

Council Minutes
VILLAGE OF MADISON
Regular Council Meeting
July 6, 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, Law Director Mr. Szeman and Village Engineer Mr. Haibach.

MINUTES

Mayor Britton announced minutes to be approved for the Council Meeting held on June 15, 2015.

Motion for approval made by Mr. Vest, seconded by Mr. Frager.

Questions/Discussions – Mr. Bailey stated that there is an amendment to the minutes correcting the mileage on the administration vehicle that is being considered. The vehicle has 22,000 miles on it.

Roll call on approval, 5 yeas, 2 abstentions (Takacs, Cahill). Motion carried.

PAY ORDINANCE

Mayor Britton presented Pay Ordinance No. 2325: \$66,133.29 for payroll and \$276,564.51 for current and upcoming expenses, for a total of \$342,697.80.

Motion for approval made by Mr. Takacs, seconded by Mr. Frager.

Questions/Discussions – Mr. Vest questioned warrant 13351 issued to Ohio Job and Family Services. He asked for confirmation that this payment is for unemployment for two former employees. Mr. Crockett confirmed. Mr. Vest asked how long we will have to pay this amount. Mrs. Crockett stated that both former employees were approved for 26 weeks of unemployment compensation. She added that we are paying 60% of Jessica Edwards unemployment and Willoughby is paying the remainder with this being the first month of payment. Discussion took place regarding the Township paying half of this expense. Mr. Szeman stated that he was of the understanding that this cost was being paid from the Senior Center budget. Mrs. Crockett confirmed. Mrs. Crockett added that we are paying 100% of Beverly O'Neill's unemployment and this is the third month of payment.

Mr. Vest also questioned the warrant issued to the Lake County Treasurer's office for property tax payments. Mrs. Crockett explained that this is payment for three (3) properties for the second half of 2014. She added that she is in the process of working on five (5) parcels that we have been paying real estate tax on for a number of years. She clarified that we should not be responsible for those real estate taxes however the appropriate paperwork declaring us exempt was never filed. The real estate funds in the amount of \$8,500.00 were budgeted based on previous history but once the exemption paperwork is complete, we will not be responsible for

approximately \$6,000.00 of that amount. Mrs. Crockett added that she is applying for reimbursements of the taxes previously paid but it is not clear if those will be refunded to us.

Mr. Cahill asked for details regarding the \$147,000.00 paid to the Ohio Water Development Authority. Mr. Bailey stated that they are loan payments for the 528 water line project. Mr. Cahill asked what the balance is. Mrs. Crockett stated that she placed a loan summary breakdown of the five (5) loans into all Council mailboxes prior to tonight's meeting. Roll call on approval, 7 yeas. Motion carried.

At this time, Mayor Britton opened the public hearing for Ordinance 29-2015 – An ordinance amending the codified ordinances of Madison Village, Ohio part seven – Planning and Zoning, section 5.2, to reduce the minimum floor area required for single family detached residences located in an R-3, multiple residential district.

Mr. Szeman stated that this amendment was brought upon by the property owner of the parcel just south of the YMCA on N. Lake Street previously called 'Bear Path'. Ryan Homes is the potential developer for the property. He explained that they are looking for a reduction in the minimum square footage that is required per our existing zoning for single family detached homes an R-3 district. Mr. Szeman stated that our current square footage minimum for a single story dwelling is 1,700. Ryan Homes is requesting that be reduced to 1,400. Our minimum for two story dwelling is 1,900 square feet and Ryan Homes is requesting that to be reduced to 1,600. Mr. Bailey stated that the Planning Commission has recommended this amendment be passed by Council. Adam Wujnovich from Ryan Homes clarified that his company is the builder of the proposed development and there is a separate developer that purchases the property. Ryan Homes purchases finished home sites from the developer. He made a presentation regarding the proposed project. He stated that the homes would range from \$140,000.00 to approximately \$180,000.00.

