

Council Minutes
VILLAGE OF MADISON
Regular Council Meeting
December 21, 2015

RECORD OF PROCEEDINGS

Mayor Britton called the meeting to order at 7:39PM.

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 December 7, 2015.

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

Questions/Discussions – None

Roll call on approval, 7 yeas. Motion carried.

PAY ORDINANCE

Mayor Britton presented Pay Ordinance No. 2336: \$80,991.40 for payroll and \$121,790.20 for current and upcoming expenses, for a total of \$202,781.60.

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

Questions/Discussions – Discussion took place in regards to the uniform allowance for the police department. Discussion took place regarding capital and operating accounts. Mr. Takacs stated that the high volume discount is starting to show in the Lake County Department of Utilities water bill. He stated that this is a low volume time of year and we are seeing savings of approximately \$2,000.00 per month. He commended Mr. Bailey for his efforts in bringing the agreement with the county to fruition.

Roll call on approval, 7 yeas. Motion carried.

OLD BUSINESS

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. (Tabled)

Motion to remove from table made by Mr. Mabe, seconded by Mr. Vest.

Questions/Discussions – None

Roll call on removal from table, 6 yeas, 1 nay (Cahill) Ordinance removed from table.

Mr. Szeman read the Ordinance to record the third reading.

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

Questions/Discussions – No discussion from Council took place. Mr. Paul Goda (431 West Main Street) questioned the right of the Councilmen to pursue other avenues to reach the public. It was stated that a Councilman could act as a citizen to pursue other methods and not have to resign their seat on Council; clarifying that this and the following piece of legislation are strictly addressing legal action.

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

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. (Tabled)

Motion to remove from table made by Mr. Vest, seconded by Mr. Mabe.

Questions/Discussions – None

Roll call on removal from table, 6 yeas, 1 nay (Cahill) Ordinance removed from table.

Mr. Szeman read the Ordinance to record the third reading.

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

Questions/Discussions – Mr. Cahill mentioned the conversation held earlier this evening regarding a charter amendment for the collective bargaining agreement and the possibility of an amendment not being recognized by the state. He added that the state constitution might find this amendment invalid. Mr. Szeman stated that he has previously expressed his opinion on these pieces of legislation and it is now up for vote. Mr. Hamercheck asked Mr. Szeman to refresh the memories of Council as to his opinion. Mr. Szeman stated that he has a problem with Council members who utilize confidential communications to subsequently turn around and sue the Village. He added that he also has a problem with attempting to budget accurately relative to reserves for 2016. He stated that he sent Mr. Hamercheck and Mr. Cahill's legal counsel an e-mail attempting to obtain an approximate figure for the demand for legal fees and those e-mails were not replied to. He asked if either Mr. Hamercheck or Mr. Cahill would care to respond. He added that he cannot directly ask either of them the attorney fees being demanded in the litigations being brought by them against the Village. Due to the fact that neither legal counsel responded to Mr. Szeman's e-mail, he must now conduct discovery into this to determine the appropriate amount. He stated that this is inconsistent with their role as members of Council. He stated that they cannot wear two (2) hats all of the time and he feels that Mr. Mabe's amendment makes infinite sense.

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

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. (3rd Reading) {Permanent Capacity Payment}

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

Questions/Discussions – Mr. Hamercheck asked if this is relation to the agreement recently signed with the County. Mayor Britton confirmed.

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

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. (3rd Reading)

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

Questions/Discussions – Mr. Hamercheck asked if there are any additional charges for installation, etc. Mr. Bailey stated no. The telemetry connections will be kept as well as all existing lines; just with Time Warner being our servicer.

Roll call on approval, 7 yeas. Motion carried.

RESOLUTION 23-2015: - A RESOLUTION SUPPORTING THE STUDY OF, AND ANY NEEDED IMPROVEMENTS TO, THE SIGNALIZATION OF THE MIDDLE RIDGE ROAD AND STATE ROUTE 528 INTERSECTION, AND DECLARING AN EMERGENCY. (2nd Reading)

Questions/Discussions – Mr. Frager asked what the costs for this will be. Mr. Bailey stated that there will not be a cost to the Village. If ODOT sees merit in our concerns, then they will conduct a traffic study. Mr. Takacs stated that the Township has a similar piece of legislation for the Dayton Road area near the schools and it is the thought that both studies can be done at the same time since it is the same impact area.

NEW BUSINESS

ORDINANCE 42-2015: - AN ORDINANCE APPROVING A LABOR AGREEMENT WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION, AND DECLARING AN EMERGENCY. (1st Reading)

Motion to suspend made by Mr. Mabe, seconded by Mr. Hamercheck.

Questions/Discussions – None

Roll call on suspension, 7 yeas, Ordinance suspended.

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

Questions/Discussions – Mr. Takacs stated that he feels that this is an agreement that will work for both sides by extending the existing contract. He added that he has no interest in extending this agreement past the expiration date in April.

