

Council Minutes  
VILLAGE OF MADISON  
Regular Council Meeting  
November 16, 2015

**RECORD OF PROCEEDINGS**

Mayor Britton called the meeting to order at 7:30PM.

Mayor Britton invited all in attendance to join in the Pledge of Allegiance to the Flag. Mayor Britton requested that everyone observe a moment of silence. Council Members Mr. Frager, Mr. Hamercheck, Mr. Donaldson, Mr. Mabe, Mr. Cahill, Mr. Takacs and Mr. Vest were in attendance. Also in attendance were Administrator Dwayne Bailey, Fiscal Officer Kristie Crockett and Law Director Mr. Szeman. Police Chief Dawn Shannon and Village Engineer Mr. Haibach were absent.

**MINUTES**

Mayor Britton announced minutes to be approved for the Council Meeting held on November 2, 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. 2334: \$31,954.52 for payroll and \$98,197.69 for current and upcoming expenses, for a total of \$130,152.21.

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

Questions/Discussions – None

Roll call on approval, 7 yeas. Motion carried.

**OLD BUSINESS**

**ORDINANCE 37-2015: - AN ORDINANCE MAKING TEMPORARY APPROPRIATIONS FOR THE CURRENT EXPENSES AND FOR OTHER EXPENDITURES OF THE VILLAGE OF MADISON, STATE OF OHIO, FOR THE PERIOD BEGINNING JANUARY 1, 2016 TO AND INCLUDING MARCH 31, 2016 AND DECLARING AN EMERGENCY. (2<sup>nd</sup> Reading)**

**ORDINANCE 38-2015: - AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO THE CHARTER OF MADISON VILLAGE TO PROHIBIT SITTING MEMBERS OF COUNCIL FROM BRINGING CAUSES OF ACTION AGAINST THE VILLAGE, ITS OFFICERS OR EMPLOYEES DURING THEIR TERM OF OFFICE RELATED TO ANY LAWS OR OTHER ACTIONS AUTHORIZED BY COUNCIL. (2<sup>nd</sup> Reading)**

Motion to table made by Mr. Frager, seconded by Mr. Vest.

Questions/Discussions – Mr. Frager stated that this Ordinance as well as Ordinance 39-2015 is on second reading and he questioned if Council is moving too quickly on these. He added that

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there has not been much discussion on them and he recommends tabling them pending further discussion. He added that he believes that he knows the motivation behind the ordinances and is not saying that he is against them, just that he would like more information presented to Council. Mr. Cahill asked what the motivation for this legislation is. Mr. Mabe stated that his motivation for bringing forwards these pieces of legislation is that he does not feel that a tax payer lawsuit is the proper way for a council member or Mayor to address a disagreement with a decision made by Council. He added that under these pieces of legislation a member of Council or the Mayor would have to remove themselves from their elected position to file a lawsuit. Mr. Cahill questioned why Mr. Mabe feels this way. Mr. Mabe stated that he has attempted to explain his stand to Mr. Cahill in the past and he is not sure what else he can say on the matter. He stated that this is a moral issue and he added that he speaks and makes decisions in good faith with the members of Council and the Mayor and he added that if he cannot trust that the rest of the body are doing the same; then it breaks down the process. Mr. Cahill stated that a citizen is a tax payer and members of Council as well as the Mayor are citizens which permit them to file a lawsuit. Mr. Mabe stated that these pieces of legislation do not prohibit them from filing a lawsuit, just that they must resign from their elected position to do so. Discussion in regards to due process took place. Mr. Szeman stated that qualifications of office holders are subject to local governance so if the people of the Village determine that there is an inherent conflict of interest in their elected officials bringing lawsuit(s) against this Village, they should therefore forfeit their office; it is subject to rational basis review. Mr. Szeman added that he feels that it is beyond rational.

Roll call on table, 7 yeas. Ordinance tabled.

**ORDINANCE 39-2015: - AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO THE CHARTER OF MADISON VILLAGE TO PROHIBIT SITTING MAYORS FROM BRINGING CAUSES OF ACTION AGAINST THE VILLAGE, ITS OFFICERS OR EMPLOYEES DURING THEIR TERM OF OFFICE RELATED TO ANY LAWS OR OTHER ACTIONS AUTHORIZED BY COUNCIL. (2<sup>nd</sup> Reading)**

Motion to table made by Mr. Frager, seconded by Mr. Takacs.

Questions/Discussions – Mr. Donaldson questioned how this might affect the timing of placing it on the March ballot. Mr. Szeman stated that it must be submitted to board of elections sixty (60) days prior to the election date.

Roll call on table, 7 yeas. Ordinance tabled.

