “aye” or “yea” or voting in opposition hereof by words of negation such as “no” or “nay” or abstaining from voting. (ORC 731.17)
- (r) Majority Defined; Three-Fourths Defined. Whenever “majority” is used herein, unless otherwise expressly indicated, it shall be held to mean a majority of those elected or appointed to Council; likewise, whenever a two-thirds or three-fourths vote is indicated, it shall mean two-thirds or three-fourths of the members elected or appointed to Council. Thus, in a Council of six (6) members, a majority shall be four (4), and three fourths shall be five (5) **and two-thirds shall be considered four (4).**

Council shall pass no ordinance without the concurrence of a majority vote of the members. (ORC 731.30)

**Emergency measures for ordinances or resolutions shall be clearly stated in the heading and body of the ordinance or resolution and shall be passed by a two-thirds (2/3) vote of the members elected to Council (not the members present). If there is no quorum established, Council may review the ordinance or resolution upon the agenda as a draft review only, and the same shall not constitute a reading of the ordinance or resolution for purposes of the three (3) reading requirements due to lack of quorum.**  
(ORC 731.30)

**All ordinances and resolutions shall be read three (3) times at consecutive council meetings (three (3) different days) unless such three (3) readings are suspended by a three-fourths (3/4) majority vote of the members elected to Council (not the members present).**  
(ORC 731.17).

~~Unless required by statute specifying a 2/3 vote or 3/4 vote, such as suspending the three-reading rule, all council action shall require a majority vote.~~

Upon passage of the ordinance or resolution, ~~it~~ the same shall be signed by the Clerk-Treasurer and the Mayor **and by the Solicitor as to form and legality.**

- (s) Amending Resolution or Ordinance. It shall be in order to amend a resolution or ordinance at any time prior to passage **and be considered in the “Additions or Corrections to the Agenda” section of the regular meeting agenda if possible,** but if such ordinance or resolution is of a general or permanent nature, it shall be noted as amended upon **current** or subsequent readings. **Any scrivener’s error in the heading or body of the ordinance or resolution may be modified after reading upon proper amendment and majority vote by**

Council. If Council, the Mayor, and/or Solicitor have determined that the error is too substantial so as to create confusion for amendment(s) to such ordinance or resolution, the same shall be passed to a next reading if available, and if not available, the same shall be tabled by majority vote of Council.

- (t) Limitations on Debate. No member of Council while Council is in session shall engage in debate or discussion with anyone save another member of Council or the President of Council or some person who has either been granted by Council the privilege to address Council or is present at a Council meeting on invitation of Council. Council members are encouraged not to respond to visitor or public comments. If public comments are directed toward a council member personally, the Mayor may intervene and stop such public commenting immediately. Visitor or public comments that become questions of counsel do not require an answer or response of any member of the Council or Mayor, and may be directed to the appropriate person for consideration.

No Council member shall speak more than once about any subject, until every member choosing to speak shall have had an opportunity to be heard.

- (u) Acceptable Motions; Order of Precedence. When a question or proposition is before Council, or under debate, no motion shall be received except the following:
- To adjourn (non-debatable).
  - To lay on the table (non-debatable)
  - For the previous question (request that discussion end and the vote be taken) (non-debatable).
  - To postpone to a certain day.
  - To commit (to refer to standing or special committee).
  - To amend the motion.
  - To postpone indefinitely.

The several motions shall have precedence in the order in which they are herein arranged. Motions and legislation (ordinances or resolutions) require a first (initial motion) and a second by council members prior to discussion taking place on the subject. After discussion, a motion requires a vote of council prior to moving onto other discussion, unless such motion has been withdrawn by the moving member.

- (v) Amendments to Council Rules. These rules may be amended or altered, or new rules adopted by a vote of the majority of all the members elected at any meeting of Council.

**SECTION 2.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**SECTION 3.** This ordinance is not an emergency ordinance and shall take effect thirty days after passage.

**ADOPTED** by the Council of the Village of Roaming Shores, Ashtabula County, Ohio this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
JENNIE D'AMICONE  
Mayor

**ATTEST:**

\_\_\_\_\_  
Kerri Philips  
Clerk/Treasurer

**APPROVED** as to form and legality:

\_\_\_\_\_  
Christopher M. Newcomb, Esq.  
Solicitor

**Clerk's Publication Statement:**

I hereby certify that a summary of the foregoing ordinance was published twice by the Jefferson Gazette News on the following dates: \_\_\_\_\_ and \_\_\_\_\_.

