

Council Minutes
VILLAGE OF MADISON
Regular Council Meeting
October 19, 2015

RECORD OF PROCEEDINGS

Mayor Britton called the meeting to order at 7:31PM.

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 October 19, 2015.

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

Questions/Discussions – Mr. Frager stated that the vote to adjourn was 6-0 since he was not present.

Roll call on approval with the above noted change, 6 yeas, 1 abstention (Frager). Motion carried.

PAY ORDINANCE

Mayor Britton presented Pay Ordinance No. 2332: \$51,720.42 for payroll and \$49,561.90 for current and upcoming expenses, for a total of \$101,282.32.

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

Questions/Discussions – None

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

OLD 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. (2nd Reading)

Questions/Discussions – None

NEW BUSINESS None

GENERAL REQUESTS - None

VISITORS COMMENT – Linda Whipple (37 Safford Street) stated that she appreciated the information that she learned/received at the last Council meeting. Mrs. Whipple stated that she recently obtained a copy of the lawsuit. She stated that she does not see any good that this lawsuit is doing to this Village. She stated that she has lived here for years and remembers this building as the library and stated that it was old then. She stated that it needs renovation and added that it is not handicap accessible. She added that those renovations are expensive and does not see the Village being able to afford them. She stated that the police department area is also in need of major renovations. She stated that Mayor Britton was asked by Council to approach the Madison Fire District to discuss our options. She added that Fire Station #1 does not look like it did years ago. Many improvements were made with the help from the tax dollars from the township. She stated that it is an outstanding facility due to those improvements. She stated that, years ago, there was a lease that stated that the Village could take back over the building with 90 days notice. She spoke of the division between the elementary schools when she was young. She added that all three elementary schools united when they entered middle school and she wants the division to stop. She stated that the website for the law firm that Mr. Cahill works for reads that he is running for mayor of Madison Township. She added that he must care about the Township and he cannot think that it is okay to barge in and take away that building. She stated that Mayor Britton and the Fire Chief agreed to a dollar amount for the fire station and Mayor Britton reported it to Council. It was voted upon and Council passed it. Mrs. Whipple stated that she does not understand the purpose of the lawsuit. She stated that there has been a lot of talk about the lawsuit over the past few weeks and everyone is asking why two councilmen would sue the Village. Mr. Cahill replied that they chose to proceed with the lawsuit because the Village does not legally owe the fire district money for that building and cited the lease that was in place between the Village and the Fire District. He added that the lease was brought before Council two months after Council voted to put up \$10,000.00 in earnest money with the understanding that the earnest money would be refunded if the Village chose not to proceed. Mr. Cahill stated that once he read the lease he felt that Council needed to take a step back and the majority of Council did not want reevaluate it. Mr. Cahill stated that Mr. Takacs was quoted in the news paper that the Village does not have a legal obligation to pay the fire district for the building but that we do have a moral obligation. Mr. Cahill stated that there is nothing about obligation to pay in the Madison Fire District or Madison Village Council minutes prior to February, 2014. He stated that he is a tax payer just like everyone else and he tried to get answers to questions for himself as well as for all other residents. Mr. Cahill stated that the addition that was added onto the fire station was larger than quoted and no competitive bids were obtained. Mr. Cahill stated that he filed the lawsuit and a private, taxpaying citizen and not as a councilman. He stated that he respects the fact that Mrs. Whipple disagrees with him and stated that they can have differences of opinion. He added that if the people decide not to elect him as Mayor, then that is their choice. He stated that he is glad that he filed the lawsuit and added that he will pursue it to its end and the chips will fall as they may. At this time, Mayor Britton informed Mrs. Whipple that her allotted time had expired.

Kathy Lynn (209 West Main Street) stated that that it is her opinion that members of council told Mr. Cahill to ‘do his own homework’ because of the way he has treated them. She stated that this is not a court of law and he treated them like defendants in a court room. Mrs. Lynn stated that there were flyers passed out this week throughout the Village and she asked for explanation as to how the promises that are listed on the flyer will be fulfilled with our current budget. She

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added that the police budget increased by over \$141,000.00 from 2014 to 2015 including the levy money and stated that the police budget is equivalent to half of the Village's entire budget. Mr. Winkleman stated (from the audience) that no promises have been made and the items that are listed are goals and objectives. She stated that we have problems with roads and flooding and added that here is only so much money to go around. She stated that she hopes that people understand that just because an item is on a flyer does not mean that the Village has the money to do it.

