

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

MINUTES

Mayor Britton announced minutes to be approved for the Council Meeting held on July 6, 2015.

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

Questions/Discussions – Mr. Donaldson mentioned that on page 8 “Chagrin Watershed Partners” should read “Lake County Soil and Water Conservation District.

Roll call on approval with the above noted change, 6 yeas. Motion carried.

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

Questions/Discussions – Mr. Hamercheck mentioned that on page one in the discussion about the July 6, 2015 minutes, the sentence that begins ‘He added that’ should read ‘He added that a violation of Sunshine Laws is very important’. He also stated that he believes that there was extensive discussion after the reading of Ordinance 31-2015 and it is not documented in the minutes. Mr. Takacs and Mr. Frager rescinded their motion to approve. The minutes will be amended and presented at the August 17, 2015 Council meeting for approval.

PAY ORDINANCE

Mayor Britton presented Pay Ordinance No. 2327: \$30,334.88 for payroll and \$20,152.59 for current and upcoming expenses, for a total of \$50,487.47.

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

Questions/Discussions – None

Roll call on approval, 5 yeas, 1 abstention (Donaldson). 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. (2nd Reading)

Questions/Discussions – Mr. Hamercheck inquired as to the compare and contrast information that was to be presented to Council citing how this agreement compares to the current situation. Mr. Bailey stated that he felt that would take place at that Committee of the Whole meeting. Mr. Hamercheck stated that the Committee of the Whole meeting is scheduled immediately prior to the next Council meeting when this piece of legislation will be voted upon and he expressed concern that would not be enough time for Council to make an informed decision. Mr. Bailey stated that he did not have a detailed presentation prepared for this evening but he would answer Council's questions as best he could. He stated that the agreement would have no effect on the annexation of properties. Mr. Bailey stated that at this time he does not feel that this agreement would cause an increase in the tap in fees currently in place; \$2,000.00 for water, with \$1,200.00 being placed into the capital fund and \$800.00 being paid to the plant. Mr. Hamercheck questioned the County fee that the customer tapping into the system would also be responsible for which includes the mechanical connection and he does not see that referenced within the document. Mr. Bailey replied that the \$800.00 fee will be taken from the \$2,000.00 tap in fee paid by the customer. It will be reviewed annually and increased when necessary. Mr. Hamercheck asked for confirmation that these numbers are sustainable and not unknown. Mr. Bailey replied that it is a cost that he believes we can cover with our current fee structure. Commercial tap-ins was briefly discussed. Mr. Hamercheck asked if Council would be reviewing this item in more detail at the Committee of the Whole meeting. Mr. Bailey stated that he would answer any questions from Council to the best of his ability. He added that he believes that this agreement will enable the Village to maintain its current rate structure for the next five (5) years barring an increase from the County or a catastrophic event. Mr. Hamercheck asked if the relocation of the bulk water station would move it to the south booster pump station. Mr. Bailey replied that the County has requested that it be moved farther away from their system to limit damage to their equipment. Mr. Bailey reminded Council that a review of the bulk water sales indicated that we are not realizing a great benefit from having the bulk water station. It was stated that we have approximately 50 bulk water customers. Mr. Hamercheck questioned the term 'water treatment and supply facility' notated on page one (1) yet on page four (4) it is listed as 'water pumping facility' and he requested that 'water pumping facility' be used for accuracy because there is not treatment or supply. Mr. Hamercheck stated that there is conflict with the service limitations in the corporate limits section. He encouraged the harmonizing of the language to read service district limits. Mr. Hamercheck questioned in section labeled: service limitations (a): The board does not guarantee any set range or pressures at the inter-connect of the Village and stated that this is an issue. Mr. Bailey added that Mr. Rothlisberger has offered to issue a memo describing the engineering related to the pressure at that point due to tank elevation. Mr. Haibach has been involved with these discussions. Mr. Hamercheck stated that he would like to see the range documented within the agreement. Under item five (5): water service charge, Mr. Hamercheck questioned how we can justify paying a retail rate when the retail rate is based on the County's cost for recovery. He added that the County is only responsible for delivering the water to the interconnect point and the Village is responsible for the balance of the work. He added that he is wondering how the 400,000 cubic feet per month benchmark 'kicks in'. His thoughts are that we should be a wholesale customer and not a retail customer. Mr. Mabe stated that this agreement is a cost savings measure based on what we currently have and stated that we need to keep that in mind and not compare it to what we wish it was. Mr. Hamercheck disputed that it is a cost savings measure and requested that said savings be shown to him. Mr. Bailey stated that we would have guaranteed capacity with this agreement