Mayor Britton opened the hearing to the public at this time.

Paul Goda (431 West Main Street) questioned the drainage into the storm sewers from this area. Mr. Wujnovich stated that this is the first step in the development of the property. Mr. Bailey stated that the storm sewers in that area were tested recently and it was determined that it has been bulk headed and is not causing any I & I issues. Flooding issues on the property and at the YMCA were discussed.

No other public comments were made.

Mr. Bailey passed out literature and pictures of the proposed homes.

Mr. Frager requested a timeline for the project. Mr. Wujnovich stated that this is the first step in moving forward with the project. Once this amendment is approved by Council, then they would move forward with the sewer and water systems and perform the necessary lawn maintenance to be able to access the area. Once those items are addressed and if no major problem areas are defined, the developer would purchase the property and the building permits would be applied for. After the building permit is obtained, a model home would be built and he would hope that home sales would begin by the end of the year. Mr. Wujnovich stated that the time frame for a home to be built is approximately 80-100 days from contract signature to homeowner move in. All homes would be on slabs. Mr. Wujnovich stated that each homeowner will be responsible for their own grass cutting and landscaping. He added that there will be variation of colors of siding used as well as elevation options to avoid it looking like a 'cookie cutter' development.

Mr. Bailey stated that extensive discussions have taken place between Ryan Homes, Mr. Haibach and himself regarding the condition of the property and the Village's expectations moving forward. It was stated that the existing home would be repaired, if needed, and sold as part of the development.

Mr. Donaldson reminded Council that this legislation is for all existing areas that are zoned R-3 in the Village.

Mr. Hamercheck stated that there was an I & I issue at that area in the past. Discussion took place as to how the previous owner of the property obtained an occupancy permit and was permitted to tie into our utility system. Mr. Hamercheck wants confirmation that this is being treated as a new build and that no existing structure is being grandfathered in unless it has been approved.

Mr. Mabe asked the ratios of homes that will be built of each of the types presented. Mr. Wujnovich stated that would be dependent on the individual homeowners and what home they choose to build. Mr. Wujnovich explained that they are trying to stay within the price point that is expected to be affordable in this area based on recent home sales. Mr. Mabe expressed concerns of reducing the square footage requirements.

Mr. Takacs asked if there would be a HOA (Home owners association). Mr. Wujnovich confirmed. There would be a declaration and bylaws would be established. It was confirmed that this is a private drive. Mr. Takacs questioned why Council is being asked to amend the minimum square footage for a one-story dwelling when Ryan Homes is proposing two-story dwellings. Mr. Wujnovich stated that Ryan Homes is trying to work on a one-story dwelling at a square footage rate of near 1,400. Mr. Takacs expressed concerns over the size of the one-story homes being 'really small' and he stated that he is not in favor of legislation that includes that small of a square footage amount. Population density was discussed.

Craig Winkleman (444 Oak Hollow) stated that homes in Parkway Estates are 1,400 – 1,500 square foot ranch homes.

The Village received no written correspondence.

The public hearing was closed at this time.

OLD BUSINESS

ORDINANCE 24-2015: - AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH LINK COMPUTER CORPORATION FOR UTILITY BILLING SOFTWARE. (Tabled)

Motion to remove from table made by Mr. Vest, seconded by Mr. Takacs.

Questions/Discussions – Mr. Hamercheck asked about documentation that was requested previously regarding; specifically describing what the utility software's abilities and features are that are promised by Muni-Link. He stated that he has requested it but it has not been provided to him as of yet. Mrs. Crockett stated that it was included within the Council packets within an amendment to 'Exhibit A' attached to the contract. Mrs. Crockett added that all of Council's questions were relayed to the sales representative from Muni-Link and the amendment to Exhibit A was their response to those questions. Mayor Britton added that the 99.9% "up" rate is notated in that documentation. Mr. Szeman confirmed that he has reviewed the information and he believes that it answers all of Council's questions. He noted that he does not necessarily understand the technical portion of how the software works and he leaves that portion up to the

