Council Minutes
VILLAGE OF MADISON
Regular Council Meeting
August 18, 2014

RECORD OF PROCEEDINGS

Mayor Britton called the meeting to order at 7:30PM.

Mayor Britton invited all in attendance to join in the Pledge of Allegiance to the Flag. Mayor Britton requested that everyone observe a moment of silence. Council Members Mr. Frager, Mr. Hamercheck, Mr. Donaldson, Mr. Mabe, Mr. Cahill, Mr. Takacs and Mr. Vest were in attendance. Also in attendance were Acting Fiscal Officer Kristie Crockett, Police Chief Dawn Shannon, Law Director Mr. Szeman and Village Engineer Dan Gerson.

MINUTES

Mayor Britton announced minutes to be approved for the Council Meeting held on August 4, 2014.
Motion for approval made by Mr. Vest, seconded by Mr. Frager.
Questions/Discussions – None
Roll call on approval, 7 yeas. Motion carried.

PAY ORDINANCE

Mayor Britton presented Pay Ordinance No. 2304: $45,906.07 for payroll and $63,890.63 for current and upcoming expenses, for a total of $109,796.70.
Motion for approval made by Mr. Takacs, seconded by Mr. Donaldson.
Questions/Discussions – None
Roll call on approval, 7 yeas. Motion carried.

OLD BUSINESS

ORDINANCE 17-2013: – AN ORDINANCE ACCEPTING THE BID OF TRAX CONSTRUCTION COMPANY FOR WATER LINE INSTALLATION FOR THE STATE ROUTE 528 SOUTHERLY WATERLINE CONSTRUCTION PROJECT, PHASE 1, (PART A) AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO A CONTRACT WITH SAME, AND DECLARING AN EMERGENCY (Tabled)

ORDINANCE 14-2014: – AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF MADISON VILLAGE, OHIO PART SEVEN-PLANNING AND ZONING, SECTION 8.7 (C), RELATED TO THE LOCATION OF SEXUALLY ORIENTED BUSINESSES. (Tabled)
Questions/Discussions – Mr. Frager asked if this ordinance will be removed from a tabled state after the public hearing on August 25th, 2014. Mr. Vest confirmed.

ORDINANCE 29-2014: AN ORDINANCE DESIGNATING AN AREA OF PARK

STREET AS A VALET SERVICE AREA AND PROHIBITING PUBLIC PARKING DURING SPECIFIC HOURS. (3rd Reading)
Motion to amend made by Mr. Vest, seconded by Mr. Donaldson.
Questions/Discussions – Mr. Szeman stated that in response to some Council comments, there has been a proposed amendment made to the original ordinance. This deals with subsection "I". Mr. Szeman stated that a motion to amend must be made.
Roll call on amendment, 7 yeas. Motion carried.

Motion for approval made by Mr. Vest, seconded by Mr. Mabe.
Questions/Discussions – None
Roll call on approval, 7 yeas. Motion carried.

ORDINANCE 30-2014: - AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF ALL DULY DEDICATED STREETS WITHIN THE VILLAGE OF MADISON WITH ELECTRIC STREET LIGHTING AND APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. (2nd Reading)

ORDINANCE 31-2014: - AN ORDINANCE LEVYING ASSESSMENTS FOR THE IMPROVEMENT OF STREETS IN THE VILLAGE OF MADISON, OHIO, BY SUPPLYING SAME WITH ELECTRICAL STREET LIGHTING AND APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. (2nd Reading)

RESOLUTION 15-2014: A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE MADISON JOINT FIRE DISTRICT FOR THE BUY-OUT OF ITS LEASEHOLD INTERESTS IN THE PROPERTY LOCATED AT 33 NORTH LAKE STREET, MADISON, OHIO. (3rd Reading)
Motion for approval made by Mr. Vest, seconded by Mr. Takacs.
Questions/Discussions – Mr. Cahill questioned if the fact that the fire board thought that they owned station one factored into the need to have a sale of the property/building. Mr. Takacs stated that at no time did the fire board feel that they owned station one. Mr. Cahill referenced the fire board minutes from March 19, 2014 and read an excerpt. Mr. Takacs stated that the fire board has always maintained that station one belonged to the Village and the excerpt Mr. Cahill read refers to the lease-hold interest of the building and not the sale of it. Mr. Takacs acknowledged that he is the person that approached the fire chief in regards to the Village buying out the lease-hold interest in station one. At that time there was a grievance filed due to the poor conditions of the police garage. It was stated that the Village does not own the building where the police garage is located.
He also referenced issues with the road garage building. It was his intent to open a discussion between the Mayor and the chief to see if there was a way to negotiate compensation to the fire district so that station one could be used for the Village. Mr. Takacs stated that he did not participate in any negotiations. Mr. Takacs stated that it was a request by the Village for help in dealing with the problems he mentioned. The fire district stated that they could not 'give' the building to the building, that there must be compensation for the improvements made. $189,000.00 was the figure that the fire chief provided to compensate the fire district for their investment into the improvements. It is the fire districts plan to possibly reallocate those dollars

