



# Village of Madison

## Mayor

Sam Britton Jr.

## Council Members

Daniel L. Donaldson

Duane H. Frager

John R. Hamercheck

Gregory W. Mabe

Kenneth D. Takacs

Mark V. Vest

## Village Administrator

Dwayne Bailey

## Law Director

Joseph P. Szeman

## Chief of Police

Dawn C. Shannon

## Fiscal Officer

Kristie M. Crockett

## Engineer

Eric Haibach

126 W. Main Street

Madison, Ohio

44057

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## Website:

[www.madisonvillage.org](http://www.madisonvillage.org)

## MADISON VILLAGE COUNCIL

February 16, 2016

7:30 pm Regular Council Meeting

CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
MOMENT OF SILENCE  
ROLL CALL  
MINUTES  
(from 2-1-16 Reg. Council Meeting)  
PAY ORDINANCE #2340

Visitors: Regarding agenda items only; limited to 5 minutes per guest

## OLD BUSINESS:

1. **ORDINANCE 1-2016:** - AN ORDINANCE AMENDING ORDINANCE NO. 35-2007 AND REENACTING, AMENDING, REARRANGING, REVISING, AND ENACTING FOR CODIFICATION PURPOSES CHAPTER 182 OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF MADISON VILLAGE, OHIO, LEVYING AN EXCISE TAX OF THREE PERCENT ON HOTEL AND BED AND BREAKFAST LODGING TRANSACTIONS WITHIN THE VILLAGE OF MADISON. (3<sup>rd</sup> Reading)
2. **ORDINANCE 2-2016:** - AN ORDINANCE ENACTING CHAPTER 111 OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF MADISON VILLAGE, OHIO, ESTABLISHING RULES OF COUNCIL FOR THE VILLAGE OF MADISON. (3<sup>rd</sup> Reading)
3. **ORDINANCE 3-2016:** - AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR VILLAGE INSURANCE WITH GLATFELTER PUBLIC PRACTICE INSURANCE COMPANY AND DECLARING AN EMERGENCY. (2<sup>nd</sup> Reading)
4. **ORDINANCE 4-2016:** AN ORDINANCE MAKING PERMANENT 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 DECEMBER 31, 2016 AND DECLARING AN EMERGENCY. (2<sup>nd</sup> Reading)
5. **ORDINANCE 5-2016:** AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO VARIOUS OTHER FUNDS AS PREVIOUSLY BUDGETED, AND DECLARING AN EMERGENCY. (2<sup>nd</sup> Reading)

## NEW BUSINESS

6. **ORDINANCE 6-2016** - AN ORDINANCE ACCEPTING THE BASE BID OF C.I.R., INC. FOR THE S.R. 528 RIVER ROAD WATERLINE IMPROVEMENTS PROJECT, AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO A CONTRACT WITH SAME, AND DECLARING AN EMERGENCY. (1<sup>st</sup> Reading)
7. **ORDINANCE 7-2016** - AN ORDINANCE DISSOLVING THE VILLAGE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY. (1<sup>st</sup> Reading)
8. **ORDINANCE 8-2016** - AN ORDINANCE ACCEPTING AN AGREEMENT WITH THE TOWNSHIP OF MADISON TO PROVIDE POLICE PROTECTION SERVICES TO THE VILLAGE, AND DECLARING AN EMERGENCY. (1<sup>st</sup> Reading)
9. **ORDINANCE 9-2016** AN ORDINANCE AUTHORIZING THE ADMINISTRATOR TO ADVERTISE FOR BIDS FOR THE GROWING GREEN ON MAIN STREET PROJECT, PHASE I, AND DECLARING AN EMERGENCY.
10. **RESOLUTION NO. 6-2016** - A RESOLUTION RECOGNIZING AND HONORING HEARN PLUMBING AND HEATING FOR 70 YEARS IN BUSINESS

**GENERAL REQUESTS:** None

**VISITORS:** (General comments; limited to 5 minutes per guest)

### **REPORTS:**

- **STAFF REPORTS:**
  - **Chief of Police**
  - **Engineer Report**
  - **Fiscal Report**
  - **Administration Report**
- **MAYOR'S REPORT**
- **MISCELLANEOUS/COUNCIL COMMENTS**

### **Upcoming Important Dates/Meetings:**

Wed.	Feb. 17 <sup>th</sup>	Fire Board Meeting @ station #3 7:00pm
Mon.	Feb. 22 <sup>nd</sup>	BZA Hearing @ 6:00pm
Mon.	Mar. 7 <sup>th</sup>	Regular Council Meeting 7:30pm
Mon.	Mar. 14 <sup>th</sup>	Planning & Zoning Meeting 7:00pm
Mon.	Mar. 21 <sup>st</sup>	Committee of the Whole Meeting 6:30pm
Mon.	Mar. 21 <sup>st</sup>	Regular Council Meeting 7:30pm
Fri.	Mar. 25 <sup>th</sup>	Village Hall closed for Good Friday

Council Minutes  
VILLAGE OF MADISON  
Regular Council Meeting  
February 1, 2016

**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. Takacs and Mr. Vest were in attendance. Also in attendance were Administrator Dwayne Bailey, Fiscal Officer Kristie Crockett, Law Director Mr. Szeman and Village Engineer Mr. Haibach. Police Chief Dawn Shannon was absent.

**MINUTES**

Mayor Britton announced minutes to be approved for the Council Meeting held on January 19, 2016.