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and we are eligible for large volume discounts. Mr. Hamercheck stated that he wanted to see the concessions made by both sides. Mr. Bailey stated that for the Village to purchase water from another source would cost several million dollars. He feels that this agreement is the Village's best option to maintain the rates that are currently in place with a possibility of being able to look into reducing rates in the future. Mr. Hamercheck stated that it is his belief that rates will be reduced through this agreement "not only when pigs fly, and they are regularly scheduled flights." Mr. Hamercheck referenced item 6, installation of new 12" main line extension (j) and asked how we justify the additional cost. Mr. Bailey stated that that they have had this conversation in the past and added that he provided Mr. Hamercheck with a spreadsheet from Mr. Rothlisberger identifying how the costs are calculated. Mr. Hamercheck stated that the County does not charge additional for the customers using the River Road connection. Mr. Bailey stated that he does not believe that those customers have access to 100,000 gallons per day and he believes that is the difference. Mr. Hamercheck stated that those costs should be calculated into the County's cost of production. Connection pressure was discussed. Mr. Hamercheck questioned the placement of the boundary valve south of I-90. Mr. Hamercheck stated that there is not language within the document that allows us to make changes to the system. Mr. Bailey stated that the County could choose to turn off our valve immediately if they so chose to. Mr. Szeman clarified that the bulk water agreement with the County remains in effect into September and added that with the MOU in place, the County could not turn us off. Mr. Szeman made it clear that there is no danger of anyone's water being turned off in the foreseeable future under the current bulk water agreements that we are working under. Mr. Hamercheck moved on to future water mains and stated that the words 'water line' used to be referred to as 'interconnection' and stated that the words 'water line' was steered away from was to prevent parallel water lines to tie into the County water and compete with the Village. Mr. Hamercheck stated that he does not see anything in the agreement dealing with 'non-compete'. He added that he is looking forward to more discussion on water plant treatment capacity fees. Mr. Hamercheck referred to the 850,000 figure in the second paragraph and questioned the figure. The formula used was discussed. He questioned if the Village is able to absorb the additional \$42,500.00 annual payment to the County. Mr. Bailey stated that the cost savings would be enough to generate that payment on an annual basis including the possibility of using grant loan dollars. Mr. Bailey added that what is left from the OWDA loan could be applied as a bulk payment then reducing the annual payments as well. Future capacities was discussed as well as termination of the agreement as far as 'who owns what'. Mr. Hamercheck asked Mr. Szeman to comment on the language in item 12 as to whether this is boiler plate and whether he foresees and 'class action' suits could be an issue. Mr. Szeman stated that this agreement states the forum that would be suitable for a legal issue between the County and the Village and it is his thought that any class action suit would also be handled by the Lake County court system. Mr. Cahill asked Mr. Bailey if it is his belief that we are at a far inferior negotiating position with the County that we cannot 'bargain hard' with them. Mr. Bailey replied that the County holds 'all the cards' so our only bargaining chip is that we are a very large customer.

NEW BUSINESS

ORDINANCE 32-2015: 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. {\$25,000 for M&R Road Repairs} (1st Reading)

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

Questions/Discussions – Mr. Bailey stated that this was discussed during the budget process. This money will be put into road repairs for base repairs on Oak Hollow, West Parkway and Sunset and still provide a sufficient carry over at the end of the year. He added that this will also reduce the cost of additional repairs in the future in those areas.

Roll call on approval, 6 yeas. Ordinance suspended.

