

Council Minutes
VILLAGE OF MADISON
Regular Council Meeting
October 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. 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 arrived at 7:33pm. Councilman Mr. Frager and Police Chief Dawn Shannon were absent.

MINUTES

Mayor Britton announced minutes to be approved for the Council Meeting held on September 21, 2015.

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

Questions/Discussions – Mrs. Crockett stated that the call to order time needs to be amended due to the Council meeting starting a little late due to the Committee of the Whole meeting ending later than expected..

Roll call on approval as amended, 6 yeas. Motion carried.

PAY ORDINANCE

Mayor Britton presented Pay Ordinance No. 2331: \$33,165.69 for payroll and \$93,308.24 for current and upcoming expenses, for a total of \$126,473.93.

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

Questions/Discussions – None

Roll call on approval, 6 yeas. Motion carried.

OLD BUSINESS - None

NEW BUSINESS

ORDINANCE 36-2015: - AN ORDINANCE AMENDING ORDINANCE NO. 22-1983, AS AMENDED, AND REENACTING, AMENDING, REARRANGING, REVISING, AND ENACTING FOR CODIFICATION PURPOSES CHAPTER 181 OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF MADISON VILLAGE, OHIO, LEVYING A MUNICIPAL INCOME TAX ON A PERSONS RESIDING IN AND/OR RECEIVING INCOME IN THE VILLAGE. (1st Reading)

Questions/Discussions – None

GENERAL REQUESTS - None

VISITORS COMMENT – Craig Winkleman (444 Oak Hollow) asked if there is an update on the 528 water line project. He also asked how the yearly increase from Lake County gets funded if the resident's rates are not going to have an increase. Mr. Bailey stated that the increase is only on our base rate. He added that currently it is \$3.10, which is for the first 4,000 units of water we use in a given month. Mr. Bailey added that we typically use about 10,000 units per month with more units used in the summer months. Once we reach the 4,000 unit threshold, we receive a discount of eighty seven cents per unit for the remainder of our consumption. He added that this discount enables us to absorb the annual increase from the County. Mr. Bailey stated that he will provide more information about the 528 water line project in his report later in the meeting.

Linda Whipple (37 Safford Street) stated that she has been very impressed with Mr. Bailey and his communication with the sewer rehabilitation project. She added that Mr. Bailey always answers her questions promptly and she appreciates it. Mrs. Whipple stated that she loves this community. She commended Mayor Britton on his communication with her and added that she is impressed with how 'this team' is working together. She added that she is very disturbed that there are Councilmen suing each other. She stated that they are representing her when they sit on Council; that they are not representing themselves. She stated that she does not know how to scold them and added that they should not be sitting in their Council seats 'at all'. She added that she does not understand it (the lawsuit) and she stated that she does not like it. Mrs. Whipple stated that if they cannot get along with one another that they should not be here. She stated that they are not representing her properly. She added that she has lived in the community for sixty years and she stated that this is a 'great working group' and added that she is impressed because she has not always seen things running as well as they have been and it disappoints her to see what is happening. She stated that one of the people she is referring to is running for mayor and she does not understand why he is running. Mrs. Whipple admitted that she has not always gotten along with the other person who is running for mayor and she added that she cannot vote for someone who is 'doing that to my Village.' She stated that she respects this Village and added that some of her children reside within the Village they are fifth generation graduates of Madison High School. She would like to understand why he is doing this. She stated she is disappointed when she read that Mr. Hamercheck was part of the lawsuit against Council. She stated that she feels that the citizen's of the Village are disappointed over this and it has slandered the Village's name in the papers. She added that they are to be helping her.