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

Questions/Discussions – Mr. Hamercheck stated that he is concerned about the lack of detail regarding the SWIF grant, boundary valve and bed tax discussions. Mayor Britton stated that the minutes are a brief description of the meeting. Mayor Britton stated that the audio will reviewed and information will be added if necessary. Mr. Bailey requested additional guidance from Mr. Szeman regarding meeting minute's content. Mr. Szeman stated that minutes are not meant to be a transcript but added that the substance of the discussion should be included. He added that Council needs to give the administration guidance as to detail that is to be included. Mr. Hamercheck inquired if the minutes will be tabled until the next meeting. Mr. Bailey stated that if it is Council's pleasure, the administration can review the audio.

Mr. Hamercheck made a motion to table pending the review of the administration, seconded by Mr. Frager.

Questions/Discussions – None

Roll call on table, 2 yeas, (Hamercheck, Frager), 3 nays (Takacs, Vest, Mabe), 1 abstention (Donaldson)

Mayor Britton asked Mr. Vest if he wants to continue with his motion for passage. Mr. Vest confirmed, as did Mr. Mabe.

Questions/Discussions – Mr. Frager asked if the audio of the meetings are made available to the public. Mayor Britton confirmed. Mr. Szeman stated that the minutes are to reflect the substance of the meeting but not be transcribed word for word. They are to reflect the actions taken by Council and the substance of the deliberations at arriving at those actions. Mr. Mabe asked if the minutes before Council tonight can be approved with the idea that something will be added stating that bed tax was discussed. Mr. Hamercheck stated that more detail should be included regarding the SWIF grant and the boundary valve. Mr. Frager asked Mr. Bailey for confirmation that the meeting minutes are available on the Village website. Mr. Bailey confirmed. It was stated that we can place a notice on the website that the audio for the meetings are available up on request. Mr. Bailey suggested that if a member of Council wants a specific portion included in the minutes of record that they specifically request that at the time is it being

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said or as a specific amendment at the time of approval. Mr. Szeman stated that no action was taken based on discussion that was held during the meeting and he is satisfied with the minutes as presented and added that this is a moot point. He added that it is Council's prerogative to have more detail included within the minutes but stated that the administration needs to have some guidance as to what to include. He added that without guidance the minutes would be transcribed which is time consuming and legally unnecessary. Mr. Hamercheck stated that the discussion regarding the SWIF grant and the boundary valves is of public interest and should be part of the official minutes. Mr. Bailey agreed that someone relying solely on the meeting minutes to assess what is going on in regards to legislative issues would not have that information. Mr. Takacs stated that discussions in regards to legislative action need to be detailed as to exactly what the conversations were and should reflect the conversations that Council had. Comments within reports are provided as background information and votes are not being made based on those reports; that information is being supplied so that Council can better understand the items presented before them to vote upon. He added that to include all of the background information presented would entail minutes that are many pages long and he stated that details should be provided in the ordinance sections to accurately describe why the law was enacted in that way but that the details of each report being included as part of the official minutes would make it unmanageable. He added that we cannot put the staff in a position of having to write every detail or assume that they can identify what is important and what is not. He added that this puts them in a tremendous disadvantage. He added that six people sit on Council and all six have different opinions as to what is and what is not important. Mr. Mabe asked if we are required to have written minutes or can the audio file be the official record. Mr. Szeman stated that the audio cannot be the official record. Mr. Frager asked Mr. Hamercheck if he can provide his recommended amendments for the items he has concerns over. Mr. Hamercheck stated that he could attempt it but is not certain it would be with true fidelity. Mr. Bailey suggested that the minutes be approved as presented and he will provide Council with a summary of the items in question that he will read aloud and ensure that they are a verbatim part of the next meeting minutes. Mayor Britton suggested that the minutes be returned to the administration to be amended. It was stated that if approved meeting minutes are amended, that they will be presented to Council for approval and they will become the meeting minutes of record.

Roll call on approval, 4 yeas 1 nay (Hamercheck) 1 Abstention (Donaldson) Motion carried.

Mr. Mabe requested that a copy of the proposed amended minutes be sent to Mr. Hamercheck prior to the next meeting to alleviate another lengthy discussion.

### **PAY ORDINANCE**

Mayor Britton presented Pay Ordinance No. 2339: \$55,979.16 for payroll and \$62,386.86 for current and upcoming expenses, for a total of \$118,366.02.

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

Questions/Discussions – Mr. Hamercheck questioned the warrant issued to the Lake County Treasurer for property taxes. He stated that he is aware that Mrs. Crockett is working on addressing this issue with the County but stated that there is only a time frame of six years to recoup funds and it has been over ten years that we have been paying taxes that we are not responsible for. Mrs. Crockett stated that she filed the exemptions with the state in August 2015.

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She added that we have the option to not pay the real estate taxes while we await the decision of the state. The finance committee opted to go ahead with the payment so we do not show in a delinquent status. Mr. Takacs confirmed. She clarified that she paid for one half of the year. Assessments for street lights and storm water will still need to be paid by the Village even if we are awarded the exemption. The timeframe for a refund was discussed. At this time, Mr. Frager Called the Question.

Roll call on approval, 5 yeas, 1 nay (Hamercheck) Motion carried.

**VISITORS COMMENTS (Agenda items Only):** None

## **OLD BUSINESS**

**ORDINANCE 1-2016: - AN ORDINANCE AMENDING ORDINANCE NO. 35-2007 AND REENACTING, AMENDING, REARRANGING, REVISING, AND ENACTING FOR CODIFICATION PURPOSES CHAPTER 182 OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF MADISON VILLAGE, OHIO, LEVYING AN EXCISE TAX OF THREE PERCENT ON HOTEL AND BED AND BREAKFAST LODGING TRANSACTIONS WITHIN THE VILLAGE OF MADISON. (2<sup>nd</sup> Reading)**

Questions/Discussions – None

**ORDINANCE 2-2016: - AN ORDINANCE ENACTING CHAPTER 111 OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF MADISON VILLAGE, OHIO, ESTABLISHING RULES OF COUNCIL FOR THE VILLAGE OF MADISON. (2<sup>nd</sup> Reading)**

Questions/Discussions – Mr. Hamercheck asked for an update as to compliance for persons needed accommodations. Mr. Bailey commented on accommodations available. The ADA compliance of Village Hall was discussed. Discussion of accommodations took place. The motions of the Council were discussed. Mr. Takacs stated that any changes that Council wishes to have considered are to be e-mailed to him. Mr. Szeman provided his opinion.