Roll call on approval, 7 yeas, Motion carried.

GENERAL REQUESTS – P.O. Request to All Industrial Services, Inc. in the amount of \$9,970.00 for the demolition and removal of the water tower on River St.

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

Questions/Discussions – Mr. Bailey stated that this quote is less than half of the cost of other quotes we obtained. The ground must be frozen prior to it being removed. Mr. Frager asked if the quote that is included in the Council packet that is dated August, 2015 is still valid. Mr. Bailey confirmed that he has contacted the contractor and confirmed that the quote is valid even though scrap prices have fallen. Mr. Hamercheck asked how it is being brought down. Mr.

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Bailey confirmed that it is being dropped and he has obtained the necessary easements from the property owners affected. Chief Shannon asked if traffic control would be needed. Mr. Bailey stated no.

Roll call on approval, 6 yeas, 1 nay (Vest) Motion carried.

VISITORS COMMENT – Paul Goda (431 West Main St.) asked if the right turn on red at the intersection of 528/W. Main St. is being evaluated. Chief Shannon stated that the right turn on red is in place so that the people in the angled parking can safely back out of their spot. There is a possibility of the hours when right turn on red will be permitted being increased. It was stated that parking in the Village is limited and eliminating parking spots is not possible.

Rich Bruckman (708 Jonquil Lane) questioned the traffic pattern at the 528/W. Main St. intersection can be evaluated as far as the left turn/straight lane. Discussion took place.

Jack Lading (603 W. Main St.) wished everyone in attendance and their families a safe and happy holiday season.

STAFF REPORTS

Police Chief – Chief Shannon stated that the 2005 Crown Victoria sold at auction (GovDeals) for \$779.00. We will receive \$740.00 after fees. She wished everyone a safe and happy holiday.

Engineer (given by Mr. Haibach) – Mr. Haibach stated that we are out to bid for the 528 water line project from Fire Station #3 to River Road. The Village has reserved the right to reject any and all bids that are submitted. Mr. Haibach stated that he is in the process of moving forward with plans to put together an engineering proposal detailing the costs associated with renovating the former fire station at 33 N. Lake Street into Village municipal offices. Mr. Mabe mentioned that we may be able to offset some of the expenses of the remodel by doing some of the work ourselves.

Fiscal Officer – Mrs. Crockett stated that the finance committee is continuing to work on the 2016 budget. Mr. Mabe asked if she feels that the draft of the budget will be presented to Council for review at or before the next Council meeting. Mrs. Crockett confirmed. She will send it to council electronically prior to the meeting if possible. She reminded Council that it will be a draft copy. Mayor Britton stated that the department heads are providing the administration with details as to major expenses that they have asked to be put into the budget. Mr. Takacs stated that a great deal of issues are being addressed and handled by the fiscal officer that had not been taken care of in the past. He commended Mrs. Crockett for a 'job well done' as fiscal officer. He added that when she first became the fiscal officer that there was quite a mess as far as the budget process that she and Mr. Bailey had to sort through. He also commended Mr. Bailey and stated that the 2016 budget is much cleaner and easier to read and understand and he knows that it has been quite time consuming for both Mrs. Crockett and Mr. Bailey and he appreciates their efforts. Mayor Britton thanked them as well.

Mrs. Crockett stated that the CCA days were held for the noncompliant tax payers within the Village. CCA has reported that it was very successful with approximately \$25,000.00 in

delinquent taxes being collected the first day. She has not received information regarding the amount collected on the second day. Mr. Szeman was present for most of both sessions and he is pleased with the outcome so far. He will be able to identify the non-compliance issues by mid to late January and establish a priority as to court filing and move forward. Mrs. Crockett stated that we have a new account liaison/representative with CCA; Michael Smith. Mr. Frager questioned if Mrs. Crockett has obtained a quotation from RITA for Income Tax collection. Mrs. Crockett confirmed and stated that it is approximately half of the cost that CCA charges us. We must provide CCA with six (6) month's notice to cease our agreement with them; which we would do by June 1st if we were planning on switching to RITA as of January 1, 2017. Mr. Bailey stated that he has heard positive praise from other entities that utilize RITA. He added that the Village is planning to meet with Middlefield Village. They have taken income tax collection 'in house' and made it part of the court reporter's job description. However he added that with RITA's quotation being significantly less than CCA that it will be hard to perform the duties in house for less than the amount that RITA is quoting.

Mrs. Crockett stated that the Muni-Link conversion is continuing and added that it has been rather time consuming for the staff. She added that there was a flyer included in the most recent water bill informing residents that the customer portal is up and running and included steps as to how to enroll, view a bill and pay online via a checking/savings account. At this time we are not able to accept credit cards on line. We are working on the agreement with the credit card processing company and that should be available to the residents in late January.