Laura Bollas (602 Sunset) stated that she loves living in the Village but she added that she is disappointed by some of her recent experiences. She stated that she understands that everyone is busy but she is frustrated that she has not received calls or e-mails back regarding water issues with her condominiums. She stated that she is not happy with how the water accounting system is handled. She stated that she received a notice two years after a tenant moved out that there is an unpaid water bill in the amount of \$1,200.00. She stated that she called the utility department when the tenant moved out and was told that 'everything was good', only to find out years later that it is not. She stated that just because the Village made a mistake that it is not her responsibility to pay for it. She stated that the Village contacted her regarding the large amount of usage at her rental condominium and Dave Yankie came out and stated that he did not identify

a leak. She added that she does not see how two people can use, on average, twelve units of water each month. She stated that she made three calls to Village Hall to speak with Dave Yankie to discuss the large amount of water that one of her tenant's are being billed for but he has not called her back. She asked if the meter can be changed. Mr. Bailey stated that he will follow up with Dave Yankie. She stated that she has been told that the Village is getting new utility software and she asked if that is happening. She feels that she cannot trust the information that she receives when she call. Mayor Britton stated that the new software will be in place this month. She stated that she has had issues with not receiving responses for messages left for the road department also. She stated that she does understand the lack of communication and it is disappointing.

Kathy Lynn (209 West Main Street) asked Mayor Britton if she could address Mr. Cahill. Mayor Britton confirmed. Mrs. Lynn stated that at the MPACC Meet the Candidates event that Mr. Cahill stated that his biggest achievement in the Village was the passage to reduce the number of councilmen from seven to five. She asked for confirmation from Mr. Cahill and he replied that he believes he did say that and added that it will save more than \$10,000.00 per year after the next election cycle. Mrs. Lynn referred to the minutes of the Council meeting held on February 3, 2015. She read an excerpt "Mr. Cahill stated that he obtained 95 signatures in ten days and could have obtained far more if he had more time". She asked Mr. Cahill if that is correct. Mr. Cahill stated that he would need to review the minutes. Mrs. Lynn provided Mr. Cahill with a copy. Mr. Cahill confirmed. Mrs. Lynn asked Mr. Cahill if he obtained the 95 signatures, as the minutes state. Mr. Cahill stated that he believes he obtained all or most of the signatures but would need to review the petitions. Mrs. Lynn stated that she has obtained copies of the petitions and Mr. Cahill obtained 56 signatures, Mrs. Kucera obtained 38 signatures and Mr. Lee obtained 7 signatures. Mrs. Lynn stated that if he is going to make a statement that he needs to tell the whole truth and not just part of it. She added that he did not obtain the signatures on his own as he has stated in the February 3, 2015 Council meeting. Mr. Cahill stated that he alluded to the fact that 95 signatures were obtained, not that he obtained them all. Mrs. Lynn stated that is not what he said in the meeting. Mrs. Lynn stated that someone asked Mr. Cahill at the recent 'meet and greet' of the candidates at the Madison Public Library if it is true that he and Mr. Hamercheck are looking for reimbursement of their legal fees for costs associated with the lawsuit they filed and added that Mr. Cahill stated that is true. She added that Mr. Cahill stated that his attorney deserves to be paid. Mrs. Lynn stated that they brought this lawsuit on themselves and added that they should be responsible to pay the legal fees that they have incurred and the residents of the Village should not be paying for them. Mrs. Lynn stated that Mr. Cahill is telling the residents that this is saving them money but Mrs. Lynn asked what this is costing us in addition to the fact that he and Mr. Hamercheck also want their legal fees paid whether they win or lose. Mr. Cahill stated that if the court agrees, there will be a net savings to the Village. He added that this is a taxpayer lawsuit. He added that he has a right to do so; and he did. Mr. Cahill stated that "government is powerful, has resources and has the people. He added that government can do what it wants, when it wants and added that it is difficult and tough for people to stand up to its government; and often times we don't". He added that there is a saying that goes 'you can't fight city hall' and he said that there is a lot to be said for that because city hall is powerful. Mr. Cahill stated that he stood up to city hall and he understands that he is going to 'get hammered'. He added that it has been happening the past several weeks, again tonight and he stated that he is sure that it will happen during the next two council

