Council Minutes
VILLAGE OF MADISON
Regular Council Meeting
November 3, 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 and Mr. Vest were in attendance. Also in attendance were Administrator Dwayne Bailey, Fiscal Officer Kristie Crockett, Police Chief Dawn Shannon and Law Director Mr. Szeman. Mr. Takacs was absent.

MINUTES

Mayor Britton announced minutes to be approved for the Council Meeting held on October 20, 2014.
Motion for approval made by Mr. Vest, seconded by Mr. Mabe.
Questions/Discussions – Mr. Cahill stated that he had mentioned a couple of issues regarding CT Consultants at the October 20th meeting and he does not see those comments in the minutes. Mayor Britton stated that we can move to approve the minutes or move to have them amended. Mr. Cahill stated that he prefers that they are amended. Mr. Szeman stated that he recalls that it was quite a discussion and is not sure that a sentence or two will suffice. Mr. Szeman stated that the minutes do not need to be approved this evening due to any time sensitivity and suggested that the minutes be corrected to include this topic and brought forward for approval at the next Council meeting.
Mr. Vest and Mr. Mabe rescinded their motions.

PAY ORDINANCE

Mayor Britton presented Pay Ordinance No. 2309: $33,237.54 for payroll and $49,419.72 for current and upcoming expenses, for a total of $82,657.26.
Motion for approval made by Mr. Vest, seconded by Mr. Frager.
Questions/Discussions – None
Roll call on approval, 6 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 39-2014: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CT CONSULTANTS, INC. FOR PROFESSIONAL ENGINEERING SERVICES IN THE CAPACITY OF VILLAGE ENGINEER, AND DECLARING AN EMERGENCY. (3rd Reading)

Motion for approval, as amended, made by Mr. Vest, seconded by Mr. Frager.
Questions/Discussions – Mr. Frager asked for clarification of ownership of documents. His interpretation of the contract is that CT Consultants would be the owner of documents that they create. Mr. Szeman stated that CT Consultants will be the owner of the intellectual property that they create while operating as the engineer for the village. The products that they are creating for the village are completed under an irrevocable license. He clarified that CT has a right to re-utilize their intellectual property for other projects. The village does not have ownership of that intellectual property even though CT Consultants is under contract with the village. The 'as builts' documentation will be turned over to the village which is a standard business practice. Mr. Bailey confirmed. Mr. Mabe asked for any Councilmen's input if they do not believe that this is a good move for the village prior to this going to vote since he was not on Council when CT Consultants was the village engineer previously and he does not have the background or history. Mr. Cahill stated that he expressed his concern at the last council meeting and he does not feel that the village should hire CT Consultants as the village engineer based upon prior history. It is his opinion that council was happy with URS and no one has convinced him otherwise. Mr. Mabe questioned if it was a personnel issue rather than a company issue. Mr. Hamercheck stated that he disagrees. He stated that he is unsettled hearing that the issues derived from a personality conflict with Mr. Foley. Mr. Hamercheck added that Mr. Foley is knowledgeable, kind, courteous and professional and he stated that there was a mentality in the village that we had no money and things were done 'half way'. He added that during that time things were not done correctly and the manner in which they were completed was not always the most cost effective. Mr. Hamercheck stated that he is putting a great deal of trust and confidence in Mr. Bailey and Mr. Haibach and he hopes that Council will agree. He believes that this is the best direction for the village to go but noted that he is not happy with the council committees being put 'on hold'. He added that he has found Mr. Haibach to be professional in all ways at all times. He added that the Safford Street project went wrong in many areas. Mr. Bailey stated that he has worked with CT Consultants for many years and has been very satisfied. Mr. Bailey added that a village engineer is a tool and if we do not use the tool correctly, then it is not going to work properly. He added that there will always be unforeseen circumstances to deal with, that it is the nature of the position of village engineer.

Mr. Vest questioned the number of meetings per month listed in the contract. He stated that the contract lists 'two' and asked if there is any ability to negotiate that number. He would like to see that changed to 'three' to include Planning Commission or BZA if necessary. Mr. Haibach stated that he has no objection to adding an additional monthly meeting to the contract and he can suggest that to CT Consultants. Mr. Bailey stated that as long as this is on an occasional basis that it would not be a contractual issue.

Motion for an amendment to exhibit 1 of Ordinance 39-2014, page 2, paragraph number 1, to read 'up to three meetings per month', made by Mr. Vest, seconded by Mr. Frager.
Questions/Discussions – Amendment approval must be made by CT Consultants prior to contract being executed. Mr. Haibach approved the amendment.
Roll call on amendment, 5 yeas, 1 nay (Cahill). Amendment approved.

Roll call on approval as amended, 5 yeas, 1 nay (Cahill) Motion carried
Mr. Frager referred to section 13 in regards to termination of the contract. Mr. Szeman stated that the contract is perpetual but will need to be renegotiated over the course of time.