## **NEW BUSINESS**

**ORDINANCE 3-2016: - AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR VILLAGE INSURANCE WITH GLATFELTER PUBLIC PRACTICE INSURANCE COMPANY AND DECLARING AN EMERGENCY.**

(1<sup>st</sup> Reading)

Questions/Discussions – Mr. Bailey stated that Mr. Gehring will be at the Committee of the Whole meeting later this month.

**ORDINANCE 4-2016: AN ORDINANCE MAKING PERMANENT 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 DECEMBER 31, 2016 AND DECLARING AN EMERGENCY. (1<sup>st</sup> Reading)**

**ORDINANCE 5-2016: AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO VARIOUS OTHER FUNDS AS PREVIOUSLY BUDGETED, AND DECLARING AN EMERGENCY. (1<sup>st</sup> Reading)**

## **GENERAL REQUESTS - None**

**VISITORS COMMENT** – Mr. Paul Goda (431 W. Main Street) read a prepared statement in opposition to Ordinances 38-2015 and 39-2015. He requested it be recorded as part of the meeting minutes.

Jack Lading (403 W. Main Street) thanked former Mayor Dave Reed for assisting him with clearing snow from his property.

Kathy Lynn (209 W. Main Street) asked what the protocol is to have an item attached to the meeting minutes as part of the official record. Mr. Szeman stated that it is Council's prerogative as to what to include. Mr. Takacs stated that the legislation regarding Council rules addresses this issue.

## **STAFF REPORTS**

**Engineer** (given by Mr. Haibach) – Mr. Haibach stated that he and Mr. Bailey met with an architect from CT Consultants to review and plan to move Village Hall into the former fire station. He anticipates a preliminary drawing within the next week or so. The bid opening for the 528 waterline project will be Wednesday afternoon. Mr. Haibach stated that there are fourteen registered bidders at this time.

**Fiscal Officer** – Mrs. Crockett stated that she did contact RITA regarding the recent security breach and provided details. Mrs. Crockett provided details to some amendments that have been made to the permanent improvements portion of the budget and stated that those amendments are reflected in the legislation presented this evening. Service provider change from CCA to RITA was discussed.

A spreadsheet detailing our water purchase history through Lake County was presented to Council. Mayor Britton stated that we spent approx. \$70,000.00 less in 2015 than we did in 2014.

**Police Chief** – Chief Shannon was not in attendance.

**Administration Report:** - Mr. Bailey stated that he as well as several members of Council attended the Eastern Lake County Chamber of Commerce awards dinner last week. Hearn Plumbing and Heating was awarded as the Business of the Year. He invited all in attendance to the grand opening/ribbon cutting of Sandie's Cozy Cottage tomorrow morning at 10:00am. He added that there is a hair salon looking into opening at the end of the plaza on Main Street across from Domino's in March. Mr. Bailey stated that OPWC has confirmed that the Grant/Loan is still intact for the 528 water line project if we choose to move forward with that project.

**Misc. Reports/Comments:** - Mr. Vest announced that there will be a special fire board meeting on February 3, 2016 at 7:00pm at station #3.

**Mayor's Report: -**

Upcoming dates:

Mon.	Feb 8 <sup>th</sup>	Planning & Zoning Meeting 7:00pm
Mon.	Feb 15 <sup>th</sup>	Village Hall closed for President's Day
Tues.	Feb. 16 <sup>th</sup>	Committee of the Whole Meeting 6:30pm
Tues.	Feb. 16 <sup>th</sup>	Regular Council Meeting 7:30pm
Wed.	Feb. 17 <sup>th</sup>	Fire Board Meeting @ station #3 7:00pm

Motion to adjourn at 8:34pm made by Mr. Frager, seconded by Mr. Vest.  
Roll call on adjournment, 6 yeas. Meeting adjourned.

\_\_\_\_\_  
Sam Britton Jr., Mayor

\_\_\_\_\_  
Kenneth D. Takacs, Council President

\_\_\_\_\_  
DATE

Attested:

\_\_\_\_\_  
Kristie M. Crockett, Fiscal Officer

\_\_\_\_\_  
DATE

**PAY ORDINANCE 2340**

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An Ordinance to Pay Certain Claims Therein Mentioned:

Be it Ordained by the Court of the Village of Madison, Ohio, as follows:

*Sec. 1- That the following described claims be allowed, and paid from their respective funds:*

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<b>Payroll:</b>	<b>\$ 33,491.41</b>
<b>Payables:</b>	<b>\$ 61,174.58</b>

<b>Grand Total for Pay Ordinance 2340</b>	<b>\$ 94,665.99</b>
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*And the Fiscal Officer is hereby authorized and directed to draw a warrant for the several amounts designated above. Upon the receipt of proper vouchers for the same*

*Sec. 2 - This ordinance shall take effect and be in full force from and after its passage.*

*Passed this 16<sup>th</sup> day of February, 2016.*

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Kristie M. Crockett,  
Fiscal Officer