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

Questions/Discussions – Mr. Hamercheck asked if the Oak Hollow area was recently done and if we are having to re-do that work. Mr. Bailey stated that there was a lot of cold patching that has been completed in that area and added that there are some pretty dramatic base failures in that area that are in need of repair. Mr. Tim Regan (480 Tappan Oval) stated that he is concerned with the conditions of the roads and the effect it is having on the property values. Mr. Bailey stated that we have been addressing the roads in preparation to team up with Lake County to complete more permanent repairs in the near future. Mr. Regan also stated that there is an issue with the road collapsing near a storm drain on Tappan Oval. He added that kids riding bicycles could easily fall into it. Mr. Regan stated that there is has been a water leak at the area of Dawn and West Parkway for a number of weeks. Mr. Bailey stated that the area that Mr. Regan is referring to is a private homeowner's service line. Mr. Regan mentioned the culvert at the entrance of Parkway Estates. He asked what the plans are to fix it.

Roll call on approval, 6 yeas. Motion carried.

ORDINANCE 33-2015: AN ORDINANCE AMENDING ORDINANCE NO. 26-2013 TO INCREASE THE COMPENSATION FOR THE POSITION OF SCHOOL RESOURCE OFFICER (1st Reading)

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

Questions/Discussions – Mr. Cahill asked what the rate is being raised to. Mayor Britton stated \$16.50.

Roll call on approval, 6 yeas. Ordinance suspended.

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

Questions/Discussions – Mr. Hamercheck asked for confirmation that there will not be an issue with the CBA that is currently in place. Mr. Szeman stated that this is a non-patrol position and it was addressed when this position was created. Mr. Hamercheck asked for confirmation that the increase of the rate will not cause an issue with the remainder of the rates being raised within the department. Mr. Szeman added that this dollar amount comes from the recommendation of the police chief.

Roll call on approval, 6 yeas. 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 (1st Reading)

RESOLUTION 17-2015: A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE MADISON LOCAL SCHOOL DISTRICT TO FURNISH A SCHOOL RESOURCE OFFICER TO THE SOUTH ELEMENTARY SCHOOL AND DECLARING AN

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EMERGENCY (1st Reading)

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

Questions/Discussions – None

Roll call on approval, 6 yeas. Ordinance suspended.

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

Questions/Discussions – Mr. Tim Regan (480 Tappan Oval) asked if the rate is covering all costs associated with SRO's position. Mayor Britton stated no and added that this is the hourly rate of pay only and stated that the Village, as with the Township, pays 'chips in' the difference for the SRO's provided to the schools. Mayor Britton stated that the school district does reimburse the Village up to \$21,000.00 per year. Mr. Takacs clarified that this is a part time position during the school year and there is not a benefit package offered to that employee. That employee has declined health care coverage. In an emergency, the schools are aware that the SRO might be 'pulled' from the school.

Roll call on approval, 6 yeas. Motion carried.

RESOLUTION 18-2015: A RESOLUTION CONFIRMING THE APPOINTMENT OF RALF W. CASWELL TO THE POSITION OF SCHOOL RESOURCE OFFICER, AND DECLARING AN EMERGENCY (1st Reading)

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

Questions/Discussions – None

Roll call on approval, 6 yeas. Ordinance suspended.

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

Questions/Discussions – Mr. Hamercheck asked for confirmation that Mr. Caswell will not be on the roads while serving as SRO. Mayor Britton confirmed.

Roll call on approval, 6 yeas. Motion carried.

GENERAL REQUESTS -

P.O. Request in the amount of \$4,388.00 to Santee Security for a new CCTV camera/recording system at the Madison Senior Center.

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

Questions/Discussions – Mr. Bailey stated that this was in the senior center budget for this year.

Roll call on approval, 6 yeas. Motion carried.

General request not to exceed \$25,000.00 to complete the installation of the pumps & motors at the North Booster Station (to be funded with the current open OWDA Loan #6443)

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

Questions/Discussions – None

Roll call on approval, 6 yeas. Motion carried.

VISITORS COMMENT – Mr. John Kimmy (474 Tappan Oval) stated that he has been a resident of Parkway Estates since 1991. He stated that the roads have deteriorated over the past three years and he asked each councilman to drive through Parkway and actually see the conditions. He stated that the Village only addresses them when there is a major issue or collapse. He said patching is not sufficient and they need to be fixed correctly and not only patched.

Mr. Tim Regan (480 Tappan Oval) stated that he does not see a long term solution in place for road repairs in the Village. He also asked as to the status of the Cahill-Hamercheck lawsuit against the Village; he asked if it had been settled. Mr. Szeman replied that it is still pending. Mr. Regan asked how much the Village has spent in legal fees. Mrs. Crockett replied approximately \$7,000.00. Mr. Regan stated that the only 'winner' in this lawsuit will be Mr. Szeman and the other lawyers involved. He stated that it is taxpayer's money and he encouraged both sides to settle; work out an agreement.