meetings before the election. He said 'if you can't stand the site of your own blood, you better not be in this business'. He added that he understands it but he added that it should not necessarily be a forum just to bash him; but if they want to, they can and he added that they have every right to do so. Mrs. Lynn stated that she is asking him questions and not bashing him. Mrs. Lynn stated that Mr. Cahill's half truths are not properly representing what he is running for. In her opinion, if he is elected mayor how does he propose implementing all the changes that he is promising when he does not get to vote. Council controls the money, not the mayor and she asked him how he feels that he will have a working relationship with council with what is going on. Mr. Cahill stated that it is up to the people to decide. If the people want change, they will vote for change and if they don't want change, that they won't vote for it. Mrs. Lynn asked Mr. Cahill if he has taken an oath to tell the truth; and asked him to practice that and not just tell his side of a story and he should make sure that everyone knows the entire scope of what is being said.

STAFF REPORTS

Engineer (given by Mr. Haibach) – Mr. Haibach stated that he and Mr. Bailey had a meeting with the Lake County Storm Water Agency regarding the Main Street SWIF Grant project. There was extensive discussion about the project and valuable information for the design was received. He added that design work is continuing on the detention basin project on the Sidley property. Mr. Haibach stated that survey work was done to obtain base line data for the creek that runs through the property. While the surveyors were in the area, Mr. Haibach asked them to also conduct some survey work on the area near Dayton Road area behind W. Main Street that has been discussed recently.

Administration Report: - Mr. Bailey reminded everyone that on Saturday, October 31st the Village merchants are hosting Trunk or Treat in the municipal parking lot behind the former fire station at 33 N. Lake Street from 4:00pm – 6:00pm. He added that Trick or Treat in the Village is from 6:00pm – 8:00pm on October 31st.

Mr. Bailey stated that we successfully tested the bypass valve on the south booster pump station. He added that they aligned the two valves and ran water to the south part of the village for approx. half an hour. In regards to the water line project south of Route 307 on Route 528, Mr. Bailey recommends to wrap up the design that CT consultants is working on and put it on the shelf. He estimates the engineering cost to be approx. \$4,000.00. He recommends using the balance of the loan to repaint the wet interior of the Dayton Road water tower, finishing the work at the north booster pump station and use the balance (approx. \$300,000.00) to pay down our capacity with Lake County. The OPWC grant loan would not be eligible for any of the other projects so those funds would need to be restored to OPWC. He requested Council to seriously consider this and stated that the water inter connect project might be something that we move forward with in the future; possibly with a partnership through a JEDD or a developer. He stated that we have operated without an interconnect in that area for years and while it is optimum to have the loop system, we can continue to conduct business without it. Mr. Takacs asked for confirmation that we would forgo both the OPWC grant/loan funds. Mr. Bailey confirmed that it must be used for the project that it was applied for although he did ask if it could be used for

capacities and that is not a qualified expense. Mr. Takacs asked for confirmation that the water line and the bypass that were discussed at length at the last council meeting where Mr. Hamercheck challenged the engineering plans and the actual existence of the bypass have been proven to be correct and functional. Mr. Bailey confirmed. Mr. Takacs asked for confirmation that we have the ability to run water south to the end of our distribution area. Mr. Bailey confirmed. Mr. Bailey added that the Dakota Pump Company suggested that we flow the water back through the proportioning valve. We are unable to test that without a water source from the south. Mr. Takacs asked for confirmation that the information presented at the last council meeting was not accurate. Mr. Bailey stated that the drawings we have are accurate as to what is in the ground and it works as it should. Mr. Hamercheck asked what was done differently to verify that the bypass actually exists that was not done previously. Mr. Bailey stated that the booster station was completely shut down, we then opened what we believed to be the bypass valve and closed the discharge valve at the pump station and operated the water system. Mr. Hamercheck asked for confirmation that the valves in the ground were actually activated. Mr. Bailey confirmed and restated that we ran water south for approximately thirty minutes. Mr. Hamercheck stated that he is surprised that this was not done before now. Mr. Hamercheck asked Mayor Britton if he is in agreement with Mr. Bailey's recommendation to shelve the remainder of the water line project. Mayor Britton confirmed. Mr. Hamercheck asked the remainder of Council if they were interested in looking at shelving the project. Mr. Vest and Mr. Donaldson stated that they would like to look into it. Mr. Vest asked Mr. Hamercheck for his thoughts. Mr. Hamercheck stated that he is confused as to why we would pay \$300,000.00 on a twenty year interest free loan and substitute it with an interest bearing loan in the same amount. Mr. Bailey stated that we have options that can be researched. Mr. Hamercheck asked if there is an option to reopen the agreement to add in cost recovery to the tie in to River Road. Mr. Bailey stated that he has spoken to Mr. Rothlisberger and he said that this is the first time that he had heard of this but he recalls a dual meter system being discussed. Mr. Bailey stated that the County does not usually conduct business that way but added that if it is Council's pleasure, he can approach the County again. Mr. Hamercheck stated that this 'sounds like a bargaining chip that got given away' and notated that it is an editorial comment. Mr. Hamercheck stated that Mr. Chapman was present for discussions regarding cost recovery.