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Sam Britton Jr.,  
Mayor

## Payment Listing

1/30/2016 to 2/12/2016

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
74-2016	02/12/2016	02/10/2016	EP	KELLY L ANDERSON	\$733.24	O
75-2016	02/12/2016	02/10/2016	EP	CAROL BILLETTER	\$935.31	O
76-2016	02/12/2016	02/10/2016	EP	SUSAN L. BRITTON	\$118.58	O
77-2016	02/12/2016	02/10/2016	EP	RALF W. CASWELL	\$884.31	O
78-2016	02/12/2016	02/10/2016	EP	JASON L. CHAPMAN	\$1,543.91	O
79-2016	02/12/2016	02/10/2016	EP	DAVID P. COGAR	\$923.07	O
80-2016	02/12/2016	02/10/2016	EP	JENNIFER P. GONAWAY	\$923.67	O
81-2016	02/12/2016	02/10/2016	EP	DOUGLAS M. COVERT	\$1,390.15	O
82-2016	02/12/2016	02/10/2016	EP	KRISTIE M. CROCKETT	\$1,245.02	O
83-2016	02/12/2016	02/10/2016	EP	RICHARD GIFFIN SR.	\$1,538.05	O
84-2016	02/12/2016	02/10/2016	EP	KRISTINE N. GRAFTON	\$745.04	O
85-2016	02/12/2016	02/10/2016	EP	MICHAEL A HUFFMAN	\$965.56	O
86-2016	02/12/2016	02/10/2016	EP	STEVEN S. KENSINGER	\$86.81	O
87-2016	02/12/2016	02/10/2016	EP	JOHN B KOETH	\$796.95	O
88-2016	02/12/2016	02/10/2016	EP	KENNETH MOLES	\$93.29	O
89-2016	02/12/2016	02/10/2016	EP	IAN M. MUSSELL	\$44.97	O
90-2016	02/12/2016	02/10/2016	EP	SCOTT ALLEN PIRC	\$1,261.44	O
91-2016	02/12/2016	02/10/2016	EP	LAURA M. QUIGGLE	\$348.22	O
92-2016	02/12/2016	02/10/2016	EP	BRENT RUSS	\$97.24	O
93-2016	02/12/2016	02/10/2016	EP	COLIN SCHULTZ	\$519.50	O
94-2016	02/12/2016	02/10/2016	EP	DAWN C. SHANNON	\$1,377.43	O
95-2016	02/12/2016	02/10/2016	EP	BRANDON SMITH	\$175.43	O
96-2016	02/12/2016	02/10/2016	EP	SHERYL L SNYDER	\$33.08	O
97-2016	02/12/2016	02/10/2016	EP	THURSTON C SVAGERKO	\$109.57	O
98-2016	02/12/2016	02/10/2016	EP	RUTHIE TURKENBURG	\$147.68	O
99-2016	02/12/2016	02/10/2016	EP	DAVID A YANKIE	\$1,338.70	O
101-2016	02/12/2016	02/10/2016	EP	DAVID P. COGAR	\$1,239.59	O
103-2016	02/12/2016	02/10/2016	EW	IRS	\$4,082.39	O
104-2016	02/12/2016	02/10/2016	EW	OHIO DEPARTMENT OF TAXATION	\$1,459.62	O
106-2016	02/12/2016	02/10/2016	EW	IRS	\$3.10	O
108-2016	02/12/2016	02/11/2016	EW	IRS	\$5.90	O
14354	02/12/2016	02/10/2016	PR	DWAYNE BAILEY	\$1,424.20	O
14355	02/12/2016	02/10/2016	PR	JAMES BORSI	\$968.49	O
14356	02/12/2016	02/10/2016	PR	GLYNNIS FOX	\$14.79	O
14357	02/12/2016	02/10/2016	PR	MARGARET ANN LOHR	\$334.50	O
14358	02/12/2016	02/10/2016	PR	TROY A MCINTOSH	\$403.57	O
14359	02/12/2016	02/10/2016	PR	JUSTIN R. NOWAKOWSKI	\$195.09	O
14360	02/12/2016	02/10/2016	PR	MICHAEL JOSEPH SMITH	\$982.89	O
14361	02/12/2016	02/10/2016	PR	DAVID A YANKIE	\$689.54	O
14362	02/12/2016	02/10/2016	WH	AFLAC	\$21.60	O
14363	02/12/2016	02/10/2016	WH	ANTHEM	\$809.98	O
14364	02/12/2016	02/10/2016	WH	CENTRAL COLLECTION AGENCY	\$765.66	O
14365	02/12/2016	02/10/2016	WH	OHIO CHILD SUPPORT PAYMENT CENTRA	\$517.85	O
14366	02/12/2016	02/10/2016	WH	OHIO PUBLIC EMPLOYEES DEFERRED CO	\$705.00	O
14367	02/12/2016	02/10/2016	WH	OPBA	\$289.37	O
14368	02/12/2016	02/10/2016	WH	RITA	\$9.94	O

**Payment Listing**

1/30/2016 to 2/12/2016

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
14369	02/12/2016	02/10/2016	PR	KELLY L ANDERSON	\$86.85	O
14370	02/12/2016	02/11/2016	PR	JOHN B KOETH	\$105.27	O
Total Payments:					\$33,491.41	
Total Conversion Vouchers:					\$0.00	
Total Less Conversion Vouchers:					\$33,491.41	

Type: AM - Accounting Manual Warrant, AW - Accounting Warrant, IM - Investment Manual Warrant, IW - Investment Warrant, PM - Payroll Manual Warrant, PR - Payroll Warrant, RW - Reduction of Receipt Warrant, SW - Skipped Warrant, WH - Withholding Warrant, WM - Withholding Manual, WS - Special Warrant, CH - Electronic Payment Advice, IL - Investment Loss, EP - Payroll EFT Voucher, CV - Payroll Conversion Voucher, SV - Payroll Special Voucher, EW - Withholding Voucher, POS ADJ - Positive Adjustment, NEG ADJ - Negative Adjustment, POS REAL - Positive Reallocation, NEG REAL - Negative Reallocation

Status: O - Outstanding, C - Cleared, V - Voided, B - Batch

\* Asterisked amounts are not included in report totals. These transactions occurred outside the reported date range but are listed for reference.