administration and Council for their judgment as to whether this is a product that the Village wants. Mr. Hamercheck stated that one of the specifics that he is looking for is documentation of the 'package' that was presented to the Village and is included in Muni-Link's promise to "stand behind what was presented to the Village" detailing the software's abilities and functions. He added that if there is a dispute over the functionality of the software that we have something to reference that states exactly what was presented to the Village. Mr. Szeman stated that reviewing the proposed software to ensure that it meets the Village's needs is the responsibility of the administration. He added that unless a copy of the actual software is attached to the contract that he is not sure how to specifically memorialize exactly what the software's abilities and functions are. Mr. Szeman stated that we are able to opt out at any time. Mr. Mabe is concerned with the ability of Muni-Link to instill a price increase at any time. He clarified that his issue is with the contract, not the software. Discussion of the opt-out time frame and the notification of rate increases were discussed. Mrs. Crockett stated that once we terminate support with Muni-Link that our data would not be accessible. Mr. Bailey stated that the software we currently use is antiquated and has problems in every area of use. He added that he would rather go to the 'hand style' of billing versus continuing to use the software that we currently have. Mrs. Crockett stated that she checked the references of Muni-Link and none of the references have indicated that they have had any price increase other than the 1%-2% increase that is stated in the contract. Mr. Mabe stated that he appreciates Mrs. Crockett's diligence in making those calls however knowing that they have not had a major price increase in recent years makes him wonder if they are due to make one. Mr. Mabe would prefer to have a grace period of three (3) to six (6) months to shop for new software once we have been notified of a price increase and be able to continue to operate with the Muni-Link software until we have obtained a new utility software provider. Mr. Szeman specified the changes that were made to paragraph five (5) from page two (2); any fee schedule change will be a pass through change based on our internal or external cost changing. He added that we will receive thirty (30) days notice of any changes. If we choose to opt out, Muni-Link will continue to provide service to us for a period of ninety (90) days providing the monthly fee is paid through the transition period. Mr. Szeman stated that he feels that there are too many variables in this industry for them to be able to itemize with a degree of particularity that is being suggested as to what might get passed through in a cost increase. Discussion took place regard the need to pay the increased rate amount while the transition period is in effect as well as the time period not being sufficient to secure another utility software provider. Mr. Mabe stated that he feels that the time period needs to be extended to six months. Mr. Bailey stated that the software companies that we looked at were much more costly upfront. He stated that this contract is in the best interest of the Village. Price increases are common issue with contracts and typically you are in a situation that you have to finish a contract while you shop for another vendor. Mr. Szeman stated that this contract is an annual term that renews automatically. Mr. Cahill stated that he has an issue with the situation that presents itself if there is legal action required that we must do so in Pennsylvania. Mr. Hamercheck stated that 'we are all kind of dancing around why we need this'. He added that our law director said that in our last executive session that we went a little off track and it turned into more of a Muni-Link commercial. Mr. Hamercheck stated that the decision to move forward with this needs to be based on what has been discussed in the public and not what has been discussed in executive session. The decision needs to be based on information that was discussed in the public setting and not based in discussion that the public was not privy to. He added that there are issues that need to be addressed and stated that the new software will help, however there have been

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questions that have been asked and not answered. He added that specific items were requested and have not been provided. He thought that the administration had not had time to obtain the requested documentation and that is the reason he did not 'pester' anyone yet it is not possible to approve the contract without that information. Mr. Bailey asked if Council wanted to view the software demo or view a sales brochure. Mr. Hamercheck stated that the sales brochure may memorialize the presentation to the point that we are looking for. Mr. Bailey stated that we have the sales brochure and it is available. Mr. Hamercheck stated that approval needs to be based on items that are consistent with this agreement and not based on conversations because conversations get us into nothing but trouble.