Mr. Takacs suggested that representatives from CCA come to a council meeting and possibly schedule a time to be available to address the issues that many residents have with their local income tax. He stated that there are a lot of people that are not getting good customer service from CCA. Mr. Bailey stated that CCA has offered to attend a meeting and to also have a day where they are at Village Hall for the public to come in. Mr. Bailey stated that he reached out to them after the last council meeting and Mrs. Crockett stated that she received a reply that CCA is working on scheduling those items. Mr. Takacs stated that we have heard that response from them before. Mrs. Crockett stated that she has forwarded the IT specifications that are required for her to have the Community Access Program software loaded onto her computer to our IT department so that she will be able to access resident's income tax records. Mr. Bailey stated that we are also in the process of contacting RITA to see what they have to offer. Mr. Bailey stated that he is also reaching out to different communities that handle their local income tax 'in house'. Mr. Takacs added that our contract with CCA expires in the middle of next summer and we need to inform them that we are not going to renew our contract if this is the kind of service

that our residents are receiving. Mr. Takacs stated that he wants an update on this by the next council meeting. Mayor Britton has heard complaints from the residents about CCA as well.

Misc. Reports/Comments: - Mr. Vest asked if the sewer rehabilitation is complete on East Main Street. Mr. Haibach stated no. One payment has been made to Insight Pipe for the work that has been completed to date. Discussion of the project took place. Completion prior to the end of the construction season is expected.

Mr. Takacs thanked Mrs. Whipple for her positive compliments. He added that Mr. Bailey is doing an exceptional job in his role of Administrator and added that he could not be happier with his performance and often that goes unsaid. Mr. Takacs stated that 'the buck stops with Mr. Bailey' and added that Mr. Bailey will ensure that items get taken care of and followed up on.

Mr. Hamercheck stated that he also appreciates Mrs. Whipple's comments and he stated that she is an inspirational citizen. He added that the statute that he and Mr. Cahill are referring to is a tax payer action and stated that they are not doing this as councilmen. He added that the language that is being referred to as reasonable attorney fees is something that they cannot 'pick and choose' as to what part of that statute gets submitted to the courts. He added that it is standard, boiler plate language. He added that what has never been brought up is that if the Village should prevail, that he and Mr. Cahill are obligated to pay reasonable attorney fees back to the Village. Several people stated that this is untrue. Mr. Hamercheck stated that this is the language that stops frivolous lawsuits. Mrs. Whipple stated that a long time ago, she was very disappointed in what happened with the work on Safford Street and it brought her to tears. She said she could have gotten an attorney and sued the Village and Council; but she didn't because she believes in this community. She chose to attend every council meeting and voice her displeasure. She stated that she did not scream or yell or get nasty but she was present. She stated that is what is bothering her about the lawsuit. She reiterated that he and Mr. Cahill should not be sitting up there (in Council seats) doing this to us; to her as a resident. Mr. Hamercheck stated that they are doing it for the people that are afraid to do so in fear of retaliation and reprisal. Mrs. Whipple stated that she has not heard any positive comments about the lawsuit and she stated that she is here because of the negativity that is going on in her Village. She stated that this is not how to handle things but added that attorneys do because they can use their law firm which disappoints her even more. She added that a lot of good is happening in this Village and added that has not happened in a long time and she feels that it will be going 'back down the hill if the wrong people are in the wrong places' and she added that they have lost her trust.