NEW BUSINESS

ORDINANCE 40-2014: - AN ORDINANCE AUTHORIZING THE ADMINISTRATOR TO CONTRACT WITH TC CONSTRUCTION COMPANY, INC. FOR CONCRETE REPAIRS TO HYDER DRIVE. (1st Reading)

GENERAL REQUESTS - P.O. Request to RestorX MD in the amount of $6,251.11 for the cleaning of Village Hall.
Motion for approval made by Mr. Donaldson, seconded by Mr. Vest.
Questions/Discussions – Mayor Britton explained that we did not want to have Village Hall closed any longer than absolutely necessary. Mr. Cahill asked who told the village that this needed to be done. Mayor Britton stated that he, Chief Shannon and Mr. Takacs made the decision to have Village Hall cleaned. Mr. Frager asked what account would be used to pay for the cleaning. Mrs. Crockett stated that she and Mr. Bailey discussed using the money that had been set aside for the repairs to the front of the building. Chief Shannon stated that Mr. Gehring is continuing to research the possibility that a portion of this might be reimbursed through our insurance. Mr. Hamercheck questioned the amount of the invoice and stated that he feels that we are being severely overcharged for nothing more than a cleaning. He stated that no personal protective equipment was worn by the employees of the cleaning company other than gloves. Chief Shannon stated that she did not use the term 'level 4 contagion' but she did inform the cleaning company that the reason they were being hired was due to an Ebola concern. Mr. Hamercheck feels that the cleaning that we received does not equate to a 'hazardous' cleanup. He stated that we have the right to know how the 25 bags were disposed of, specifically the process used. He has concern that the vac truck aerosolized the water removed from the carpet into the community. He encouraged council to table this request pending further research.
Motion to table pending further research made by Mr. Hamercheck, Seconded by Mr. Cahill.
Questions/Discussions on table – Mr. Cahill stated that this was simply an early spring cleaning and nowhere near what was contracted for.
Roll call on table, 4 yeas, 2 nays (Donaldson, Vest). P.O. Tabled.

P.O. Request to Livingston Micrographics, LLC in the amount of $2,669.20 for replacement bulbs and tubes for the UV disinfection system at the WWTP.
Motion for approval made by Mr. Hamercheck, seconded by Mr. Mabe.
Questions/Discussions – Mr. Bailey stated that the current bulbs that we are using are more the three years old and are losing their effectiveness. Three quotes were obtained. The bulbs are obsolete and difficult to locate. Mr. Donaldson asked if our UV system is obsolete. Mr. Bailey confirmed. Mr. Bailey added that there will be discussion in the future to retrofit or replace the current system. Mr. Bailey did not feel that ordering an extra set of bulbs for stock is necessary at this time due to the life expectancy of the bulbs.
Roll call on approval, 6 yeas. Motion carried

P.O. Request to Y.S.I., Inc. in the amount of $2,355.00 for a photoflex colorimeter and a thermoreactor for the WWTP.
Motion for approval made by Mr. Vest, seconded by Mr. Cahill.
Questions/Discussions – Mr. Bailey stated that we currently pay $125.00 per month for lab services and this machine will enable us to perform these lab tests in house, therefore eliminating

that monthly cost. It will pay for itself in a short period of time as well as speed up the time that lab results are available enabling potential problems to be addressed quickly.
Roll call on approval, 6 yeas. Motion carried

P.O. Request to Grand River Asphalt, Inc. in the amount of $3,282.45 for 56.11 tons of asphalt that was used for repairs on Middle Ridge Road, Deerfield apron, Fire Station #1 apron and Dayton Road.
Motion for approval made by Mr. Hamercheck, seconded by Mr. Frager.
Questions/Discussions – Mr. Bailey stated that we recently partnered with the Lake County Engineer's office and the City of Mentor-on-the-Lake to do some more effective patching in areas of the village. We borrowed a piece of equipment from Mentor-on-the-Lake that has an asphalt planer attached to it and we did the grinding in-house. In exchange for paving assistance from the county, we agreed to do some asphalt grinding in their areas as well. Mr. Bailey stated that had we hired a contractor to patch these areas it would have cost the village at least $30,000.00. Mr. Bailey stated that he is grateful to the Lake County Engineer's office for supporting this partnership and also thanked Mentor-on-the-Lake for loaning us the equipment. He stated that these repairs should last several years and added that it is a very cost effective intermediate repair.
Mr. Cahill asked how much of the project was used at fire station #1. Mr. Bailey stated approximately $800.00. Mr. Cahill inquired as to why the fire district did not pay for it. Mayor Britton replied that it is the village's building.
Roll call on approval, 6 yeas. Motion carried

VISITORS COMMENT – None

STAFF REPORTS

Police Chief – Chief Shannon stated that there was a Safety Advisory Group meeting held this morning. Chief Shannon requested a purchase order to be approved to begin painting at fire station #1 to prepare the building for the police to move into it. She obtained two quotes. Dave Dolan painting has previously completed painting work in fire station #1 and is familiar with the building. Chief Shannon stated that these funds will come from the money appropriated for the repair to the front of Village Hall.