STAFF REPORTS

Engineer (given by Mr. Haibach) – Mr. Haibach stated that he has been working with the developer that is interested in the Bear Path area. They have conducted some post circuit televising and sewer testing of the exiting underground sewer infrastructure. Everything tested fine and Mr. Haibach was on site for the test. He has copies of the televised data and is in the process of reviewing them. There is a crack in a storm sewer pipe behind an inlet basin in the western most cul-de-sac and it is noted in the written report.

Police Chief – Chief Shannon stated that the 2015 stats (up to 9/20/15) have been added to the police department website as well as information on Issue 3 at the request of the Lake County Police Chief. The final range date of the year will be next week. She invited Council and the Mayor to attend. She added that the annual shootout show down will take place. Chief Shannon added that Mr. Cahill has funded the trophy for the event. Mr. Cahill has again donated a cash prize for the top three finishers. Trick or Treating will be Saturday, October 31st from 6:00pm – 8:00pm and Trunk or Treat will be held in the parking lot behind the police road garage from 4:00pm – 6:00pm that day. She added that all cars must stay in the municipal lot for the duration of Trunk or Treat. Chief Shannon asked if any members of Council would like to make a donation or provide candy for the police department to pass out. She also invited them to attend Trunk or Treat and stand along with the officers and police cruiser. Snow plow permits have begun to be pulled. Mayor Britton asked for an update on the new police car. Chief Shannon stated that the decals have been reordered because the original ones arrived and the color was not correct. Mayor Britton asked where she ordered them from. Chief replied Fine Line Graphics. Mayor Britton stated that we need to look into using a different vendor. Chief Shannon stated that the car is at North Eastern and she is going to pick it up. The push bumper is not in. Mr. Hamercheck asked if we could put together a resolution to recognizing them for their efforts. Chief Shannon stated that they are doing their job and Mayor Britton agreed.

Fiscal Officer – Mrs. Crockett stated that she attended the state auditor's training for continuing education which fulfilled her CPIM requirements for the year. She is working with the department heads on the 2016 budget and a finance committee meeting is scheduled for this Thursday. Mrs. Crockett stated that CCA mailed a letter to the residents were incorrectly contacted regarding local income tax issues and she is working with CCA to clear up other concerns. She added that there is a tentative meeting regarding health insurance benefits scheduled for November 23rd at 2:30pm with Dawson Companies. Mrs. Crockett stated that the MuniLink conversion for our utility software is taking place and added that MuniLink did a final data pull this afternoon. Tomorrow morning we will 'go live' on the new system. Our audit will tentatively be conducted by Charles Harris and Assoc. and will take place in the spring.

Administration Report: - Mr. Bailey stated that the Bear Path developer is looking into dealing with a drainage issue with the access road next to the YMCA which is part of the agreement as well as determining that the detention pond is still adequate for the area. He anticipates that a couple of model homes will be completed by the spring if things continue at this pace. Base repairs are on schedule for October 29-30 in the Parkway area with small sections on Union and Deerfield being addressed as well. Mr. Bailey added that in the near future we will have a customer portal for our utility software that will allow residents and landlords to access their utility account and receive and pay their bill on-line. Trees are being marked on the Sidley property to prepare for the engineering work for the proposed detention basin in that area. We have received permission to clear the necessary trees to enable a line of site. He added that the trees that are taken down from that area might be able to be used as 'root wads' within the 319 grant area of Fairview Cemetery. Mr. Bailey described a root wad and its benefits. Mr. Bailey reminded everyone of Trunk or Treat and provided brief rules of the event as well as mentioned a reminder that Trick or Treat will be immediately following. Mr. Bailey announced details of an art show being held at the Lantern. Circle K in Madison Township opens tomorrow with a ribbon cutting scheduled in approximately 4-6 weeks. Mr. Bailey stated that he is working with Township Administrator, Mr. Bodnar to 'bridge the gap' between the Village and the Township and would appreciate the elected officials attending the grand opening since the Township was well represented at the grand opening of Arcadia recently in the Village. Mr. Hamercheck questioned the cracked pavement on Amy Drive and asked if we own that road and asked if we are we responsible for it at this time. It was stated that this is a dedicated road but that all cracks have been repaired. Mr. Hamercheck questioned Water Tower Drive and asked if there are plans to seal the cracks there. Mr. Bailey stated that we are working on the 2016 Budget and will look into the possibility of creating a crack/seal program. Mr. Haibach stated that would be cost effective for the Village to do. Mr. Cahill stated that Mr. Bailey is recommending that the Village not tie into the water line at River Road and asked how we will provide adequate water pressure and flow to Water Tower Drive. Mr. Bailey stated that what we have in house will supply that area sufficiently. In addition, when we conduct the work needed on the Dayton Road water tower we will do some preliminary testing with the tower off the system. Mr. Haibach and his staff will be conducting the testing after the pumps are installed on the north booster pump station and the VFD is programmed to accept that load. Mr. Hamercheck stated that we do not have adequate water pressure and volume on Water Tower or RW Sidley Drives. He added that the Village had to fund a booster pump station to increase the pressure to an acceptable level. He stated that when the elevation valve failed in the water tower at 90 we lost the anticorrosion system in the Dayton Road tower because we could not fill it beyond where we could fill the one at 90 and it caused some issues. Mr. Hamercheck added that this was one of the design points in tying into River Road.

