Council Minutes
VILLAGE OF MADISON
Regular Council Meeting
January 5, 2015

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 Administrator Dwayne Bailey, Fiscal Officer Kristie Crockett, Police Chief Dawn Shannon, Law Director Mr. Szeman and Village Engineer Mr. Haibach.

At this time, the Committee Appointments took place.

Fire Board: Mr. Vest made a motion to reappoint the current members of Council to represent the Village; Mr. Takacs, Mr. Frager and Mr. Vest. Seconded by Mr. Donaldson.
Questions/Discussions – None
Roll call on approval, 6 yeas, 1 nay (Cahill) Motion carried.

Mayor Britton appointed Mr. Vest as Health Department representative. Mr. Vest accepted.

Mayor Britton appointed himself, Mr. Dwayne Bailey, Mrs. Kristie Crockett, Ms. Denise Michaud and Mr. Vest as Records Commission representatives. Mr. Vest accepted.

Mayor Britton appointed Mr. Mike Evangelista (2 year term), Mr. Mike Gehring (1 year term) and Ms. Beth Lucas (2 year term) as CRA Housing representatives.

Mayor Britton appointed Mr. Rob Johnson to Planning & Zoning Commission. Mr. Donaldson motioned to appoint Councilman Mark Vest. Mr. Frager seconded the motion.
Questions/Discussions – None
Roll call on approval, 7 yeas, Motion carried.

Mayor Britton reappointed Mr. Tim Smith, Mr. Mark Bashore and Mr. Mark Tromba to the Board of Zoning Appeals. Mr. Vest motioned to appoint Councilman Dan Donaldson. Mr. Takacs seconded the motion.
Questions/Discussions – None
Roll call on approval, 7 yeas, Motion carried.

Mayor Britton stated that he will fill the Charter Review Committee at the next Council meeting. He has made contact with the people he would like to see on that committee and they have asked for time to consider it. He added that Mr. Ward Buck and Mr. Jerry Gardner have accepted.

Mayor Britton stated that the following: Safety, Utilities, Economic Development, Roads and Parks and Audit Advisory Groups will meet on an 'as needed' basis. He added that Council President and Council Vice President will be the first two committee members selected in those groups. The Tax Incentive committee will also be handled in that manner.

Mayor Britton appointed Mr. Dan Donaldson, Mr. Ken Takacs and Mr. Mark Vest to the Finance committee.

Mayor Britton stated that he would like Mr. Dwayne Bailey to be the Village representative for MCIC. Motion made to appoint Mr. Bailey made by Mr. Vest and seconded by Mr. Takacs.
Questions/Discussions – None
Roll call on approval, 7 yeas, Motion carried.

Mayor Britton stated that Mr. Ward Buck is currently on the Senior Board and he is reappointing Mr. Jerry Gardner.

Mayor Britton stated that Mrs. Teri Wagoner has expressed an interest in being reappointed to the Rec Board. Motion made by Mr. Frager and seconded by Mr. Vest.
Questions/Discussions – None
Roll call on approval, 7 yeas, Motion carried.

MINUTES
Mayor Britton announced minutes to be approved for the Council Meeting held on December 15, 2014.
Motion for approval made by Mr. Vest, seconded by Mr. Frager.
Questions/Discussions – Mr. Cahill questioned the absence of the discussion regarding anyone on Council or the Mayor having any personal/business relationships with Mr. Burnheimer. Mr. Vest and Mr. Takacs stated that there is documentation under the pay ordinance. Mr. Cahill stated that he believes it is incomplete.
Roll call on approval, 5 yeas, 1 nay (Cahill), 1 abstention (Mabe) Motion carried.