## **NEW BUSINESS**

**ORDINANCE 40-2015: - 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. (1<sup>st</sup> Reading) {Permanent Capacity Payment}**

**ORDINANCE 41-2015: - AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH TIME WARNER CABLE ENTERPRISES, LLC TO PROVIDE TELEPHONE AND INTERNET SERVICES TO VILLAGE FACILITIES. (1<sup>st</sup> Reading)**

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

Questions/Discussions on suspension – None

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

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

Questions/Discussions – Mr. Takacs inquired as to the availability of the exhibit that the ordinance refers to. Mr. Takacs asked Mr. Bailey to provide details from the contract. Mr. Bailey stated that the Village has struggled with phone/internet service through Windstream for quite some time. He added that he has been working with Time Warner for a couple of months to identify our needs. Mr. Bailey stated that our current expenses are approximately \$1,400.00 per month. He stated that through Time Warner we will be increasing our internet speed as well as improving our phone service and if we sign up for a twelve (12) month contract our price will be \$624.82. If we choose to not enter into a year-long contract, a month-to-month contract would bring our costs to \$1,079.00 per month. Mr. Bailey elaborated on the problems with the current internet/phone service. Mr. Hamercheck inquired about copper lines. Voice over internet was discussed. Mr. Bailey stated that we are simply moving our current services from Windstream to Time Warner. The issue of service availability in the event of a power failure was discussed. Mr. Hamercheck stated that we need more information prior to voting on it. Mr. Vest withdrew his motion to suspend. Mr. Mabe withdrew his second on the suspension.

Motion to table made by Mr. Cahill, seconded by Mr. Hamercheck.

Questions/Discussions – None

Roll call on table, 7 yeas. Ordinance tabled.

**GENERAL REQUESTS** – Acceptance of final plat for Madison Preserve (formally Bear Path).

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

Questions/Discussions – Adam from Ryan Homes was in attendance to discuss the final plat for Madison Preserve. Mr. Bailey stated that the following contingencies must be met prior to permits being issued to build.

- Remove stone and install permanent pavement section at Bellflower Way cul-de-sac.
- Install asphalt surface course on the Bear Path entrance road way (now Bellflower Way) with 448 asphalt surface course and shall contain 100% virgin binder material and limestone aggregate, no recycled asphalt product.
- Repair the cracked storm sewer pipe that was discovered during the inspection process.
- Ryan Homes engineers need to develop a drainage improvement plan for the entrance way to avert some of the flooding issues that the area; which will be subject to Mr. Haibach's approval.

Adam went through the plat, page by page and provided details for Council including detention ponds/drainage ponds/water quality ponds. Exclusive use easements will be in place and there will be a Home Owner Association (HOA). Adam stated that he has forwarded preliminary documentation of these items to Mr. Szeman for review. All roads will be private and the HOA will be responsible for the maintenance and plowing of the roads. Assessments will be in place that will go directly into the HOA fund at the time of the initial home closing as well as annually. Ryan Homes is planning on building two (2) model homes, both two-story. Mr. Hamercheck

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asked for confirmation that full depth repairs will be completed on the roads, if necessary. Adam stated that the majority of the area is concrete other than the entrance. Weather conditions for addressing the asphalt areas were discussed. Mr. Szeman stated that this can be rolled into the bond as work to be done. Mr. Szeman stated that another condition to obtain permits is the storm water management inspection. Mr. Szeman stated that Council's approval of the plat is subject to execution of the Village template storm water management inspection agreement. Mr. Szeman stated that the Village will not assume any responsibility for any ongoing maintenance of the storm water management infrastructure but we will ensure that it is addressed appropriately. Mr. Mabe asked about the ranch style home discussed previously. Adam stated that the ranch style home that they would be able to offer does not meet the current square foot minimum required by our zoning. He is hoping to come back before Council to ask for that to be considered. Approval of the plat presented tonight does not include the ranch style home. Mr. Frager asked for confirmation from the members of the Planning and Zoning Commission that they are recommending Council approval. Mr. Vest confirmed and stated that the vote was unanimous. Adam asked if he would go through the Village to erect a sign at the entrance. Mayor Britton confirmed.

Roll call on approval, 7 yeas. Motion carried.

**VISITORS COMMENT** – Mr. Paul Goda (431 West Main Street) stated that he feels that ordinances 39 & 40 were created out of frustration based on the current lawsuit and he added that he does not feel that Council should pass laws based out of frustration. It is his feeling that Council members are citizens first and then an elected official and he does not feel that it is appropriate to bridge a citizen's right in this way. Mr. Goda stated that such legislation in place may deter citizens from running for an elected position in the future. Mr. Vest stated that the legislation before Council is to place the item on the ballot for the voters to decide upon, not for Council to implement it.

Mr. Rich Bruckman (708 Jonquil Lane) stated that he is somewhat new to this area and he asked why there is not a 'right turn on red' at the 528/84 intersection. He expressed frustration with the backup of traffic, especially after a train. Mr. Bailey stated that this has been brought up several times in the past and it is his understanding that the businesses near that corner appreciate it being in place. It will be looked into again. He also asked for the price point of the homes in Madison Preserve. Council stated that the price point of the homes was discussed in previous meetings and reported that they will be in the \$180,000.00 - \$200,000.00 range.