Misc. Reports/Comments: - Mr. Frager stated that he asked in the COW, off of Mr. Bailey's recommendation not to move forward with the grants/loans to finish off the water project that had come from the Utility Advisory Group, what the opinions are of the council members that sat on that committee about his recommendation. He stated that Mr. Mabe had spoken but added that neither Mr. Hamercheck nor Mr. Cahill has responded. Mr. Cahill stated that this is the first he is hearing of the recommendation not to proceed and he is looking forward to more information being provided by Mr. Bailey by the next Council meeting. Mr. Frager stated that

the Utilities Group had recommended to move forward with the project and now Mr. Bailey is recommending to pull back and he asked Mr. Cahill to explain to everyone why the Utilities Group had wanted us to go ahead with it. Mr. Cahill replied that the Mayor disbanded the sub groups when Mr. Bailey was hired and stated that he has not been part of the negotiations since that time. He added that he was surprised that Mr. Hamercheck was not included in the negotiations with the County since he has intimate knowledge of our water system. Mr. Frager stated that Mr. Cahill was not answering his question. Mayor Britton requested that Mr. Cahill answer the direct question that Mr. Frager asked of him. Mr. Cahill stated that he voted against it and added that he never thought it was a good idea to pay \$500,000.00 for that line and then turn it over to Lake County. Mr. Hamercheck stated that at the last meeting when we spoke of not performing the remainder of the project and the forfeiture of the grant/loan he went back and looked over things to see what we could salvage. Mr. Hamercheck stated that he does not like the agreement with the County. He spoke of Village land that is developable. He stated that we have a 6" main that is at least sixty years old. He added that we are now a retail customer and he stated that we need to look into our rights as a retail customer. He suggested that we might want to consider completing the project to the end of our municipal line and addressing the old infrastructure. He discussed a tie in that the County has on Dayton Road right at the edge of the Village line. Mr. Hamercheck is in favor of this alternative. Mr. Hamercheck asked if monies that Mr. Long transferred from water capital into water operating were ever transferred back. Mr. Takacs stated no. Mr. Hamercheck stated to make the agreement with the County palatable then we need to take full advantage of it. He added that if doors have been closed than others have been opened. He stated that we could realistically reduce our CIF charges and begin getting our water rates in line with the County. Mr. Donaldson inquired as to the size of the line on Dayton Road. Mr. Hamercheck replied that it is a 12" line which is industry standard. The Township also has developable property in that area that we may be able to come to a mutual agreement with the Township. He stated that the County, the Village and the Township would benefit. Council stated that it is worth exploring and Mr. Haibach stated that he would have to explore the ability of the County owned tower located off Apache trail to see if this is a possibility. Mr. Hamercheck stated that we did give the County permission to tie in their main line connection to the Middle Ridge water tower to supplement this entire area. Mr. Frager thanked Mr. Hamercheck for this information. Mr. Hamercheck stated to Mr. Haibach that he probably does not know that within the original design for the north booster pump station, the meter vault was a 4" connection, basically 'sucking water through a straw' and it was removed and replaced with an 8". Mr. Haibach stated that he was aware.

