

Council Minutes  
VILLAGE OF MADISON  
Regular Council Meeting  
August 17, 2015

**RECORD OF PROCEEDINGS**

Mayor Britton called the meeting to order at 7:34PM.

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.

**MINUTES**

Mayor Britton announced minutes to be approved for the Council Meeting held on July 20, 2015. Motion for approval made by Mr. Vest, seconded by Mr. Donaldson.

Questions/Discussions – None

Roll call on approval, 7 yeas. Motion carried.

**PAY ORDINANCE**

Mayor Britton presented Pay Ordinance No. 2328: \$46,919.37 for payroll and \$69,449.03 for current and upcoming expenses, for a total of \$116,368.40.

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

Questions/Discussions – Mr. Takacs questioned the large payment on the pay ordinance for Lake County Department of Utilities. Mrs. Crockett stated that is the monthly water bill payment. Discussion in regards to the water used at the Madison Middle School took place.

Roll call on approval, 7 yeas. Motion carried.

**OLD BUSINESS**

**ORDINANCE 31-2015: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE BOARD OF COMMISSIONERS OF LAKE COUNTY, OHIO TO SUPPLY THE VILLAGE WATER WORKS UTILITY WITH POTABLE DRINKING WATER AND FOR COOPERATIVE INFRASTRUCTURE IMPROVEMENTS, AND DECLARING AN EMERGENCY.** (3<sup>rd</sup> Reading)

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

Questions/Discussions – Mr. Hamercheck asked Mr. Bailey if he would provide the answers to the questions asked at the last Council meeting. Mr. Bailey stated that within the Council packet was an updated copy of the agreement with verbiage changes made. Mr. Hamercheck stated that he was under the impression that the County Commissioner's had already approved the language. Mr. Bailey added that the Prosecutor's office has reviewed it and it is ready to be presented to the Commissioners. Mr. Donaldson asked if the master meter referred to on page two is existing. Mr. Bailey replied no. Mr. Bailey added that there is one at the north booster pump station but not at the south booster bump station. Mr. Donaldson asked if the same is true

with the backflow preventer. Mr. Bailey confirmed. Mr. Bailey asked Mr. Rothlisberger to provide details in regards to the service limits in section three relating to service pressure. Mr. Bailey also added that service pressure is related to tank elevation and there are no plans on the part of the County to change the system in relation to the elevation of the tank. Mr. Rothlisberger stated that there is a tank on River Road near the Perry/Madison Township line that is at a set elevation to provide uniform service to what they term their second high water district. He stated that there is no way to change the pressure at the Village line without changing the elevation of that tank and he confirmed that the County has no plans to change that elevation level. Mr. Bailey stated that the project psi for the Village would be 65 at the road and the service connection for the fire station is several feet downhill which would add a few pounds to it. Mr. Donaldson asked what the required pressure at the fire station is. Mr. Bailey replied that we are currently supplying them with 65 psi on an average basis and stated that per the agreement the requirement was fire flow which has been met. Mr. Bailey stated that the fire flow requirement was 40 psi at 700 gallons per minute. Mr. Bailey stated that he has been checking the psi at the fire station on a regular basis and has been obtaining readings between 65-68 psi. Mr. Bailey stated that a large amount of future development somewhere in the system may reduce the pressure available to us and asked Mr. Rothlisberger to comment. Mr. Rothlisberger stated that the agreement states that 100,000 gallons per day will be available to the Village and he stated that he would anticipate a minimal amount of pressure impact even during high volume usage times. He stated that the pressure will fluctuate between 65 and 72 psi. Mr. Hamercheck stated we are looking for a range that can be expected to alleviate concern based on the design points based on our booster pump station with level of performance especially if we have our water tower out of service in the absence of a second connection as well as the legally required minimum pressure that the County must maintain. Discussion took place in regards to development and the impact on the booster pump stations. Mr. Hamercheck requested that the pressure range language be added to the agreement for documentation purposes. Mr. Rothlisberger stated that the County does not provide pressure ranges within their agreements. He stated that conversation can take place in regards to how the system is maintained and constructed or how the County handles a break or something that happens that affects the water pressure. Mr. Hamercheck stated that concern is specifically in regards to the development of route 20 impacting the pressure to the Village due to increased demand. Mr. Rothlisberger stated that there is the Middle Ridge tank that is between route 20 and the Village that will supply the Village with adequate pressure. There is also language in the agreement that in the master plan to run a second feed to the Middle Ridge tank to ensure that it remains reliable. Mr. Haibach stated that we would need to make significant changes to our boost pump station to accommodate pressure as low as 35 psi if it dropped consistently to that level. Mr. Haibach stated that our tap is connected to the County system currently so we would have to make changes to the booster pump station if the County chose to lower the pressure immediately; even without this agreement in place. Mr. Mabe questioned what type of development would need to take place on route 20 to drop the water pressure from 65 to 35 psi. Mr. Rothlisberger stated that it would have to be significant and equate into millions of gallons. Mr. Hamercheck added that it is a possibility even though it is remote. Emergency inter connects are available in several locations if needed as well as back-up contingency plans in place. Mr. Rothlisberger stated that there is a possibility of an outage lasting a couple of hours but not one lasting days due to the County having emergency protocol in place. Mayor Britton stated that we were losing quite a bit of water under I-90 during the time period of the major leak and we did not lose