Mrs. Crockett stated that she is working with Muni-link to implement the new utility software. She provided details. She stated that the October utility bill will be the final bill issued on the current software. A notice will be included in the October bills to notify the residents that the next bill they receive will look different. The 'go live' date with the new Muni-link software is October 16th. She added that we hope to have the customer portal up and running by the end of the year.

Mrs. Crockett stated that she has sent the department heads the spreadsheets to begin the 2016 Budget process. She has requested a finance committee meeting with the council members that

are on that committee for the week of October 26th. Mr. Donaldson stated that we used to have a 'Fiscal officers report' on the meeting agenda and asked if it can be put back in place.

Mr. Takacs asked Mr. Bailey to elaborate on the Village's savings in water and road salt. Mr. Bailey stated that we received our portion of the state settlement from the state attorney pursuing the road salt companies for price fixing. We received approx. \$1,785.00 which he noted that a small amount is due to the school district since they purchase their road salt from us. Mr. Bailey added that we received our first invoice for water from Lake County since we entered into our agreement and it is \$4,500.00 less than we typically pay.

Mr. Bailey stated that he and Mrs. Crockett have met with our health care provider several times and we are able to maintain our current plan at a 3.6% increase due to it being 'grandmothered' in. He added that we will need to change our open enrollment date from December 1st to October 1st in 2016 for 2017 enrollment to continue the current 'grandmothered' plan for one more year. We will be approaching Anthem to change that date. The initial thought is that the increase will be absorbed but Mr. Bailey added that will be determined in the budget process.

Mayor Britton stated that we are in contract negotiations with our police department.

Mr. Mabe notated that Mr. Bailey announced savings of approximately \$4,500.00 in the first month under the water agreement with Lake County. He asked Mr. Hamercheck if he still feels that this agreement will save us money "when pigs fly and there are regularly scheduled flights". Mr. Hamercheck stated that he believes that he said "not only when pigs fly but there are regularly scheduled flights". Mr. Mabe stated that Mr. Hamercheck was adamant the Village would not see any savings by entering into the agreement with the County and here we are; one month in and already seeing a \$4,500.00 savings. He asked Mr. Hamercheck if he still feels that way. Mr. Hamercheck stated that this agreement, in total, is going to be a 'financial disaster'. He stated that is his personal belief and he stands by it. He stated 'time and patience and as far as the bypass goes, when our water superintendent and the contractor were standing there and they tell me that it is not there when they have a big ol' open hole in the ground; I am inclined to believe them.'" He added 'so I am supposed to disagree with our staff? Ok? Thank you".

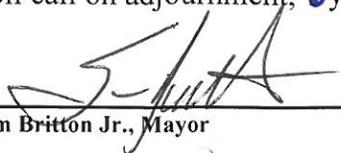
Mayor's Report: -

Upcoming dates:

Mon.	Oct. 12 th	Planning and Zoning meeting 7:00pm
Mon.	Oct. 19 th	Committee of the Whole meeting 6:30pm
Mon.	Oct. 19 th	Regular Council Meeting 7:30pm
Wed.	Oct. 21 st	Fire Board Meeting at Fire Station #3 7:00pm
Sat.	Oct. 31 st	4:00pm – 6:00pm Trunk or Treat
Sat.	Oct. 31 st	6:00pm – 8:00pm Trick or Treat

Motion to adjourn at 8:24pm made by Mr. Vest, seconded by Mr. Takacs.

Roll call on adjournment, 6 yeas. Meeting adjourned.)



Sam Britton Jr., Mayor



Kenneth D. Takacs, Council President

10-19-15
DATE

Attested:



Kristie M. Crockett, Fiscal Officer

10-19-15
DATE