Mr. Vest voiced concern over the flyer that Mr. Winkleman is passing out; specifically the negotiations with the police and fire union personnel representatives. Mr. Vest added that these are confidential negotiations and stated that someone is providing Mr. Winkleman with information and instructing him to use this information and he is wondering if someone is overstepping their bounds. Mr. Vest added that this is a sensitive area and Mayor Britton stated that he has spoken to Mr. Szeman regarding the leakage of information. Mr. Szeman stated that if someone has a name of the person responsible to please let him know and he will follow up with the OPBA legal counsel. Mr. Winkleman stated that he would speak after the meeting. Mr. Vest stated that this is supposed to be a confidential discussion and it should not be used for political gain. Mr. Hamercheck asked if there is an update on the negotiations that is available to

Council. Mr. Szeman stated that proposals are going back and forth and we are waiting to hear back from OPBA.

Mayor Britton asked if there was a reason for one of our Village Police cars to be running 'hot' onto 90 over the weekend and Chief Shannon stated that there was a call for assistance for an accident at the 210 mile marker.

Mr. Frager stated that he wanted to 'set the record straight on a couple of things.' He stated that Mr. Winkleman was not 'kicked off' the Economic Development Group; he chose to leave the group three months prior to the administration taking over the sub groups. Mr. Frager stated to Mr. Cahill that he informed Mr. Cahill that "He did his own homework and now you can do yours" in regards to research on the fire station #1. Mr. Mabe stated that Mr. Cahill likes to say 'forget I am a Councilman' and stated that is a material fact to that discussion and added that they were in a Council Meeting when Mr. Cahill asked for information and he agrees with Mr. Frager that Mr. Cahill can do his own homework and not rely on other members of Council to provide him with all of the information. Mr. Mabe added that he does not like nor appreciate when Mr. Cahill implies that Council told the entire Village to do their homework when they specifically told him that he needed to do so, as a Councilman, not as a resident. Mr. Mabe added that Mr. Cahill has stated that Council did not have all of the information on the fire station prior to the vote and then collectively did not want to revisit it once they did receive the information and that is correct. He stated that we, as a Council decide things collectively; by the majority and when the majority decides on something, then that is how it goes. We do not revisit an item or sue when someone does not get their way. He added that by him taking this action it tells him that he has no faith in this body that he sits on right now; that our decisions mean nothing to him and if things do not go the way he wants them to that he feels that he must go some other direction to get it corrected; that this is not the proper venue. He asked Mr. Cahill why he still sits on Council if he feels that this body does not have the right power and cannot make the right decisions. Mr. Cahill stated that this body can make what decisions it will but added that the state law allows a tax payer, whether you sit as a councilman or not, to file a petition as a tax payer and claim a misapplication of tax payer funds. He stated that what he did was legal and he cannot help that Mr. Mabe does not like it. He added that does not mean that he does not have faith in the democratic process or this body but he disagreed with this decision especially when "we have no legal obligation to pay this money". He stated that he stands by the lawsuit. Mr. Mabe stated that he is not completely surprised that Mr. Cahill does not see this as a moral obligation but added that we did have a moral obligation to do this. He added that Mr. Cahill's comment that he 'has it available so that means I can do it' is kind of along the same lines; that he can use this tactic to get his way any way that he can. Mr. Mabe stated that Council has an obligation to each other; that they sit together in good faith and negotiate and make decisions. But when someone takes that and goes behind the backs of the others and chooses to sue because the vote did not go the way they wanted it to, that takes away the power and the ability for Council to negotiate. Mr. Mabe asked how he can trust any decision that Mr. Cahill votes on now because he does not know if tomorrow he will file a lawsuit because Mr. Mabe did not agree with him. He stated that he does not expect nor want an answer.

Mayor's Report: -

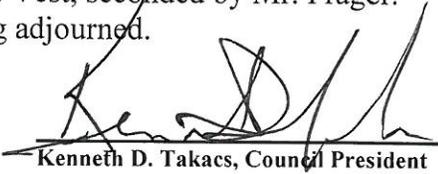
Upcoming dates:

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
Mon.	Nov. 2 nd	Regular Council Meeting 7:30pm
Mon.	Nov. 9 th	Planning & Zoning Meeting 7:00pm
Mon.	Nov. 16 th	Committee of the Whole Meeting 6:30pm
Mon.	Nov. 16 th	Regular Council Meeting 7:30pm
Wed.	Nov. 18 th	Fire Board Meeting at Fire Station #3 7:00pm

Motion to adjourn at 8:35pm made by Mr. Vest, seconded by Mr. Frager.
Roll call on adjournment, 7 yeas. Meeting adjourned.



Sam Britton Jr., Mayor



Kenneth D. Takacs, Council President

11/2/2015
DATE

Attested:



Kristie M. Crockett, Fiscal Officer

11-2-2015

DATE