Mr. Hamercheck inquired as to whether the approximately \$40,000.00 that was moved to the water operating fund was returned to the water enterprise fund. Mrs. Crockett asked for confirmation that he is referring to when Mr. Long was fiscal officer. Mr. Hamercheck confirmed. Mrs. Crockett stated that she believes that the funds were not transferred from one account to another but that a County water bill was funded out of the capital fund. Mr. Hamercheck asked if this would cause an issue with the audit. Mrs. Crockett stated that the audit for that time period has already been completed. She stated that our next audit will be this spring and the years subject to audit will be 2014-2015. Mr. Hamercheck stated that he would like to see the dollars used for the payment replenished into that fund. Mrs. Crockett stated that she was not aware that Council had requested that to be completed. Mr. Hamercheck stated that the payment from the incorrect fund was completed without Council's knowledge and it was clearly understood that the money would be returned. Mr. Bailey stated that this will be looked into and discussed at the next Council meeting. Mr. Takacs stated that there may be a paper trail regarding this issue because he recalls Council challenging Mr. Long regarding this topic.

Administration Report: - Mr. Bailey extended his thanks and appreciation to the Village staff. He stated that we have taken on a number of projects with very little new revenue and a lot of things are moving along. For example, the drainage project for Hyder Drive to relieve flooding issues in that area as well as on East Main Street, the SWIF project and Growing Green on Main Street project are both preparing to go out to bid, and we have an OPWC grant in place to replace the culvert at the entrance of Parkway Estates. He added that base repairs will be completed on the balance of Hyder Drive as well as the first layer of asphalt. He added that the economy is starting to show signs of improvement and he has been in touch with several developers interested in our community. He stated that there is a lot of interest in the Perfection buildings

and he feels that we are at a point that we are looking up instead of down moving into the new year. He thanked Council as well as the Village staff for assisting him through the past year. He extended a Merry Christmas and a Happy New Year to Council, the residents and the staff.

Misc. Reports/Comments: - Mr. Frager stated that the spreadsheet for the Council appointments for 2016 has been placed at their seats. He added that the items highlighted in yellow are positions that need to be filled. Mayor Britton stated that he and Mr. Takacs are going to meet next week to discuss the positions. He added he will be appointing members to the Utilities and Safety committees as well. He added that he will probably have the president and vice president of Council as chairpersons of separate committees. Mayor Britton stated that if a member of Council has a request to be appointed to a certain committee to please let Mr. Takacs know. Mayor Britton added that the day that certain committees meet may change to enable others to participate. The Re-Organization meeting will be held at the beginning of the January 4, 2016 Council meeting.

Mr. Takacs stated that Council should have received an e-mail from Mr. Szeman that there is a tax review committee in place and there is an obligation for two (2) appointments to that committee. He encouraged Council to approach individuals that they feel would qualify and be interested in partaking in this committee.

Mr. Frager stated that we are appreciating savings through the Time Warner contract and the agreement with the Lake County Department of Utilities. He would like these savings to be shared with the community. He suggested a semi regular report be made possible. Mrs. Crockett stated that she has a spreadsheet on water costs that she can make available.

Mr. Hamercheck asked for confirmation that if an ordinance does not pass as an emergency that there is a thirty (30) day wait before it goes into effect. He asked how the two (2) ordinances that passed this evening will be able to be on the ballot. Mr. Szeman stated that the time frame should be fine and if not, it will go onto the next available ballot. Confirmation will be made with the Board of Elections.

Mayor's Report: - Mayor Britton echoed Mr. Bailey compliments regarding the staff. He stated that this has been a difficult, but a good year. He is looking forward to 2016 and the positive things that are happening in the Village.

Upcoming dates:

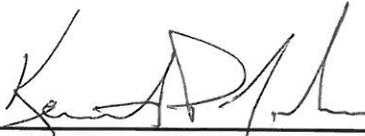
Fri.	Dec. 25 th	Village Hall closed for Christmas
Fri.	Jan. 1 st	Village Hall closed for New Years Day
Mon.	Jan. 4 th	Regular Council Meeting 7:30pm
Mon.	Jan. 11 th	Planning & Zoning Meeting 7:00pm
Mon.	Jan. 18 th	Village Hall Closed for Martin Luther King Day
Tues.	Jan. 19 th	Committee of the Whole Meeting 6:30pm
Tues.	Jan. 19 th	Regular Council Meeting 7:30pm
Wed.	Jan. 20 th	Fire Board Meeting at Station #3 7:00pm

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Motion to adjourn at 8:44pm made by Mr. Frager, seconded by Mr. Donaldson.
Roll call on adjournment, 7 yeas. Meeting adjourned.



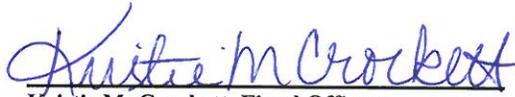
Sam Britton Jr., Mayor



Kenneth D. Takacs, Council President

1/4/16
DATE

Attested:



Kristie M. Crockett, Fiscal Officer

1/4/16
DATE