to improve station two. Mr. Takacs stated that it was the needs of the Village that the fire district was trying to address, not their own. Mr. Takacs stated that the $10,000.00 in earnest money that was given to the fire district was to ensure them that the dollar figure would not change. The fire district has stated that they still need a portion of station one for evidence and storage. Mr. Takacs provided details of the Village needs for station one. When the lease was conducted in 1982 between the Village and the fire district, only the front part of station one was there. The cost for the addition was $242,000.00. Assurances were made that the Village would not take back that property without some form of compensation when the addition was built. Mr. Takacs stated that we have to respect the process and honor agreements that were made. Mr. Takacs stated that if the Village does not want station one that the fire district will continue to use it. Mr. Takacs stated that there was additional dollars spent by the fire district to the initial building in the form of concrete work. Mr. Takacs stated that we have the responsibility to our employees to provide them with facilities and appropriate working conditions. It was stated to build a new Village hall including a road garage and police department would cost between two and three million dollars. Mr. Cahill stated that he has reviewed all fire board minutes since 2009. He stated that there is no reference of recoupment of dollars spent for the addition/improvements to station one. He added that there is legally no obligation for the Village to pay the fire district anything. It was stated that there is also no verbiage of reimbursement in the M.O.U. Mr. Cahill read an excerpt from the October 7, 2009 fire board minutes. Mr. Cahill stated that the amount of money spent on improvements is irrelevant because there is no legal obligation for the Village to pay anything. Mr. Cahill stated that if the fire district states that they still need station one that they are only doing so out of spite. Mr. Cahill stated that all the Village has to do is send the fire district a letter telling them to vacate station one. Mr. Cahill added that the only items that were to be removed were 'moveable furniture' which does not include the dual fuel tanks that they took. Mr. Cahill states that we need to admit our mistakes and vote no on this legislation. Mr. Hamercheck spoke in regards to the dollars utilized to build the addition onto station one and stated that 70% of those dollars were EMS dollars and not taxpayer dollars. That being said, taxpayer dollars are not being 'cheated' and this is not a fair analogy. Mr. Cahill added that these were private dollars and the Village should not be reimbursing the fire district for private dollars as part of a lease-hold buyout. He added that the former Administrator issued a zoning permit for the addition but they, nor Planning & Zoning has the authority to encumber any debt on behalf of the Village and he stated that the Village never had an opportunity to say no to this improvement/addition. Mr. Hamercheck stated that the MOU confirms that the 1982 lease. Insurance coverage on station one took place. Mr. Hamercheck stated that this is not a legal discussion but a political one. Discussion took place regarding the location of station three. Mr. Mabe stated that we are not paying the fire district for the building, but rather for their lease hold interest in the lease. Mr. Mabe added that he will not support making the fire district leave station one if they express a need to use it; whether that be all or in part. Mr. Mabe reminded all that the money paid to the fire district will be used by them to improve their other facility for the overall benefit to all of Madison. Mr. Hamercheck provided details regarding 'Class U' and stated that the building went through a number of changes throughout the construction of the improvements. Discussion as to legally enforceable legislation regarding real property took place. Mr. Hamercheck asked all of Council to vote no on this legislation and stated that this is not within the law. Mr. Cahill reiterated the contents of paragraph four of the 1982 lease. He stated that there is a difference between the fire districts 'need' versus a 'use' for station one. He stated that if the Village passes this resolution that it is a misapplication of taxpayer funds. He

added that promises and assurances were made by people who had no authority to make them. He added that we are following agreements that we entered into that we must abide by. Mr. Mabe asked for confirmation from Mr. Szeman that if the 1982 lease is still active, that the Village has two choices; to buyout the lease or to allow the fire district to continue to use station one. Mr. Szeman confirmed. Mr. Mabe stated that with those two options in front of us, he stated that it is his opinion that we buy them out of the lease. Mr. Donaldson stated that if we want access to that building, we need to accommodate the fire district with some form of compensation for their investment into it. If we do not choose to do so, the fire district can move back into the building and use it as they wish. It becomes a choice that the Village needs to make. He added that if we need it, if it is a good deal for the dollar amount and benefits the Village long term, then we make it happen. It will save us money in the long term.