Roll call on approval, 4 yeas, 3 nays (Hamercheck, Mabe, Cahill). Ordinance removed from table.

Motion for approval made by Mr. Takacs, seconded by Mr. Vest.

Questions/Discussions – Mr. Frager asked if the Village is in possession of the demo. Mr. Bailey stated that it is on-line and we also have the original quotation.

Roll call on approval, 4 yeas, 3 nays (Hamercheck, Mabe, Cahill). Motion carried.

ORDINANCE 25-2015: - 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. (3rd Reading)

Motion for approval made by Mr. Vest, seconded by Mr. Frager.

Questions/Discussions – None

Roll call on approval, 7 yeas. Motion carried.

ORDINANCE 26-2015: - AN ORDINANCE LEVYING ASSESSMENTS FOR THE IMPROVEMENTS OF STREETS IN THE VILLAGE OF MADISON, OHIO BY SUPPLYING SAME WITH ELECTRICAL STREET LIGHTING AND APPURTENANCES THERETO, AND DECLARING AN EMERGENCY. (3rd Reading)

Motion for approval made by Mr. Frager, seconded by Mr. Donaldson.

Questions/Discussions – None

Roll call on approval, 7 yeas. Motion carried.

ORDINANCE 27-2015: - AN ORDINANCE PROVIDING FOR ADDITIONAL PERMANENT 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, 2015 TO AND INCLUDING DECEMBER 31, 2015 AND DECLARING AN EMERGENCY. (3rd Reading) (Admin car)

Motion for approval made by Mr. Vest, seconded by Mr. Takacs.

Questions/Discussions – Mr. Hamercheck asked Mr. Bailey if he feels that this is useful and something that we need. Mr. Bailey confirmed and added that it is better for us to have employees driving a Village owned vehicle rather than their personal vehicle. Mr. Takacs stated that this should eliminate all reimbursements for mileage that we have been paying the employees that have been using their own vehicle.

Roll call on approval, 6 yeas, 1 nay (Cahill) Motion carried.

ORDINANCE 29-2015: AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF MADISON VILLAGE, OHIO PART SEVEN – PLANNING AND ZONING, SECTION 5.2, TO REDUCE THE MINIMUM FLOOR AREA REQUIRED FOR SINGLE FAMILY DETACHED RESIDENCES LOCATED IN AN R-3, MULTIPLE FAMILY RESIDENCE DISTRICT. (3rd Reading)

Motion for approval made by Mr. Vest, seconded by Mr. Donaldson.

Questions/Discussions – Mr. Takacs asked for confirmation from Mr. Wujnovich that Ryan Homes is only planning on building the two story dwellings in the ‘Bear Path’ area. Mr. Wujnovich stated that Ryan Homes is still researching an option for the ranch style home at approximately 1,400 square feet.

Roll call on approval, 5 yeas, 2 nay (Mabe, Takacs) Motion carried.

RESOLUTION 15-2015: A RESOLUTION APPROVING AND ADOPTING THE TAX BUDGET OF THE VILLAGE OF MADISON FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2016, SUBMITTING THE SAME TO THE COUNTY AUDITOR, AND DECLARING AN EMERGENCY. (3rd Reading)

Motion for approval made by Mr. Takacs, seconded by Mr. Donaldson.

Questions/Discussions – None

Roll call on approval, 7 yeas, Motion carried.

NEW BUSINESS

ORDINANCE 30-2015 : - AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS TO THE CHARTER OF MADISON VILLAGE AND DECLARING AN EMERGENCY. (1st Reading)

Motion for suspension made by Mr. Vest, seconded by Mr. Frager.

Questions/Discussions – Mr. Vest asked if this can be suspended and passed. He added that Council cannot vote this down. It needs to be to the Board of Elections by August 5, 2015. Mr. Takacs stated that he feels that the public deserves the right to speak on the amendments. Mr. Cahill agreed.