## **STAFF REPORTS**

**Engineer** (given by Mr. Haibach) – Mr. Haibach not in attendance.

**Police Chief** – Chief not in attendance. Mayor Britton reported that Chief Shannon worked the roads today due to Officer Covert being on vacation. He added that patrol car #624 has been decommissioned and will be on govdeals.com soon.

**Fiscal Officer** – Mrs. Crockett stated that CCA is scheduled to come out on December 10<sup>th</sup> from 1:00pm – 7:00pm and December 12 from 8:00am – 12:00pm to meet with noncompliant tax payers in the Village; either failure to file or failure to pay. Affected residents will receive

appearance letters. The location is yet to be determined. Mr. Frager is going to look into the possibility of us using rooms at Lakeland Community College. Mrs. Crockett stated that she has year-end training with UAN scheduled for December 4<sup>th</sup>. It is an online training. The Muni-Link conversion is ongoing and we printed water/sewer bills on the new software today. There have been some glitches in the system but overall things are going well. We notified our previous software company that we are terminating our service with them effective December 31, 2015. Our contract with them required us to give thirty (30) days written notice. Mrs. Crockett stated that the budget process is still underway and she foresees the budget packets being presented to Council at the December COW meeting.

**Administration** – Mr. Bailey stated that Insight Pipe has completed the sanitary sewer rehabilitation and lining in the East Main Street area. The staff at the waste water treatment plant has noticed an improvement. Mr. Bailey stated that the cleaning of the oxidation ditches is also a large improvement in our I & I issues. Mr. Bailey stated that there is one unresolved issue with a resident from the jetting on East Main Street and he added that we will not release the retainer until that issue is taken care of. Mr. Bailey reminded everyone of MCIC's Candy Cane Lane Craft Show at Immaculate Conception Church and Christmas in the Park. He added that the Rec District is taking the lead on Christmas in the Park this year. Mr. Bailey stated that he attended the ribbon cutting for the Circle K in Madison Township recently and he is receiving more and more calls with interest in our community.

Mr. Bailey asked for a motion from Council to put the 528 Waterline Project out to bid.  
Motion made by Mr. Takacs, seconded by Mr. Mabe.

Questions/Discussions – None

Roll call on approval, 7 yeas. Motion carried.

**Misc. Reports/Comments:** Mr. Frager stated that Christmas in the Park is December 5<sup>th</sup> in Village Square Park. He is looking forward to the Rec Board taking on a large role in this event. Mayor Britton stated that he will contact Jim and Betty Dominick as they are the originators of Christmas in the Park to see what year it began.

Mr. Frager stated that Dec. 3<sup>rd</sup> will be the final Rec Board meeting of the year. He added that this is the 30<sup>th</sup> year for the Rec Board and there will be a regular meeting and then there will be a mini celebration including this year's induction to the MJRD Hall of Fame, which will be the original members of the Rec Board. Invitations will be mailed.

Mr. Vest asked about the status of the Ice Rink. It was stated that it will be put up after Christmas in the Park. Mr. Hamercheck asked if there will be a more formal way of indicating that the ice is safe than we have in years past. Mayor Britton stated that an open/closed sign may be used instead of the flag system. Mr. Hamercheck stated that he was referring to the testing of the ice. Mayor Britton stated that he will speak to the Rec Board about it.

**Mayor's Report: -**

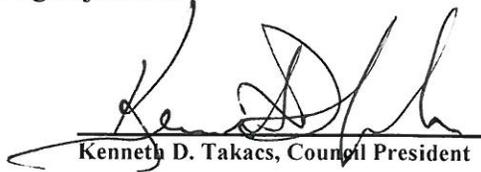
Upcoming dates:

Wed. Nov. 18 <sup>th</sup>	Fire Board Meeting at Fire Station #3 7:00pm
Thurs. Nov. 26 <sup>th</sup>	Village Hall Closed for Thanksgiving

Mon.	Dec. 21 <sup>st</sup>	Committee of the Whole Meeting 6:30pm
Mon.	Dec. 21 <sup>st</sup>	Regular Council Meeting 7:30pm
Fri.	Dec. 25 <sup>th</sup>	Village Hall closed for Christmas
Fri.	Jan. 1 <sup>st</sup>	Village Hall closed for New Years Day

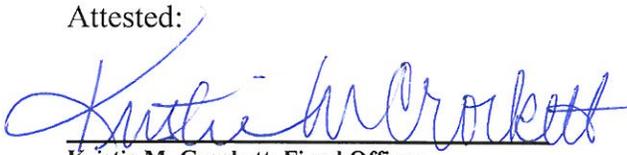
Motion to adjourn at 8:18 pm made by Mr. Vest, seconded by Mr. Takacs.  
Roll call on adjournment, 7 yeas. Meeting adjourned.

  
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Sam Britton Jr., Mayor

  
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Kenneth D. Takacs, Council President

12/7/15  
DATE

Attested:

  
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Kristie M. Crockett, Fiscal Officer

12-7-2015  
DATE