PAY ORDINANCE
Mayor Britton presented Pay Ordinance No. 2313: $84,807.02 for payroll and $251,595.15 for current and upcoming expenses, for a total of $336,402.17.
Motion for approval made by Mr. Takacs, seconded by Mr. Donaldson.
Questions/Discussions – Mr. Takacs asked about the "plant checks' for the water department. Mayor Britton stated that the employees used to get three hours, twice per day of comp time when they were on plant check duty. They now receive 6 hours of overtime per weekend. It was confirmed that both the water and the sewer plants are checked. The duties covered on the plant checks were discussed. Mr. Takacs questioned the usage of the phone lines at the remote locations. Mr. Bailey commented on the auto dialer process and its questionable reliability. The possibility of upgrading the auto dialer was briefly discussed.
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 45-2014: - AN ORDINANCE CERTIFYING DELINQUENT WATER AND SANITARY SEWER CHARGES AND PENALTIES TO THE LAKE COUNTY AUDITOR FOR PLACEMENT ON THE REAL PROPERTY TAX LIST AND DUPLICATE FOR COLLECTION AS OTHER MUNICIPAL TAXES ARE COLLECTED, AND DECLARING AN EMERGENCY. (2nd Reading).
Motion for suspension made by Mr. Hamercheck, seconded by Mr. Vest.
Questions/Discussions – Mr. Mabe asked about the status of the procedure that needs to be implemented to make this an Administration duty that does not require Council vote. Mr. Bailey stated that is in the new utilities codification that he and Mr. Szeman are preparing to bring before Council soon.
Roll call on suspension, 7 yeas. Ordinance suspended.
Motion for approval made by Mr. Vest, seconded by Mr. Hamercheck.
Questions/Discussions – None
Roll call on approval, 7 yeas. Motion carried.

NEW BUSINESS

ORDINANCE 1-2015 – AN ORDINANCE CONFIRMING THE APPOINTMENT OF JOSEPH P. SZEMAN AS LAW DIRECTOR OF THE VILLAGE OF MADISON, ESTABLISHING THE COMPENSATION FOR HIS SERVICES, AND DECLARING AN EMERGENCY (1st Reading)
Motion for suspension made by Mr. Vest, seconded by Mr. Mabe.
Questions/Discussions – None
Roll call on suspension, 7 yeas. Ordinance suspended.
Motion for approval made by Mr. Takacs, seconded by Mr. Frager.
Questions/Discussions – Mr. Takacs questioned the necessity of having annual legislation for these types of items. Mr. Szeman stated that there is new language in this legislation. The language in this legislation does not have an expiration date. There is an increase of $25.00 per month.
Roll call on approval, 7 yeas. Motion carried.

RESOLUTION 1-2015: - A RESOLUTION OF INTENT TO SELL VILLAGE PERSONAL PROPERTY WHICH IS UNNEEDED, OBSOLETE, OR UNFIT BY INTERNET AUCTION. (1st Reading)
Questions/Discussions – Mr. Szeman stated that this is a statutory process that must be completed annually. He added that there is a $1,000.00 limit. Any items valued at more than

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$1,000.00 would need Council approval. Mr. Szeman stated that Council can pass legislation to alter that dollar amount if they choose. Mr. Cahill asked Mr. Szeman how the public is made aware of an internet sale. Mr. Szeman stated that it will be on the Madison Village website and added this legislation will be published in a legal notice per the policy set in place currently for the publication of passed legislation. He added that all items valued above more than $1,000.00 will need additional legislation. Mr. Szeman stated that the Village already has a 'Govdeals' account in place. Discussion took place regarding the use of 'ordinance or a resolution' in this process.

GENERAL REQUESTS - None

VISITORS COMMENT – None

STAFF REPORTS

Engineer (given by Mr. Haibach) – Mr. Haibach stated that no bids were submitted for the sanitary sewer rehabilitation project. Comments were received by potential bidders that the way the bid was written left many questions and left bidders uncertain. He added that the bid documents will be revised and he is looking to place it out to bid within the next couple of weeks.

Police Chief – Mr. Takacs asked for an annual report for 2014. Chief Shannon confirmed. She added that the Madison Village police website will be updated soon and that report will be uploaded there as well.

Administration Report: - Mr. Bailey stated that the ice rink should be open soon and reminded everyone to obey the red/green flag. He also reminded everyone to abide by the rules that are posted.

Mr. Bailey expressed his disappointment that no sanitary sewer bids were received and stated that it is important that we rebid and move forward with this project for our Mercury PMP and our I & I issues ahead of our EPA report that is due to be submitted in March.

Mr. Bailey added that there will be a finance committee meeting held prior to the next Council meeting and the final version of the 2015 appropriations will be ready to present to Council at the C.O.W. Mr. Frager asked if the budget will be discussed at the C.O.W. Mr. Bailey confirmed.