Mr. Jack Lading (603 West Main Street) asked Mr. Mabe why the fire district would want to move back into station one when they have a brand new building. Mr. Mabe clarified that they could use both the new building and station one.

Mr. Paul Goda (431 West Main Street) stated that Mr. Cahill and Mr. Hamercheck have made the strongest points on this topic. He added that if the fire district did move back into station one out of spite, that he would oppose any future fire district levy. He questioned why this legislation went three readings.

Kathy Lynn (209 West Main Street) asked Mr. Cahill if he was the person that contacted Channel 5 news about this topic. Mr. Cahill's reply was that he spoke with a reporter and he believes that several councilmen did as well. Ms. Lynn asked if anything became of that conversation. Mr. Cahill stated not that he was aware of. Mayor Britton stated that it was Mr. Cahill that initiated the call to Channel 5. Ms. Lynn asked for confirmation of that. Mr. Cahill stated that is not how he believes it occurred. He added that when he was contacted and asked for his opinion, that he replied that we have no reason to pay the fire district anything. Ms. Lynn also asked Mr. Cahill if he has threatened this legislative body that if they passed this resolution this evening, that he or a member of his family would file a lawsuit against the Village. Mr. Cahill stated no but cited revised code 733.56 which allows our Village solicitor to bring an action if we believe that there has been a misapplication of taxpayer dollars. If the Village solicitor chooses not to do so, then a Village taxpaying resident has the right to file a lawsuit which he may choose to do. He stated that he does not consider that a threat but an unfortunate truth. He added that he hopes that it does not get to that point. Ms. Lynn referenced the problems at the road and police garages as well as the issues at Village Hall and asked Mr. Cahill why he does not see the resolution as a fix to those problems. Mr. Cahill stated that he agrees with her that it would fix these issues but stated that the Village does not need to pay anything to the fire district. Ms. Lynn asked about the moral obligation to the community. Mr. Cahill stated that there is none. Ms. Lynn asked Mr. Cahill how the Village is going to address the issues at the garages and at Village Hall if we do not acquire station one. Mr. Cahill stated that Mayor Britton will not exercise the 90 day provision in the 1982 lease and he cannot make him do so. Mayor Britton stated that he will not do so. Ms. Lynn asked Mr. Cahill if the dollars spent on the lawsuit he referred to would be a waste of tax payer dollars. Mr. Cahill stated that it would be him pursuing any lawsuit being that he has no family that lives in the Village. Ms. Lynn referred

to the cost of the Village dollars used to pay our law director for such a suit. Mr. Cahill stated that he has no idea what those legal fees would be.

Mr. Robert Lee (357 West Main Street) stated that he has spoken with a number of people about this topic. Initially, he agreed with Mr. Cahill but after speaking with residents, he feels that the Village does need to compensate the fire district. He stated that he is not sure what that dollar amount is. He asked Council to consider renegotiating the dollar figure. Mr. Lee stated that a member of Council, possibly Mr. Mabe should have sat in on the negotiations between Mayor Britton and the fire chief. Mr. Lee asked for an explanation as to where the $189,000.00 figure was decided upon. Mayor Britton stated that he met with Chief Lutz and Mr. Kloski. He provided details of that meeting. Mr. Lee provided details of the Village's contributions to the fire district last year. He feels that $189,000.00 is a little more than the Village can afford.

Mr. Walt Richardson (700 East Main Street) asked if the fire district paid any rent over the term of the lease. Mayor Britton said no. Mr. Richardson stated that the fire district does not want to 'give' station one to the Village without being compensated, yet they have used it 'for free' for the past 30+ years. He asked how much was spent in extending the water line to the new fire station. Mr. Hamercheck stated that this water line project needed to be completed and was not implemented solely for the new fire station. Mr. Richardson asked why the members of Council that sit on the fire board abstained from voting on this issue at the fire board meeting, yet feel that it is appropriate to vote on it here. Mr. Vest stated that he chose to abstain from voting on it at the fire board so that he was able to vote as a member of Council for the Village.

Mr. Jack Steinbrick (610 West Main Street) stated that Mayor Britton is in a strong negotiating position and suggested the dollars be redirected and not paid to the fire district.