## 2016 Payroll - Overtime Worked

DEPARTMENT	HOURS	YTD	NOTES
<b>POLICE</b>	P/E2-6-16 Paydate 2-12-16)		
Ralf Caswell	0.75	4.75	Meeting at BOE with A. Smith
Doug Covert	10.75	26.75	Must fill shift, Taser re-cert Training
Mike Huffman		27.00	
Troy McIntosh		1.25	
Justin Nowakowski		1.00	
Brent Russ		0.50	
Colin Schultz	1.00	20.00	End of shift warrant/arrest
Brandon Smith		9.00	
Mike Smith	3.00	13.50	Mayors court
Curt Svagerko		3.00	
		0.00	
<b>TOTAL:</b>	<b>15.50</b>	<b>106.75</b>	
<b>M&amp;R</b>			
Jason Chapman	5.50	60.50	Power outage, training, snowplowing
Rich Giffin	12.50	63.00	Power outage, training, snowplowing
Scott Pirc	8.00	67.50	snowplowing
John Koeth		15.50	
		0.00	
<b>TOTAL:</b>	<b>26.00</b>	<b>206.50</b>	
<b>SEWER</b>			
Dave Cogar		3.00	
John Koeth	3.00	13.50	Plant Check
<b>TOTAL:</b>	<b>3.00</b>	<b>16.50</b>	
<b>WATER</b>			
Dave Yankie	12.00	12.00	Plant checks, Power outage
<b>TOTAL:</b>	<b>12.00</b>	<b>12.00</b>	
<b>OVERTIME TOTAL:</b>	<b>56.50</b>	<b>341.75</b>	

## Payment Listing

1/30/2016 to 2/12/2016

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
14371	02/11/2016	02/11/2016	AW	NEO PC SOLUTIONS	\$850.00	0
14372	02/12/2016	02/12/2016	AW	AIRGAS GREAT LAKES	\$85.85	0
14373	02/12/2016	02/12/2016	AW	AVALON PEST CONTROL SVCS	\$39.00	0
14374	02/12/2016	02/12/2016	AW	BEST TRUCK EQUIPMENT , INC.	\$312.00	0
14375	02/12/2016	02/12/2016	AW	CT CONSULTANTS	\$11,513.25	0
14376	02/12/2016	02/12/2016	AW	CINTAS CORPORATION LOCATION 259 / T1	\$625.02	0
14377	02/12/2016	02/12/2016	AW	CLEMSON PORTABLE RESTROOMS, INC.	\$75.00	0
14378	02/12/2016	02/12/2016	AW	DIGITAL-ALLY	\$70.00	0
14379	02/12/2016	02/12/2016	AW	DOMINION EAST OHIO GAS	\$1,793.53	0
14380	02/12/2016	02/12/2016	AW	GEAUGA COUNTY	\$75.00	0
14381	02/12/2016	02/12/2016	AW	HD SUPPLY WATERWORKS - EASTLAKE	\$345.00	0
14382	02/12/2016	02/12/2016	AW	ILLUMINATING COMPANY	\$9,852.89	0
14383	02/12/2016	02/12/2016	AW	JASON CHAPMAN	\$112.53	0
14384	02/12/2016	02/12/2016	AW	JIM DOHERTY TRUCKING, INC.	\$140.00	0
14385	02/12/2016	02/12/2016	AW	JOSEPH PETER SZEMAN, ESQ.	\$782.50	0
14386	02/12/2016	02/12/2016	AW	LAKE COUNTY DEPT OF UTILITIES- WATEI	\$21,989.00	0
14387	02/12/2016	02/12/2016	AW	LAKE HEALTH	\$100.00	0
14388	02/12/2016	02/12/2016	AW	LAKE COUNTY GENERAL HEALTH DISTRIC	\$182.00	0
14389	02/12/2016	02/12/2016	AW	LAKE COUNTY SAFETY COUNCIL	\$20.00	0
14390	02/12/2016	02/12/2016	AW	LAKETRAN	\$465.00	0
14391	02/12/2016	02/12/2016	AW	LINK COMPUTER CORPORATION	\$550.00	0
14392	02/12/2016	02/12/2016	AW	LYNNE LEFFEL	\$150.00	0
14393	02/12/2016	02/12/2016	AW	McMASTER-CARR SUPPLY CO.	\$169.42	0
14394	02/12/2016	02/12/2016	AW	MORTON SALT	\$3,869.18	0
14395	02/12/2016	02/12/2016	AW	NAPA AUTO PARTS	\$43.49	0
14396	02/12/2016	02/12/2016	AW	NED FOLEY	\$16.00	0
14397	02/12/2016	02/12/2016	AW	THE NEWS-HERALD	\$64.30	0
14398	02/12/2016	02/12/2016	AW	THE NEWS HERALD (SUBSCRIPTION)	\$364.00	0
14399	02/12/2016	02/12/2016	AW	RON BELL	\$525.00	0
14400	02/12/2016	02/12/2016	AW	NORTH COAST ENVIRONMENTAL LAB., INI	\$110.00	0
14401	02/12/2016	02/12/2016	AW	OHIO UTILITIES PROTECTION SERVICE	\$58.56	0
14402	02/12/2016	02/12/2016	AW	SAM'S CLUB	\$83.32	0
14403	02/12/2016	02/12/2016	AW	STAPLES BUSINESS ADVANTAGE	\$10.99	0
14404	02/12/2016	02/12/2016	AW	TRACTOR SUPPLY CO.	\$293.49	0
14405	02/12/2016	02/12/2016	AW	VECTOR SECURITY	\$31.56	0
14406	02/12/2016	02/12/2016	AW	VERIZON WIRELESS	\$423.69	0
14407	02/12/2016	02/12/2016	AW	WASTE MANAGEMENT CHARDON	\$650.00	0
14408	02/12/2016	02/12/2016	AW	WASTE MANAGEMENT OF OHIO INC.	\$648.06	0
14409	02/12/2016	02/12/2016	AW	WESTFIELD INSURANCE COMPANY	\$2,361.00	0
14410	02/12/2016	02/12/2016	AW	WINDSTREAM	\$24.70	0
14411	02/12/2016	02/12/2016	AW	WESTERN RESERVE HARDWARE STORE,	\$1,300.25	0