Mr. Bailey commented about the damaged mailbox policy.

Mr. Bailey stated that he was hoping to bring a contract renewal before Council with our current IT provider; however, they raised their rates at the last moment. He stated that he is opting to explore our options and will present Council with an update soon.

Mr. Takacs asked why the tap in fees for water are different for residents we service outside of the Village limits yet the sanitary sewer tap in fees are the same whether the customer is a Village resident or not. Mr. Bailey stated that those are the rates that have been in place for some time and are subject to being revisited. Mr. Bailey stated that the EPA is looking at this topic closely and he is in discussion with Lake County Department of Utilities on this matter.

Misc. Reports/Comments: - Mr. Vest thanked Council and the Administration and the public that have participated in committees, ad-hoc committees, etc. that has assisted in getting us through the transitional years. He added that this was a long road and we have reached the point that we have been working toward.

Mayor's Report: -

Upcoming dates:

Thurs.	Jan. 1st	Village Hall closed for New Year's Day
Mon.	Jan 5th	7:00pm Reorganizational Meeting
Mon.	Jan 5th	7:30pm Regular Council Meeting
Mon.	Jan. 12th	7:00pm Planning & Zoning Meeting
Mon.	Jan. 19th	Village Hall closed for Martin Luther King Day
Tues.	Jan. 20th	6:30pm Committee of the Whole Meeting
Tues.	Jan. 20th	7:30pm Regular Council Meeting

Mr. Szeman requested an Executive Session with Mayor Britton and the five (5) members of Council that have been named in a lawsuit 'Cahill et al. vs. Village of Madison et al.' to have legal discussion regarding that lawsuit. Mr. Cahill objected. Mayor Britton asked for a motion for himself and the five members of Council to enter into Executive Session.
Motion made by Mr. Mabe, seconded by Mr. Takacs.
Questions/Discussion – Mr. Cahill stated that he objects and added that as a member of Council he should be present for any Executive Session. Mr. Hamercheck asked why he and Mr. Cahill are being excluded. Mr. Szeman stated that they are party opponents represented by legal counsel in a case that they filed as private citizens against the Village of Madison. Mr. Szeman stated that he needs to have a confidential conversation with the named defendants in that case. Mr. Szeman added that if Mr. Cahill insists on staying, he will leave. Mr. Szeman stated that he is not going to be privy to confidential attorney-client communications relative to the lawsuit that he filed. Mr. Cahill stated that Mr. Szeman will need a court order to exclude him from the Executive Session. Mr. Szeman asked Mr. Cahill if he would be permitted to be present when he meets with his legal counsel to discuss this case. Mr. Cahill asked what could possibly be discussed that he could not hear. Mr. Szeman questioned whether Mr. Cahill was being serious. Mr. Cahill confirmed. Mr. Szeman stated that he is the law director for the Village and he needs to have discussion with the named defendants in this case. Mr. Szeman asked if it is Mr. Cahill's intention to vote for special legal counsel on this matter. Mr. Szeman stated that Mr. Cahill is interfering with his legal duties. Mr. Szeman added that Mr. Cahill 'cannot wear both hats' in this matter. Mr. Cahill restated that Mr. Szeman will need to obtain a court order to exclude him from Executive session. Mr. Szeman stated that Mr. Cahill is the one that needs to obtain a court

order. Mr. Cahill stated he has no need to obtain one. Mr. Szeman stated that he does not need to allow Mr. Cahill to be present when he consults his clients regarding the lawsuit that he himself has filed. Mr. Cahill stated that he is not going to leave and added that it is up to Mr. Szeman if he chooses to stay or not.
Roll call, 5 yeas, 2 nays (Cahill, Hamercheck)

Motion to adjourn the regular council meeting at 8:09pm made by Mr. Mabe, seconded by Mr. Takacs.
Roll call on adjournment, 5 yeas, 2 nays (Cahill, Hamercheck). Meeting adjourned into Executive Session.

Mayor Britton stated that there would be a ten minute break before the start of the Executive Session and added that no other business will take place afterward.

Sam Britton Jr., Mayor | **Kenneth D. Takacs, Council President** | 1-20-15 **DATE**

Attested:

Kristie M. Crockett, Fiscal Officer | 1-20-2015 **DATE**