Mr. Frager referred to Mr. Mabe as to the figures that they spoke about earlier. Mr. Mabe provided a value of the additional structure at $202,666.67 which he noted is actually low. He stated that the $189,000.00 is lower than the value of the addition and while it has been made very clear that we do not have to legally pay for the addition, the fire district has the right to continue using that building unless we 'throw them out' or 'buy them out' and if they are asking us to buy them out for less than the current value of the addition, then he does not see where that is unfair to the Village. Mr. Frager asked Mayor Britton about the ADA compliance that was researched in the past. Mayor Britton and Mr. Lee stated that it would be at least $500,000.00 just to make Village Hall ADA compliant. Mr. Frager added that there would be additional costs for the needed work for the road and police garages.

Mr. Hamercheck referred to a letter that the legal counsel hired by the fire district issued. Mr. Szeman stated that he e-mailed it to Council Sunday evening.

Mayor Britton stated that he did what he was asked to do and he stated that Council should vote as they wish. Mayor Britton added that it will cost nearly $35,000.00 to run sewer lines to the road garage and there are issues with the police garage that will be researched and quoted this week.

Mr. Hamercheck made a motion to table Resolution 15-2014. Mr. Szeman stated that a motion to table supersedes a motion for approval.

Motion to table made by Mr. Hamercheck, seconded by Mr. Cahill.
Questions/Discussions – None
Roll call on tabling Resolution 15-2014, 4 yeas (Hamercheck, Cahill, Donaldson, Frager), 3 nays (Vest, Takacs, Mabe) Resolution tabled.

RESOLUTION 16-2014: - A RESOLUTION ESTABLISHING A SPECIAL FUND FOR POLICE LEVY REVENUE. (2nd Reading)

NEW BUSINESS

ORDINANCE 33-2014: - AN ORDINANCE PROVIDING FOR ADDITIONAL APPROPRIATIONS AND ADJUSTMENTS TO VARIOUS LINE ITEMS FOR THE CURRENT EXPENSES AND FOR OTHER EXPENDITURES OF THE VILLAGE OF MADISON, OHIO FOR THE PERIOD BEGINNING JANUARY 1, 2014 TO AND INCLUDING DECEMBER 31, 2014, AND DECLARING AN EMERGENCY. (1st Reading)
Motion for suspension made by Mr. Mabe, seconded by Mr. Vest.
Questions/Discussions – Mayor Britton stated that this is the legislation that was discussed at the Committee of the Whole (C.O.W.) meeting prior to this meeting. It was stated that the dollar figures will be amended to reflect the updated amounts discussed at the C.O.W.)
Roll call on suspension, 7 yeas. Ordinance suspended.

Motion for approval made by Mr. Vest, seconded by Mr. Mabe.
Questions/Discussions – Mr. Hamercheck asked for the revisions to be stated for the record. Mayor Britton stated that the revised amount is $81,750.00.
Roll call on approval, 7 yeas. Motion carried.

RESOLUTION 19-2014: - A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE LAKE COUNTY SOIL AND WATER CONSERVATION DISTRICT FOR PROFESSIONAL SERVICES RELATED TO THE GROWING GREEN ON MAIN STREET PROJECT. (1st Reading)

RESOLUTION 20-2014: - A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE LAKE COUNTY BOARD OF COMMISSIONERS TO PARTICIPATE IN THE URBAN ENTITLEMENT COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND FOR THE UTILIZATION OF FUNDS MADE AVAILABLE BY THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, AND DECLARING AN EMERGENCY. (1st Reading)

GENERAL REQUESTS – Mr. Bailey requested $30,000.00 & $27,540.00, totaling $57,540.00 to be approved for engineering costs for the SWIF grant and the 319 Grant. These are reimbursable dollars from the grants but need to be expended now to prepare the bidding documents.
Motion for approval made by Mr. Vest, seconded by Mr. Mabe.

Questions/Discussions – Mr. Takacs asked Mrs. Crockett what fund these dollars will be taken from until the reimbursement is received. Mrs. Crockett stated that it will come out of the storm water account. Mr. Bailey stated that reimbursement from Lake County is very quick.
Roll call on approval, 7 yeas. Motion carried.

VISITORS COMMENT – Mr. John Kennedy (182 East Main Street) read a letter written by his wife regarding flooding that occurred in May 2014. Mr. Kennedy asked to be included in future discussions regarding the solutions to the Hyder Drive flooding.