Total Payments: \$61,174.58

Total Conversion Vouchers: \$0.00

Total Less Conversion Vouchers: \$61,174.58

**Payment Register Detail**

1/30/2016 to 2/12/2016

Payment Advice #: 14371  
 Vendor / Payee: NEO PC SOLUTIONS  
 Type: Accounting Warrant  
 Purpose:

Status: Outstanding  
 Post Date: 02/11/2016  
 Transaction Date: 02/11/2016  
 Original Amount: \$850.00

Detail							
Quantity	Units	Description			Unit Price	Extended Price	Invoice #
17.00		ANNUAL GOOGLE APPS USER SUBSCRIPTION			\$50.00	\$850.00	2013419
Distribution							
Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/11/2016	02/11/2016	AW	BC 29-2016	1000-720-349-0300	Other - Professional and Technical Services(I.T. SERVICES)	\$50.00	O
02/11/2016	02/11/2016	AW	BC 44-2016	1000-790-390-0300	Other Contractual Services(I.T. SERVICES)	\$250.00	O
02/11/2016	02/11/2016	AW	BC 56-2016	2011-620-349-0300	Other - Professional and Technical Services(I.T. SERVICES)	\$50.00	O
02/11/2016	02/11/2016	AW	BC 10-2016	2901-390-349-0300	Other - Professional and Technical Services(I.T. SERVICES)	\$50.00	O
02/11/2016	02/11/2016	AW	BC 80-2016	2903-110-349-0300	Other - Professional and Technical Services(I.T. SERVICES)	\$350.00	O
02/11/2016	02/11/2016	AW	BC 90-2016	5101-531-349-0300	Other - Professional and Technical Services(I.T. SERVICES)	\$50.00	O
02/11/2016	02/11/2016	AW	BC 107-2016	5201-549-398-0300	Other - Other Contractual Services(I.T. SERVICES)	\$50.00	O
						<u>\$850.00</u>	

Payment Advice #: 14372  
 Vendor / Payee: AIRGAS GREAT LAKES  
 Type: Accounting Warrant  
 Purpose:

Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$85.85

Detail							
Quantity	Units	Description			Unit Price	Extended Price	Invoice #
1.00		Trackless Parts for repair			\$50.15	\$50.15	9047648724
1.00		Trackless Parts/for repair			\$35.70	\$35.70	9047648995
Distribution							
Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	BC 66-2016	2011-630-430-1999	Repairs and Maintenance(Plow/Main/Snow Removal)	\$85.85	O
						<u>\$85.85</u>	

Payment Advice #: 14373  
 Vendor / Payee: AVALON PEST CONTROL SVCS  
 Type: Accounting Warrant  
 Purpose:

Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$39.00

Detail							
Quantity	Units	Description			Unit Price	Extended Price	Invoice #
1.00		Senior Ctr - Pest contro;l			\$39.00	\$39.00	59938
Distribution							
Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	BC 24-2016	2901-390-431-0000	Repairs and Maintenance of Buildings and Land	\$39.00	O
						<u>\$39.00</u>	

Payment Advice #: 14374  
 Vendor / Payee: BEST TRUCK EQUIPMENT , INC.  
 Type: Accounting Warrant  
 Purpose:

Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$312.00

**Payment Register Detail**

1/30/2016 to 2/12/2016

Detail							
Quantity	Units	Description			Unit Price	Extended Price	Invoice #
1.00		Replacement 08 Plow Headlights			\$312.00	\$312.00	45266
Distribution							
Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	BC 66-2016	2011-630-430-1999	Repairs and Maintenance{Plow/Main/Snow Removal}	\$312.00	O
						<u>\$312.00</u>	

Payment Advice #: 14376  
 Vendor / Payee: CT CONSULTANTS  
 Type: Accounting Warrant  
 Purpose:

Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$11,513.25

Detail							
Quantity	Units	Description			Unit Price	Extended Price	Invoice #
1.00		Retainer			\$1,000.00	\$1,000.00	14072-14
1.00		9.0 Hours / General Services			\$1,066.50	\$1,066.50	1407201-16
1.00		93.25 Hours/ Waterline			\$8,558.06	\$8,558.06	150131-6
1.00		3.0 Hours/SWIF			\$296.19	\$296.19	150310-9
1.00		5.0 Hours / Sanitary Sewer Rehab			\$592.50	\$592.50	14671-15
Distribution							
Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	PO 12-2016	1000-790-346-0000	Engineering Services	\$2,066.50	O
02/12/2016	02/12/2016	AW	BC 76-2016	2051-490-340-0003	Professional and Technical Services{SWIF Grant}	\$296.19	O
02/12/2016	02/12/2016	AW	BC 114-2016	4903-800-560-1025	Utility Distribution Systems{SOUTHERN WATER LINE PROJ	\$8,558.06	O
02/12/2016	02/12/2016	AW	PO 12-2016	5201-549-346-0000	Engineering Services	\$592.50	O
						<u>\$11,513.25</u>	