Mr. Donaldson stated that he spoke with Mr. Regan earlier and added that Council might talk about our road survey/index. Mr. Bailey stated that he can do so in his report.

STAFF REPORTS

Engineer (given by Mr. Haibach) – Mr. Haibach stated that he and Mr. Bailey have a meeting tomorrow with the grant administrator for the Main Street SWIF project to finalize the design phase. Mr. Goda asked for an update re: Insight Pipe. Mr. Haibach stated that there is a size issue with the pipe coming out of the sanitary manhole on Safford Street that runs westward toward Dana's Park. We were quoted for an 8" pipe and the pipe is actually a 10". There needs to be a part fabricated for the transition. Mr. Haibach looked into digging up that section of pipe and replacing it with an 8" pipe but the cost was astronomical. Mr. Haibach stated that he is unsure of the time frame as to when they will be on site.

Administration Report: - Mr. Bailey stated that since he began at the Village in May of 2014, he has taken the road matrix that the then Roads and Parks committee was working on and used that information to complete a comprehensive pavement evaluation to generate a ranking system to repair/replace the roads. He added that Hyder Drive and Amy Drive have been paved and we are requesting money to perform additional base repairs. He added that it is difficult to make up for not having a road program in place for years and this is a good start. Mr. Bailey added that we are looking at grant funding wherever possible to assist with the cost. He stated that we have applied for an OPWC grants to assist with the replacement of the culvert at the entrance of Parkway Estates and for base repairs on the balance of Hyder Drive. Mr. Bailey added that areas in Parkway that are being targeted are center sections that have deteriorated on roads that are still drivable. Our plan is to address those areas this summer to prevent them from getting worse. He added that we are partnering with the County on that project through our equipment sharing program.

Mr. Bailey stated that at the last meeting, the topic of overtime paid for plant checks was discussed and he has had discussion with Mr. Chapman on that topic. A time study was completed and detailed that the morning and evening plant check each took approximately an hour and fifteen minutes to complete, totaling two and a half hours. Currently the employee receives three hours of overtime to complete the plant checks and if Council wants to address that, Mr. Bailey said that it can be discussed. Mr. Hamercheck stated that it is a regular scheduled duty and not a 'call out' and he wants to make sure that it is termed appropriately.

Mr. Bailey stated that the section of pipe that is part of the sanitary sewer rehabilitation project that Mr. Haibach referred to in his report is literally in stone and adjacent to the creek which is another reason we are opting to have the transition liner instead of the removal and replacement.

Mr. Hamercheck asked how the five foot section of incorrect pipe was missed during the Safford Street project. Mr. Bailey stated that the first five feet of pipe is eight inch and the remainder is ten inches and there is an additional charge for the lining of the larger pipe. The bid package for the sanitary sewer project stated that over 500 feet of pipe was eight inch when in fact it is ten inch. It was quoted based on the bid package that was prepared from details obtained by URS. Mr. Hamercheck asked if there is errors/omissions insurance to go back on since it appears that someone missed something. Mr. Bailey stated that this is not causing us much I & I issues. Mr. Hamercheck stated that we might want to look into the Safford Street project as to what was paid for and what was installed to be sure that we indeed received what we paid for.