Roll call on approval, 2 yeas, 5 nays (Hamercheck, Mabe, Takacs, Cahill, Donaldson)
Suspension failed.

Ordinance recorded as first reading.

GENERAL REQUESTS – Mr. Bailey stated that \$15,000.00 was appropriated in permanent improvements for the Waste Water Treatment Plant for grit removal in the sludge lagoons. Council recently approved the purchase of a new aerator and there is quite a bit of grit that needs to be removed on an emergency basis so that it does not hold up installation of the aerator. Mr. Bailey requested Council to approve this expense. There may be a need to request additional funds in the future for the sludge removal of #3 and #4.

Motion for approval made by Mr. Hamercheck, seconded by Mr. Vest.

Questions/Discussions – Mr. Vest asked if this is the lagoon that was cleaned last year. Mr. Bailey stated no. This is the area where the aerator is. It was stated that this cleaning has never been done.

Roll call on approval, 7 yeas, Motion carried

VISITORS COMMENT – Craig Winkleman (444 Oak Hollow) thanked Mr. Takacs for the recommendation not to suspend and pass ordinance 30-2015. He stated that he believes that the public is not familiar with what is included in that legislation. Mayor Britton and Mr. Vest explained that they are amendments to the Village Charter per recommendations of the Charter Review Committee. Mr. Winkleman asked why there were two pieces of legislation for street light assessments. Mr. Bailey explained that it is a requirement to have legislation setting the value and another to proceed with the assessments.

STAFF REPORTS –

Waste Water Treatment Plant – Jim Borsi stated that a beautification program was recently completed at the plant. He added that Mr. Koeth passed his herbicide certification permitting him to spray herbicide within the state of Ohio. Mr. Borsi stated that he is in the process of obtaining prices for a raw pump. Mr. Bailey added that the pump was appropriated for in the budget. Mr. Borsi stated that there is an EPA inspection scheduled for tomorrow. He stated that we took possession of the new aerator today and it is rated to last five (5) years requiring no maintenance.

Engineer (given by Mr. Haibach) – Mr. Haibach stated that he and Mr. Bailey have taken several ‘field trips’ through different areas of the Village to ensure that drainage areas are working properly. He added that progress is being made in the SWIF grant and 319 grant drawing phases.

Mr. Hamercheck asked for an update on Amy Drive. Mr. Haibach stated that he has an appointment with Specialized Construction, the contractor that performed the paving work on Amy Drive, later this week. This appointment is actually for another project that Mr. Haibach is working on. He will discuss the issues with the paving on Amy Drive with them at that time. Mr. Hamercheck inquired about the storm water collection system drainage in that area. Mr. Haibach stated that he is continuing to work on this. Mr. Hamercheck asked what the next step is for the culvert at the entrance of Parkway Estates. Mr. Haibach explained that the OPWC application for funding has been submitted. Mr. Hamercheck expressed concerned over the truck traffic that seems to still be accessing Parkway even though the weight limit sign is posted. Mr. Bailey stated that it is being addressed with the police department. Mr. Haibach stated that there is no indication that the culvert is in danger of an imminent failure. Mr. Bailey stated that it is being monitored on a regular basis.

Mr. Frager asked for an update on the Sidley project. Mr. Haibach is in the process or working on the design. He estimated that the design is approximately three (3) to five (5) weeks out, conservatively. Implementation would depend on the Village’s choice of how much work is going to be completed ‘in house’.

Mr. Mabe asked about the drainage issue for the Main Street project. He asked if we still have the ability to ‘back out’ of this and still be eligible for future grant dollars. Mr. Bailey stated that we are trying to blend the project to design an alternative program that will satisfy both Council and the EPA. Mr. Haibach clarified that the grant is a storm water grant and not a sidewalk replacement grant. Mr. Vest stated that the plans have changed drastically from what was

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brought before Council last year. Mr. Vest asked how much was spent with the prior engineering firm on this project. Mr. Bailey stated he does not know that amount. Mr. Donaldson and Mr. Haibach stated that the Village is not the actual applicant on the grant. It was applied for by the Lake County Soil and Water Conservation District. Street sweeping was briefly discussed.