significant pressure. Mr. Hamercheck asked what the engineer's estimate is of the water line project from Route 307 to River Road at this point. Mr. Bailey stated that the 'old one' was \$500,000.00 and stated the Mr. Haibach needs to complete the plans for it which will take about a week. Mr. Haibach stated that he feels that the \$500,000.00 is 'in the ball park'. Mr. Bailey stated that it is 3,700' of 12" line, master meter vault and pressure relief valve with back flow preventer. Mr. Hamercheck asked for confirmation that we would be leasing this line to the County for the duration of the loan. Mr. Bailey agreed. Once the debt is paid then the title is transferred to the County. We would still be in agreement to recoup our construction costs on a per foot basis for anyone that taps into that section of the line up to the municipal boundary. Mr. Hamercheck asked what the cost is to us for pumping one hundred cubic feet of water from our south booster pump station and our north booster pump station; including electricity and system upkeep. Mr. Bailey stated that is unknown at this time due to several reasons. Mr. Hamercheck stated that without knowing the cost we cannot know how much we will be saving if we enter into the agreement. Mr. Bailey stated that we are currently purchasing water from Lake County and if we do not purchase it from them, then we must purchase it elsewhere. He added that once the water enters our system, nothing is really going to change; before or after the agreement is approved. The improvement of our system in the future was discussed. Mr. Bailey stated that the current agreement with Lake County expires on August 31, 2015. At that point, we will either be paying 49 cents per unit higher that we are currently, or a lower rate based upon the agreement that is reached. Mr. Hamercheck stated that it was not that long ago that Madison Village found itself in litigation with a developer demanding water and sewer service south of the freeway. We prevailed in that litigation because we did not receive grant dollars associated that would have required us to provide service. Mr. Hamercheck added that it would put the County into a precarious position to say no to us and to deny us water. Mr. Bailey stated that although it might be remote, it is still a possibility that the County could cease to provide us with water. Whether the Village has the obligation to the \$850,000.00 that has been on the table since 1990 was discussed as well as discussion continued as to whether or not that is an accurate number today. Mr. Rothlisberger provided an explanation as to the formula used to determine the \$850,000.00 and confirmed that is it an accurate amount. Mr. Hamercheck encouraged the harmonizing of our language with the County's and stated that the term 'tap in' is an archaic term that we need to get away from. He added that he does not see the 'give and take' that he would expect. Mayor Britton asked Mr. Rothlisberger how this contract compares to others he has seen. Mr. Rothlisberger stated that the county does not have a similar bulk water agreement to compare this one to. Discussion was had in reference to the servicing of residents south of Route 307 including the location of the meter placement and the possibility of a deduct meter being used on certain locations. The use of existing infrastructure was discussed. Mr. Szeman stated that Mr. Bailey and Mr. Rothlisberger did the best they could to try to figure out the best location for the placement of the master meter. Mr. Bailey stated that the Village and Lake County have the same goal in mind; to provide our customers with a service. He added that we have to communicate with each other and added that the lack of communication has been an issue in the past. Mr. Hamercheck stated that there is a history of unfortunate interpretation and poorly chosen language and documents that 'just sort of come out of nowhere' and that is reason that we must be precise. Mr. Mabe stated that he wants Mr. Hamercheck to state if he has issues with the current agreement and not keep bringing up issues that happened years ago. Mr. Hamercheck feels that the older issues are relative to the position that we are in today. Mr. Rothlisberger stated that any existing or new customer with Madison Village limits will be a