Misc. Reports/Comments: - Mr. Cahill stated that he was in attendance at the special meeting of the fire board where they voted to put a 4.5 mil levy on the November ballot. He asked when the members of the fire board learned that there was a financial distress necessitating a special meeting, first of all being July 21st. Mayor Britton stated that this is a question for the fire board. Mr. Takacs stated that this is not the format for that discussion. Mr. Takacs stated that Village Council business is handled at a Council Meeting and if someone wants to know what is happening with the fire board, then they should attend a fire board meeting and ask questions to the trustees of the fire board; that being the appropriate protocol. Mr. Cahill stated that the board did not open up the meeting for public questions during the special meeting so he had no ability to ask questions regarding the levy. He stated that he is asking Mr. Takacs and Mr. Frager when they learned of the financial distress requiring the necessity for a special meeting to be held on July 21st, 2015 since they are the Village representatives that serve on the fire board. Mr. Takacs stated that the appropriate place to discuss this matter is at a fire board meeting. He added that the fire board and the Village Council are two separate political entities. Mr. Takacs stated that he is not on trial and added that he already answered Mr. Cahill's question. He added that he refuses to answer any other questions related to the fire board during a Village Council meeting. Mr. Cahill asked why Mr. Takacs could not comment as to when he learned of the financial distress necessitating the special meeting. Mr. Takacs asked Mr. Cahill if he heard him state that he is not answering any more fire board questions. Mr. Cahill stated that it is his understanding that a second vote took place and he asked for the date that vote took place. Mayor Britton stated that this is also a fire board related question. Mr. Takacs stated that he does not appreciate Mr. Cahill grandstanding in this manner. Mr. Takacs added that he is not the chairman of the fire board and he stated that Mr. Cahill could have addressed the chairman or the fire board's legal counsel at or after the fire board meeting to ask questions. Mr. Cahill stated that he is very surprised that we appoint members from this Village Council to the fire board and when we are here in a dually constituted Council meeting they won't address any relevant questions. Mr. Takacs stated that Mr. Cahill voted for him to represent the Village on the fire board and if he does not like the job that he is doing then he can move to vote him out. Mr. Hamercheck stated that to avoid difficult questions like this in the future, would it be possible to see the specific instructions that the fire board members have to be sure that policies and procedures are followed. He added that there used to be updates provided to Council from the fire board and he understands that the situation has become contentious as of late. He added that

this is becoming a conflict more often than not. Mr. Frager asked exactly what Mr. Hamercheck is looking for. Mr. Frager offered to e-mail the matrix from the annual organization meeting to anyone on Council that needs one. He stated that it includes descriptions of all positions and he added that Mr. Hamercheck assisted in the creation of that document. Mr. Hamercheck stated that he does not believe those documents detail the flow of information. Mr. Hamercheck stated that he has received calls and he questions the legality of the special Saturday morning fire board meeting in regards to sufficient notice being given. He added that the notice is to include specific declaration as to the agenda of the meeting including the issues to be discussed. He stated that it was on Facebook as well as on the fire district's website but no other public notice was placed. He stated that if appropriate rules regarding the advertising of the special meeting were not followed that the results of the levy could be invalid; which is a legitimate concern. Mr. Mabe stated that the Village Council has no authority to tell the fire board when and where they can/should meet. He added that just because Mr. Hamercheck does not approve of when the fire board had a special meeting he does not see the reasoning for it to be discussed at a Village Council meeting other than to embarrass two members of Council that are on the fire board. Mr. Mabe stated that these concerns should be brought up at a fire board meeting. Mr. Hamercheck stated that he cannot attend a meeting that he is not aware is scheduled. Mr. Frager stated that legal counsel for the fire board has approved the manner in which the special meetings were advertised. Mr. Frager stated that for a fee there is a special notification that can be obtained from the fire board and he directed anyone interested in that to contact Chief Lutz.

Mr. Frager asked for Council to be provided with the Council manual referenced to earlier at the next Committee of the Whole meeting. Mayor Britton agreed.

Mayor's Report: -

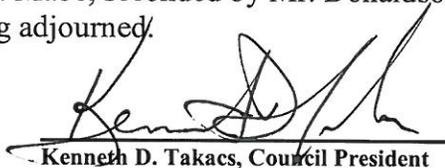
Upcoming dates:

Mon.	Aug. 10 th	Planning & Zoning Meeting 7:00pm
Mon.	Aug. 17 th	Committee of the Whole Meeting 6:30pm
Mon.	Aug. 17 th	Regular Council Meeting 7:30pm
Mon.	Sept. 7 th	Village Hall closed for Labor Day
Mon.	Sept. 8 th	(Tues.) Regular Council Meeting 7:30pm

Motion to adjourn at 8:50pm made by Mr. Mabe, seconded by Mr. Donaldson.
Roll call on adjournment, 7 yeas. Meeting adjourned.



Sam Britton Jr., Mayor



Kenneth D. Takacs, Council President

9-8-15
DATE

Attested:



Kristie M. Crockett, Fiscal Officer

9/8/15
DATE