Payment Advice #: 14376  
 Vendor / Payee: CINTAS CORPORATION LOCATION 259 / T90  
 Type: Accounting Warrant  
 Purpose:

Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$625.02

Detail							
Quantity	Units	Description			Unit Price	Extended Price	Invoice #
1.00	SUPPLIES	WATER/SEWER/M&R			\$66.05	\$66.05	259527973
1.00	SUPPLIES	WATER/SEWER/M&R			\$66.05	\$66.05	259525203
1.00	SUPPLIES	WATER/SEWER/M&R			\$66.05	\$66.05	259522451
1.00	SUPPLIES	WATER/SEWER/M&R			\$66.05	\$66.05	259519709
1.00	MATS	SENIOR CENTER			\$180.41	\$180.41	259520446
1.00	MATS	SENIOR CENTER			\$180.41	\$180.41	259525948
Distribution							
Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	BC 57-2016	2011-620-420-0000	Operating Supplies and Materials	\$88.06	O
02/12/2016	02/12/2016	AW	BC 11-2016	2901-390-390-0327	Other Contractual Services{FLOOR MAINTENANCE}	\$360.82	O
02/12/2016	02/12/2016	AW	BC 84-2016	2903-110-420-0000	Operating Supplies and Materials	\$88.07	O
02/12/2016	02/12/2016	AW	BC 108-2016	5201-549-420-0000	Operating Supplies and Materials	\$88.07	O
						<u>\$625.02</u>	

**Payment Register Detail**

1/30/2016 to 2/2/2016

Payment Advice #: 14377  
 Vendor / Payee: CLEMSON PORTABLE RESTROOMS, INC.  
 Type: Accounting Warrant  
 Purpose:

Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$75.00

Detail							
Quantity	Units	Description			Unit Price	Extended Price	Invoice #
1.00		PORTA POTTY - CEMETERY			\$75.00	\$75.00	26559
Distribution							
Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	BC 71-2016	2031-240-300-0214	Contractual Services(PORTA-POTTY)	\$75.00	O
						\$75.00	

Payment Advice #: 14378  
 Vendor / Payee: DIGITAL-ALLY  
 Type: Accounting Warrant  
 Purpose:

Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$70.00

Detail							
Quantity	Units	Description			Unit Price	Extended Price	Invoice #
1.00		3 BELT CLIPS AND 1 BATTERY PACK FOR IN CAR CAMERAS/MICS			\$70.00	\$70.00	1083211
Distribution							
Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	BC 84-2016	2803-110-420-0000	Operating Supplies and Materials	\$70.00	O
						\$70.00	

Payment Advice #: 14379  
 Vendor / Payee: DOMINION EAST OHIO GAS  
 Type: Accounting Warrant  
 Purpose:

Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$1,793.53

Detail							
Quantity	Units	Description			Unit Price	Extended Price	Invoice #
1.00	M&R	7441400357585			\$294.64	\$294.64	
1.00	WATER	6441400357602			\$168.63	\$168.63	
1.00	SENIOR C	4441400357579			\$181.76	\$181.76	
1.00	ADMIN/PD	5441300357541			\$116.96	\$116.96	
1.00	33 N LAKE	5500083314049			\$431.25	\$431.25	
1.00	STRATTOI	9441400357567			\$194.70	\$194.70	
1.00	M&R	9500034787888			\$405.59	\$405.59	
Distribution							
Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	PO 6-2016	1000-390-313-0000	Natural Gas	\$194.70	O
02/12/2016	02/12/2016	AW	PO 6-2016	1000-710-313-0000	Natural Gas	\$58.48	O
02/12/2016	02/12/2016	AW	PO 6-2016	2011-620-313-0000	Natural Gas	\$700.23	O
02/12/2016	02/12/2016	AW	PO 6-2016	2901-330-313-0000	Natural Gas	\$181.76	O
02/12/2016	02/12/2016	AW	PO 6-2016	2903-110-313-0000	Natural Gas	\$489.73	O
02/12/2016	02/12/2016	AW	PO 6-2016	5101-531-313-0000	Natural Gas	\$168.63	O
						\$1,793.53	

**Payment Register Detail**

1/30/2016 to 2/12/2016

Payment Advice #: 14380  
 Vendor / Payee: GEAUGA COUNTY  
 Type: Accounting Warrant  
 Purpose:

Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$75.00

Detail							
Quantity	Units	Description			Unit Price	Extended Price	Invoice #
1.00	LAB	COLIFORM			\$75.00	\$75.00	
Distribution							
Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	BC 98-2016	5101-534-389-0202	Other - Other Contractual Services(LAB SERVICES)	\$75.00	O
						<u>\$75.00</u>	

Payment Advice #: 14381  
 Vendor / Payee: HD SUPPLY WATERWORKS - EASTLAKE  
 Type: Accounting Warrant  
 Purpose:

Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$345.00

Detail							
Quantity	Units	Description			Unit Price	Extended Price	Invoice #
2.00		3/4 INV CURB STOPS			\$50.25	\$100.50	
2.00		94-E ADJ CI SERVICE BOX COMP			\$35.00	\$70.00	
2.00		1 CURB STOP QJ			\$87.25	\$174.50	
Distribution							
Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	PO 32-2016	5101-533-432-0000	Repairs and Maintenance of Machinery & Equip	\$345.00	O
						<u>\$345.00</u>	