Madison Village customer. Mr. Hamercheck wanted confirmation that there will not be a change made to the deduct meter process being used with the Middle School. Mr. Rothlisberger stated that it is not intention of him or his staff to change that process and added that he does not believe that it would be to their advantage to do so. He added that while he is not a lawyer, it is his understanding that this agreement supersedes prior surplus/bulk water agreements and not all agreements between the Village and Lake County. Mr. Szeman stated that there are third parties included in the other agreements which set those apart from this agreement. He added that the agreement is explicit as to the definition of a customer and added that the metering is a technical question and he cannot comment on that. Mr. Hamercheck asked for clarification as to the possibility of the improvements on Route 307 and whether at that point in time we would be forced to surrender our customers. Mr. Rothlisberger stated that discussion would need to take place at that time. Mr. Rothlisberger stated that the County increases their system based on need. Firefighting water was discussed. Mr. Takacs stated that the discussions that Mr. Hamercheck is having this evening are 'late in the game' and stated that the current agreement in place expires at the end of this month. He added that he feels that this agreement in is our best interest moving forward. He stated that there is no way to prepare for every scenario that may occur. He stated that this agreement freezes rates, prevents rates increases and also gives is the idea that we must pay off an obligation that none of us entered into. Mayor Britton confirmed that there will be no water rate increases for five years through this agreement. Mr. Hamercheck questioned why we would be charged the forty nine cent up-charge for drawing water from the same infrastructure that residents in River Road draw from when they are not charged it. Mr. Rothlisberger stated that there is a calculation for each of their booster stations indicating how much it costs them to pump per 100 cubic feet of water. The cost to pump 100 cubic feet of water from their Townline booster pump station which fills their River Road tank is about ninety eight cents. If you add in the approximate 100,000 gallons that the Village may use reduces the cost significantly and that is how the forty nine cent figure was calculated. Mr. Rothlisberger added that the County cannot afford to supply the entire Village from the south end. He added that he feels that it is a fair number and he believes that the Village will save money when factoring in the increase water deduct; which the residents on River Road are not able to take advantage of. Mr. Hamercheck stated that we are supposed to be treated like all other Lake County customers and others are not being charged this up-charge. Mr. Rothlisberger stated that the Village has the option to not open the valve and to continue to provide water as it currently does. Mr. Hamercheck stated that it is not practical to spend nearly half a million dollars and not use it. Mr. Hamercheck stated that the high volume break begins at 4,000 units and asked how that number was decided upon. Mr. Rothlisberger stated that this figure is part of the rules and regulations for high volume customers of Lake County. Mr. Hamercheck stated that the questions that are being asked this evening have been asked for the past several months and have not been answered. Mayor Britton thanked Mr. Rothlisberger and Mr. Bailey for the efforts towards getting this agreement in place.

Roll call on approval, 5 yeas, 2 nays (Cahill, Hamercheck) Motion carried.

**ORDINANCE 34-2015: AN ORDINANCE AUTHORIZING THE ADMINISTRATOR TO ADVERTISE FOR BIDS FOR THE IMPROVEMENT TO THE VILLAGE OF MADISON'S WATER UTILITY VIA THE STATE ROUTE 528 INTERCONNECTION PROJECT (2<sup>nd</sup> Reading)**

Motion to suspend made by Mr. Takacs, seconded by Mr. Vest.

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Questions/Discussions – Mr. Bailey stated that it would be prudent to move forward with construction documents as soon as possible and requested that Council consider suspending/passing this piece of legislation this evening. Mr. Bailey stated that he has been in touch with OPWC, Abby DeHart and Ken Heigle. Mayor Britton stated that this will give us two weeks jump on the construction process.

Roll call on suspension, 6 yeas, 1 nay (Cahill) Ordinance suspended.

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

Questions/Discussions – None

Roll call on approval, 5 yeas, 2 nays (Cahill, Hamercheck) Motion carried.

## **NEW BUSINESS**

**RESOLUTION 19-2015: - A RESOLUTION SUPPORTING THE MOVING OF THE NAME RICHARD ALAN HAMBLIN FROM THE FORMER MADISON HIGH SCHOOL LOCATION (92 EAST MAIN) TO THE CURRENT MADISON HIGH SCHOOL LOCATION (3100 BURNS ROAD) (1<sup>st</sup> Reading)**

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

Questions/Discussions – None

Roll call on suspension, 7 yeas. Resolution suspended.