Administration Report: - Mr. Bailey stated that Mr. Sidley has signed an easement allowing us to go onto his property to begin clearing, creating a construction entrance and setting up surveying equipment near the Hyder Drive area. As Mr. Haibach mentioned, he is working on the design phase. Mr. Bailey explained a root-wad and its benefits to the habitat.

Mr. Bailey stated that he and Mr. Haibach have been studying storm drainage mainly coming from the I-90 area. He added that minor adjustments have been made and he feels that we will see the impact of these adjustments very quickly.

Mr. Hamercheck questioned the property that recently sold behind Pike's on 528. He believes that it was sold to a logging company. Mr. Bailey confirmed. He added that he is unsure of their intentions. Mr. Hamercheck asked if we have the ability to control what happens on that property. Submitting a timber harvest plan is optional and not mandatory. Mr. Szeman will look into this to see what is permitted and what is not once we learn as to what their intentions for the property are.

Mr. Bailey announced that Madison Village resident Monica Colaneri was recently crowned Fairport Harbor Mardi Gra Queen, 2015. She is a 2015 Madison High School graduate.

Mr. Bailey welcomed Pizza Roto to the Village. Tonight was their 'soft opening' and it was very crowded.

Mr. Bailey stated that the Community Social was a nice event but not as well attended as we had hoped. He added that it paid for itself in the table sales and stated that there was a meeting this morning and it was decided to send out surveys to the businesses that participated to possibly implement changes moving forward.

Mr. Bailey reiterated that we have our EPA inspection scheduled for tomorrow.

Mr. Bailey spoke with some business owners recently about making the grass area in front of the Vault/Heirloom angled parking spots to alleviate some of the parking issues in the Main Street area. He asked Council to think about it and he will research costs.

Mr. Bailey asked for a brief executive session to be held after tonight's Council meeting to discuss discipline of an employee.

Mr. Frager inquired about storm water preventative maintenance that was discussed at the last Council meeting; specifically the M & R department walking the creek areas in the Village. Mr. Bailey stated that there are two (2) areas of concern; one (1) within the Village and another just outside of the Village. Mr. Bailey provided brief explanation of the SWPP program.

Misc. Reports/Comments: - Mr. Takacs stated that when Carol Billetter was at a recent Council meeting that she relayed that there is an evaluation of the senior center programs in the county. Mr. Takacs added that he met with the staff of the MCS Consulting firm that is contracted by the county to evaluate the senior centers. He provided details from that meeting including concern over 'super centers' being created versus a center in each community. He added that Carol Billetter did a fantastic job representing the Madison Senior Center and she should be commended. Mayor Britton stopped into the Senior Center today and he said that it is very clean and there were 35-40 members in attendance.

Mayor's Report: -

Upcoming dates:

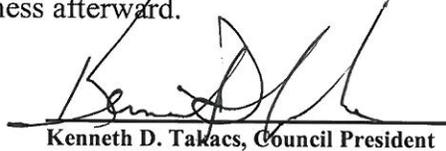
Mon. July 13 th	Planning & Zoning Meeting 7:00pm
Mon. July 20 th	Committee of the Whole Meeting 6:30pm
Mon. July 20 th	Regular Council Meeting 7:30pm

Motion to adjourn into Executive Session to discussed employee discipline at 9:27pm made by Mr. Cahill, seconded by Mr. Takacs.

Roll call on adjournment, 7 yeas. Meeting adjourned into Executive Session and it was stated that Council would not conduct any business afterward.



Sam Britton Jr., Mayor



Kenneth D. Takacs, Council President



DATE

Attested:



Kristie M. Crockett, Fiscal Officer



DATE