Jack Lading (603 West Main Street) stated that he had a tour of the new fire station and encourages all to visit and tour. He stated that he is concerned that there is only one driveway for the station and is concerned what would happen if there were an accident blocking the driveway. He asked about a traffic light being installed at that intersection. Mayor Britton stated that this is an ODOT issue but added that he will follow up with Chief Lutz. Mayor Britton stated that to receive a tour, call 428-1522.

STAFF REPORTS

Engineer (given by Mr. Gerson) – Mr. Gerson stated that he has been in discussion with American International and paving is scheduled to take place mid-September on Amy, Sunset and a portion of Appaloosa. Mr. Gerson stated that he visited the area and will e-mail Mr. Bailey with his recommendations. Mr. Gerson stated that he has resigned from URS and this will be his last Council meeting. He thanked Council and added that he has enjoyed working with them. He stated that he will be sending out an e-mail with his personal e-mail and phone number to Council. Both Mayor Britton and Mr. Lee thanked Mr. Gerson for his service.

Police Chief – Chief Shannon stated that she is working on the scheduling issues which continue to be difficult. She added that school started today and reminded all to watch out for the children heading to and from school.

Administration Report: - Mr. Bailey stated that the cleanout of oxidation ditch number one has been completed at the WWTP. It went very well.

The 2015 budget process is well underway.

The new website is being updated daily and we have focused a lot of effort on the storm water pages. He provided details about what can be found on that part of the website. He stated that we are researching funding options for the projects listed.

Mr. Bailey stated that the road garage is on a septic tank and has floor drains that are draining into the creek which is not acceptable. Immediate actions were taken to address these issues. The septic tank has been pumped down and the restrooms at that location are no longer being used and neither are the floor drains. The next step to rectify the situation is to tie into the sanitary sewer which would cost approximately $30,000.00, which is not a viable option at this

time. Mr. Hamercheck asked that the septic tank at the road garage not be crushed and destroyed. Mr. Bailey stated that it will come before Council prior to that being done. Mr. Bailey stated that we are 'stable' with the EPA at this point as far as the road garage property is concerned.

Mr. Bailey stated that the leak survey of the water system has been completed. Eleven fairly large leaks were located totaling 59,700 gallons of non-revenue water being lost daily. Of the eleven, ten have been repaired and we are down to one at a rate of 500 gallons per day. The repaired leaks will equate to $87,395.00 in lost revenue that we will recoup in the next year. We plan to have this survey repeated next year.

Misc. Reports/Comments: - Mr. Frager asked Mr. Cahill, in regards to the water line project, does he know when the bulk water agreement is due. Mr. Cahill stated that he did not know off hand but stated that he believes that it is within the next six months to a year. He referred to Mr. Bailey who stated that it is September, 2015. Mr. Frager asked Mr. Cahill for an update on the water line project. Mr. Cahill responded that the UAG has not met and once they do he will have an update. Mr. Frager stated that this is a 1.1 million dollar project and Mr. Cahill said earlier that he was elected to oversee the spending of tax payers dollars yet he does not know where we are at with such a large project. He asked why Mr. Cahill does not spend his efforts on items like this project instead of items that were discussed this evening as well as the copier issue. Mr. Frager asked Mr. Cahill for explanation as to why the project is 1.1 million dollars yet Ordinance 20-2013 that was passed lists it as 1.4 million. Mr. Cahill stated that these questions are in response to the discussion of resolution 15-2014 earlier that Mr. Frager sponsored.

Ms. Lynn asked if the UAG would still be meeting. Mayor Britton stated no and added that the UAG will be contacted by Mr. Bailey when needed. The Committee of the Whole (C.O.W.) will be held prior to the second Council meeting of the month.

Mayor's Report: -

Upcoming dates:

Mon.	Aug. 25th	6:30pm Public Hearing – Ord. 14-2014
Mon.	Aug. 25th	7:00pm Council Workshop
Mon.	Sept. 1st	Village Hall closed for Labor Day
Tues.	Sept. 2nd	7:30pm Council Meeting
Mon.	Sept. 8th	7:00pm Planning and Zoning Meeting
Mon.	Sept. 15th	7:30pm Council Meeting

Motion to adjourn at 9:23pm made by Mr. Takacs, seconded by Mr. Vest.
Roll call on adjournment, 7 yeas. Meeting adjourned.

Sam Britton Jr., Mayor

Kenneth D. Takacs, Council President

Sept. 2-2014
DATE

Attested:

Kristie M. Crockett 9-2-14

Kristie M. Crockett, Acting Fiscal Officer DATE