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

Questions/Discussions – None

Roll call on approval, 7 yeas. Motion carried.

## **GENERAL REQUESTS -**

**A P.O. request to DRC Truck & Equipment in the amount of \$3,370.50 to replace the tracks and for maintenance on the mini-hoe.**

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

Questions/Discussions – Mr. Mabe asked if this was scheduled maintenance or a repair. Mayor Britton and Mr. Bailey stated that it is scheduled and it was discussed to replace the tracks when we first purchased the mini-hoe but were able to use the existing tracks that came with the machine for nearly a year before replacing them. This expense was budgeted for in the permanent appropriations. Mr. Hamercheck stated that he was under the impression that this piece of equipment was in excellent, like new condition when it was purchased. Mayor Britton stated that we were aware that the tracks worn when it was purchased.

Roll call on approval, 7 yeas. Motion carried.

**A P.O. request to Advanced Mechanical in the amount of \$2,920.00 for replacement of the raw wastewater pump and check valve at the waste water treatment plant.**

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

Questions/Discussions – Mr. Bailey stated that this was budgeted for in the permanent appropriations and added that we are still under budget. He stated that the pump is scheduled to arrive next week and this P.O. request is for the installation.

Roll call on approval, 7 yeas. Motion carried.

**A P.O. request to C.I.R, Inc. in the amount of \$7,794.12 for repairs due to the emergency water break at Routes 528/307.**

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

Questions/Discussions – Mr. Vest asked for the cause of the failure. Mr. Bailey stated that it was leaking at two couplings due to gasket failures which could be due to age or deterioration. Mayor Britton stated that our staff could not have handled this project. He added that there was a second break two hours after the completion of the first repair. He added that C.I.R. was on-site within an hour of the call.

Roll call on approval, 7 yeas. Motion carried.

**VISITORS COMMENT** – Paul Goda (431 West Main St.) encouraged that the residents of Square's Acres be informed of potential responsibility for service line repairs. Mayor Britton stated that we might want to consider mailing a copy of the legislation and section of utility code in the water bills.

### **STAFF REPORTS**

**Engineer** (given by Mr. Haibach) – Mr. Haibach stated that he and Mr. Bailey recently met with a group of developers that are interested in the Bear Path property. The purpose of the meeting was to hone in on the testing requirements to make sure that the infrastructure is sufficient. Mr. Haibach sent a letter stating the necessary requirements and the exact specs. He added that Ohio EPA was in the Village last Tuesday to conduct a plant inspection and he is pleased to announce that the only item that they are looking for us to improve on is for increased documentation in activity and task logs at the WWTP.

**Police Chief** – Chief Shannon stated that there were several B & E's in the Village back in May in the Parkway area. The Township also had B & E issues and Chief Shannon reported that four subjects are being prosecuted for these crimes. Two weeks ago the Township and the Village had mailbox vandalism on the same night.

School started today and six citations were issued for speeding through the school zone in front of South Elementary. The school zone lights were tested the previous week.

The new Ford Explorer is scheduled to go to North East on August 31<sup>st</sup> for equipment installation. Letter and decals are going to be applied soon.

**Administration Report:** - Mr. Bailey stated that the new EPA director has implemented a plan to switch/move inspectors to different counties throughout the state. Our EPA inspector is now Jennifer Bennage. In addition, the director has put together a lengthy checklist and we were one of the first communities to complete it. Mr. Bailey provided details.

Arcadia GlassHouse will be having an Open House the week of August 31, 2015. The community is invited to attend. There will be a ribbon cutting ceremony on September 3, 2015 at 5:00pm. Senator Eklund and Congressman Joyce have been invited. Mr. Bailey stated that between Arcadia GlassHouses, Young Sushi, the Pasta House and Heirloom there have been 80

new jobs created in the Village. Mr. Bailey hopes to have a tax incentive district for the Water Tower Drive area soon.

RE: The Sidley property to the east of Hyder drive – We used the fill that was removed from the concrete project on Hyder Drive to build the construction entrance to the detention pond area. Tree clearing will be done and there will be engineering work completed.

Mr. Bailey stated that roads in Parkway will be receiving pavement work to areas that have base work failures later this week through a partnership with Lake County. Some catch basins in that area are also being rebuilt. Mr. Bailey added that we have sent out requests for proposals to contractors to obtain prices for the asphalt work that was approved at the last Council Meeting for late season base repairs. These repairs are based on need from data collected from the road matrix that was completed. Mr. Bailey added that hopefully completing this work will put us in line to do a complete paving project next year. He added that we are awaiting word on our OPWC application for grant dollars to complete Hyder Drive paving and to replace the culvert in the entrance of Parkway Estates.