\_\_\_\_\_  
Kerri Philips  
Clerk/Treasurer

## **ORDINANCE NO. 941-10-2024**

### **AN ORDINANCE DECLARING A VEHICLE SURPLUS AND AUTHORIZING THE VILLAGE ADMINISTRATOR AND/OR MAYOR TO SELL OR OTHERWISE DISPOSE OF SAID VEHICLES IN A MANNER PRESCRIBED BY LAW AND DECLARING AN EMERGENCY.**

**WHEREAS**, the village council has determined it will be in the best interest of the village necessary to the daily operations of the village to require adoption of this ordinance for the peace, safety, and welfare of Village residents as an emergency measure and due to the need to advertise for sale of such vehicles.

**WHEREAS**, the village council has determined that it has ownership over the following vehicles and that said vehicles are now unnecessary for Village operations and should be disposed of according to law:

1. 1986 Dump Truck F-350
2. 2007 Chevrolet Silverado 2500
3. 2003 20' Deck Over Dual Axle Trailer

**NOW, THEREFORE, BE IT RESOLVED** by the council of the Village of Roaming Shores, County of Ashtabula, and State of Ohio, that:

**Section 1.** It is hereby determined that the Village of Roaming Shores council finds and determines that it is necessary to declare certain vehicles owned by the Village as surplus and that it is necessary to authorize the Village Administrator and/or Mayor to advertise, sell and otherwise dispose of said Village property in accordance with Ohio Revised Code with said vehicles being described as follows:

1. 1986 Dump Truck F-350
2. 2007 Chevrolet Silverado 2500
3. 2003 20' Deck Over Dual Axle Trailer

**Section 2.** The Village of Roaming Shores council finds and determines that all formal actions of the council concerning and relating to the adoption of this Ordinance were taken in an open meeting and that all deliberations that resulted in those formal actions were open to the public in compliance with all applicable laws.

**Section 3.** This Ordinance was passed by majority vote under declaration of emergency in order to preserve the peace, safety, and welfare of the Village residents and for the need to preserve timelines in advertisement and disposal of said vehicles.

**ADOPTED** by the Council of the Village of Roaming Shores, Ashtabula County, Ohio this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
JENNIE D'AMICONE  
Mayor

**ATTEST:**

\_\_\_\_\_  
Kerri Philips  
Clerk/Treasurer

**APPROVED** as to form and legality:

\_\_\_\_\_  
Christopher M. Newcomb, Esq.  
Solicitor

**Clerk's Publication Statement:**

I hereby certify that a summary of the foregoing ordinance was published twice by the Jefferson Gazette News on the following dates: \_\_\_\_\_ and \_\_\_\_\_.

\_\_\_\_\_  
Kerri Philips  
Clerk/Treasurer

## BILLS FOR REVIEW - OCTOBER 1, 2024

4901-800-500	CT CONSULTANTS	\$ 2,500.00
	TASK ORDER #2	
1000-730-392	FISH WINDOW CLEANING	\$ 342.00
	VILLAGE HALL	
2081-110-400	STATE RD MEDICAL LLC	\$ 39.00
	MEDTOX 10 PANEL TEST	
1000-730-392	ILLUMINATING CO	\$ 599.41
	VILLAGE HALL	
1000-730-392	NORTHEAST OHIO NATURAL GAS	\$ 127.96
	VILLAGE HALL	
1000-730-392	WELLS FARGO	\$ 77.89
	COPIER	
2081-110-433	ROAMING SHORES UTILITY	\$ 541.93
	FUEL-JULY	
1000-730-392	CINTAS CORP	\$ 10.37
2011-620-400	FIRST AID KIT RESTOCK	\$ 13.04
1000-730-392	LINK COMPUTER CORP	166-60
	MONTHLY BILLING	
1000-725-400	QUILL	\$ 386.97
1000-410-400	TONER AND BILLING SUPPLIES	\$ 122.99
1000-710-220	THE HARTFORD GROUP	\$ 2.74
2011-620-220	LIFE INSURANCE BENEFITS	\$ 12.59
2081-110-220		\$ 21.90
2081-110-300	WINDSTREAM	\$ 147.57
1000-730-392	INTERNET	\$ 40.69
1000-410-252	DAVID MURACO	\$ 220.30
	MILEAGE 9/9-9/22	
2081-110-433	THE WRIGHT PLACE	\$ 57.95
	UNIT #2 OIL CHANGE	
2081-110-433	THE WRIGHT PLACE	\$ 162.00
	UNIT #1 REPAIR	
2081-110-433	BOB SUMEREL TIRE	\$ 750.20
	UNIT #2 REPAIRS	

**BILLS FOR REVIEW - OCTOBER 1, 2024**

2081-110-400	RED DIAMOND UNIFORM & SUPPLY UNIFORM ALLOWANCE - ORIENT	\$ 192.97
2081-110-400	WILL ROSKOS REIMBURSEMENT-PER DIEM/SUPPLIES	\$ 30.99
2081-110-400	CLAY BECK REIMBURSEMENT-PER DIEM	\$ 58.52
2081-110-433	ROAMING SHORES UTILITY FUEL - AUGUST	\$ 430.97