P.O. request to Dave Dolan Painting in the amount of $3,200.00 for painting at fire station #1.
Motion for approval made by Mr. Vest, seconded by Mr. Frager.
Questions/Discussions – Mr. Hamercheck asked Mr. Szeman if the village is leaving themselves open to a lawsuit if someone gets injured from falling debris from the front of Village Hall since we have known it is an issue and it has not been corrected. Mr. Szeman stated that remedial measures have been taken place but he is not able to offer an opinion on the netting. Mr. Szeman stated that if there is a concern that the netting will not appropriately catch falling debris then that concern needs to be discussed with Mr. Bailey. Mr. Bailey replied that the net that has been adhered to the building is sufficient to catch the pieces of debris that we have seen. He added that the alternative was erecting scaffolding which would have cost approximately $4,000.00 with a monthly rental fee. Mr. Szeman added that Village Hall is old enough that a structural failure of a wall is possible. Mr. Bailey stated that the amount of money set aside to address the

front of the building is grossly inadequate and once work begins on that area, it is a definite concern that the entrance of the building will be unusable. Mr. Hamercheck expressed concern that we are 'robbing' the dollars set aside for the repairs. He stated that there is a balance between safety and how much money we are willing to spend. He added that he feels that the netting is only cosmetic and not sufficient. Mr. Bailey stated that he will have Mr. Haibach look at the building and the netting and provide his opinion. Mr. Donaldson stated that the money that is earmarked for the front of Village Hall is not in a fund or set aside, but rather it is a line item in the budget in the form of an appropriation. Mr. Donaldson added that he is not saying that the front of the building does not need to be addressed but added that it is safe to say that it is not a project that is going to occur before the end of this year. He clarified that it is not cash, it is a category. He added that we are not 'raiding' any funds and stated that at the end of the year, all of the funds start over with a zero balance. This is an item that we can add to the 2015 budget which will be a topic at the November C.O.W. meeting. Mr. Cahill stated that this is the same process that was used to pay for the earnest money to the fire district. Mr. Hamercheck continued to express concern over appropriated dollars being used for other items. Mr. Frager asked if the front of Village Hall could be fixed this year if we acted on it immediately. Mr. Bailey and Mayor Britton stated no. Mr. Bailey stated that even after the budget process, he does not foresee there being enough money available to make the major improvements to the building to maintain the historical façade. Mr. Cahill asked what the cost would be in 'shave down' the front of the building to address the safety issue. Mr. Bailey stated that he would have to look into. Mr. Mabe questioned why we would want to repair the front of Village Hall if we are relocating the administrative offices to fire station #1. If approved, painting is scheduled to begin Monday, November 10th and will take three to four days. Chief Shannon stated that the contractor will provide liability insurance and a copy of his workers compensation certificate prior to starting the work.
Roll call on approval, 6 yeas. Motion carried.

Chief Shannon is working on the Reverse 911 project and stated that a form will be included in the November water bills. The next step will be to create the zones. She will work with the Mayor and Mr. Haibach on that.

Mr. Vest complimented Chief Shannon and the staff for their efforts on Halloween. The only incident occurred on Hyder Drive. A child ran in front of a car and the parent of the child stated that she was fine. Later that evening the child was taken to the emergency room. Mayor and Mrs. Britton made a donation to the police department and that money was used to purchase candy that was passed out to kids by the officers.

Administration Report: - Mr. Bailey stated that American International is beginning to pave Amy Drive tomorrow. Portions of Appaloosa and Sunset are also being paved. Mr. Haibach will inspect the work. The contractor has been made aware that they are not to enter via Parkway Blvd. due to the culvert issue. He asked that the money that was going to be used to pave Amy Drive be used to conduct concrete repairs on Hyder Drive. He stated that four bids were received and TC Construction was the lowest bidder. Mr. Bailey estimates the Hyder Drive repairs to be roughly $35,000.00. Weather dependent the work can begin if not be completed before the end of the year. Mr. Vest questioned if everything that is going to be done is marked. Mr. Bailey said he will confirm.

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Misc. Reports/Comments: - None

Mayor's Report: -

Upcoming dates:

Mon.	Nov. 10th	7:00pm Planning & Zoning Meeting
Tues.	Nov. 11th	Village Hall closed for Veteran's Day
Mon.	Nov. 17th	6:00pm Committee of the Whole Meeting
Mon.	Nov. 17th	7:30pm Council Meeting
Thurs.	Nov. 27th	Village Hall closed for Thanksgiving
Fri.	Nov. 28th	Village Hall closed for Thanksgiving

Motion to adjourn at 8:34pm made by Mr. Cahill, seconded by Mr. Vest. Roll call on adjournment, 6 yeas. Meeting adjourned.

Sam Britton Jr., Mayor

Mark V. Vest, Council Vice-President

11/17/14
DATE

Attested:

Kristie M. Crockett, Fiscal Officer

11-17-2014
DATE