Water line issues – Mr. Bailey spoke in regards to the water line insurance that is available to residents. An audience member stated that this insurance through Dominion costs \$4.99 per month. He recently purchased it himself.

**Misc. Reports/Comments:** - Mr. Vest thanked Chief Shannon for placing a police car at South Elementary. He also thanked Mr. Bailey and Mr. Rothlisberger for their time, efforts and due diligence in getting the agreement completed. Mr. Vest stated that he initially was not in support of this agreement and he appreciated all of the work and effort that was put into it. He added that he looks forward to saving the community money.

Mr. Frager stated that he will be following up on issues within Square's Acres. He thanked Mr. Hamercheck for his efforts in leading the Utility Advisory Group for several years. He added that this agreement with the County is a 'large deal' and he does not have a problem with questions being asked. He added that he feels that Mr. Hamercheck's questions were sincere in nature and that he asked them to look out for the best interest of the Village.

Mr. Takacs spoke in regards to the letters issued from CCA regarding income tax. It was stated that the Village had no part in the letters that were sent. He wants a stern discussion to be had with them to convey our displeasure in their business practices. He echoed Mr. Vest's compliments regarding the M.O.U. with the County. He asked the administration to consider implementing a 'sign off letter' when they meet with a homeowner and explain the homeowner's responsibility in the cost of a water line repair and/or the options that are available to them. He stated that it will provide details of the communication that took place and ensure that there is not a communication breakdown. Mr. Takacs stated that there was a time in the water service delivery when the meters were located in the front lawn. Essentially, the responsibility of the water delivery service was to the meter. He added that this is no longer the case. Homeowner responsibility of utility lines was discussed. Mr. Takacs added that clear communication needs to happen with the community to educate them as to their responsibility. Mr. Sabo stated that be

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built his home more than forty years ago and added that all his utility lines are buried and that he, himself did so.

Mr. Takacs said that he was in Village Square Park recently and he is unhappy about the paint splatters that are all over the bandstand, the railing and the concrete. Mr. Bailey stated that this was done by the Rabbit Run Art Program this summer. Mr. Takacs stated that this is very concerning. He asked the administration to have a conversation with them. Mr. Bailey confirmed.

Mr. Mabe stated that we seem to have a lot of tax issues surfacing lately and he requested that time be set aside at the next Committee of the Whole meeting to discuss this.

Mr. Bailey expressed his appreciation to Mr. Hamercheck for his efforts on the M.O.U. He added that they may not always agree but the both have the Village's best interest in mind.

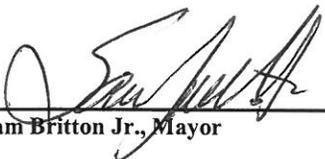
**Mayor's Report:** - Mayor Britton thanked Mr. Bailey and Mr. Rothlisberger for their efforts on the M.O.U. He commended Mr. Hamercheck as well.

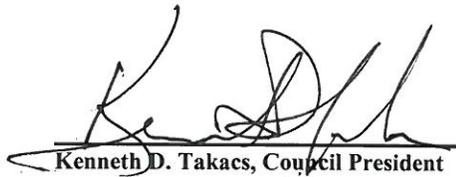
Mayor Britton added that a brief union meeting was held today. He added that he and Chief Shannon have offered the first and the third Monday at 1:00pm as available times to meet.

Upcoming dates:

Mon.	Sept. 7 <sup>th</sup>	Village Hall closed for Labor Day
Tues.	Sept. 8 <sup>th</sup>	Regular Council Meeting 7:30pm
Mon.	Sept. 14 <sup>th</sup>	Planning & Zoning Meeting 7:00pm
Mon.	Sept. 21 <sup>st</sup>	Committee of the Whole 6:30pm
Mon.	Sept. 21 <sup>st</sup>	Regular Council Meeting 7:30pm

Motion to adjourn at 9:11pm made by Mr. Hamercheck, seconded by Mr. Vest.  
Roll call on adjournment, 7 yeas. Meeting adjourned.

  
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Sam Britton Jr., Mayor

  
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Kenneth D. Takacs, Council President

9-8-15  
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DATE

Attested:

  
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Kristie M. Crockett, Fiscal Officer

9/8/15  
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DATE