Payment Advice #: 14382  
 Vendor / Payee: ILLUMINATING COMPANY  
 Type: Accounting Warrant  
 Purpose:

Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$9,852.89

Detail							
Quantity	Units	Description			Unit Price	Extended Price	Invoice #
1.00	STREET L	110028684807			\$9,841.87	\$9,841.87	
1.00	TRAFFIC L	110029220909			\$11.02	\$11.02	
Distribution							
Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	PO 5-2016	1000-790-311-1005	Electricity(TRAFFIC LIGHTS)	\$11.02	O
02/12/2016	02/12/2016	AW	PO 5-2016	2401-519-311-0000	Electricity	\$9,841.87	O
						<u>\$9,852.89</u>	

Payment Advice #: 14383  
 Vendor / Payee: JASON CHAPMAN  
 Type: Accounting Warrant  
 Purpose:

Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$112.53

Detail							
Quantity	Units	Description			Unit Price	Extended Price	Invoice #
208.00	MILES	TRAINING SEMINAR- PESTICIDE COURSE			\$0.52	\$108.16	

**Payment Register Detail**

1/30/2016 to 2/12/2016

1.00 REIMBUR: BATTERIES \$4.37 \$4.37

Distribution

Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	BC 55-2016	2011-620-252-0000	Travel and Transportation	\$108.16	O
02/12/2016	02/12/2016	AW	BC 57-2016	2011-620-420-0000	Operating Supplies and Materials	\$4.37	O
						<u>\$112.53</u>	

Payment Advice #: 14384 Status: Outstanding  
 Vendor / Payee: JIM DOHERTY TRUCKING, INC. Post Date: 02/12/2016  
 Type: Accounting Warrant Transaction Date: 02/12/2016  
 Purpose: Original Amount: \$140.00

Detail

Quantity	Units	Description	Unit Price	Extended Price	Invoice #
1.00		SLUDGE HAUL	\$140.00	\$140.00	30390

Distribution

Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	PO 15-2016	5201-549-399-0199	Other - Other Contractual Services(SLUDGE HAUL)	\$140.00	O
						<u>\$140.00</u>	

Payment Advice #: 14385 Status: Outstanding  
 Vendor / Payee: JOSEPH PETER SZEMAN, ESQ. Post Date: 02/12/2016  
 Type: Accounting Warrant Transaction Date: 02/12/2016  
 Purpose: Original Amount: \$782.50

Detail

Quantity	Units	Description	Unit Price	Extended Price	Invoice #
2.90	HOURS	PROSECUTION/PD	\$125.00	\$362.50	020-2016-01
2.80	HOURS	CIVIL/ADMIN	\$150.00	\$420.00	020-2016-01

Distribution

Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	PO 13-2016	1000-790-341-0000	Accounting and Legal Fees	\$420.00	O
02/12/2016	02/12/2016	AW	PO 13-2016	2903-110-341-0000	Accounting and Legal Fees	\$362.50	O
						<u>\$782.50</u>	

Payment Advice #: 14386 Status: Outstanding  
 Vendor / Payee: LAKE COUNTY DEPT OF UTILITIES- WATER Post Date: 02/12/2016  
 Type: Accounting Warrant Transaction Date: 02/12/2016  
 Purpose: Original Amount: \$21,989.00

Detail

Quantity	Units	Description	Unit Price	Extended Price	Invoice #
4,000.00	CF	WATER	\$3.10	\$12,400.00	
-65.00	CF	MIDDLE SCHOOL CREDIT	\$2.23	-\$144.95	
4,365.00	CF	WATER HIGH VOLUME RATE	\$2.23	\$9,733.95	

Distribution

Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	PO 17-2016	5101-633-312-0000	Water and Sewage	\$21,989.00	O
						<u>\$21,989.00</u>	

**Payment Register Detail**

1/30/2016 to 2/11/2016

Payment Advice #: 14387  
 Vendor / Payee: LAKE HEALTH  
 Type: Accounting Warrant  
 Purpose:

Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$100.00

Detail									
Quantity	Units	Description				Unit Price	Extended Price	Invoice #	
1.00		ANNUAL FEE FOR RANDOM DRUG PULL SERVICE				\$100.00	\$100.00	94526-00	
Distribution									
Post Date	Transaction Date	Type	Charge Type	Account Code	Description		Amount	Status	
02/12/2016	02/12/2016	AW	BC 45-2016	1000-790-391-0000	Dues and Fees		\$100.00	O	
							<u>\$100.00</u>		

Payment Advice #: 14388  
 Vendor / Payee: LAKE COUNTY GENERAL HEALTH DISTRICT  
 Type: Accounting Warrant  
 Purpose:

Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$182.00

Detail									
Quantity	Units	Description				Unit Price	Extended Price	Invoice #	
1.00		FOOD SERVICE LICENSE				\$182.00	\$182.00		
Distribution									
Post Date	Transaction Date	Type	Charge Type	Account Code	Description		Amount	Status	
02/12/2016	02/12/2016	AW	BC 13-2016	2901-390-391-0000	Dues and Fees		\$182.00	O	
							<u>\$182.00</u>		

Payment Advice #: 14389  
 Vendor / Payee: LAKE COUNTY SAFETY COUNCIL  
 Type: Accounting Warrant  
 Purpose:

Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$20.00

Detail									
Quantity	Units	Description				Unit Price	Extended Price	Invoice #	
1.00		MONTHLY FEE				\$20.00	\$20.00	4742	
Distribution									
Post Date	Transaction Date	Type	Charge Type	Account Code	Description		Amount	Status	
02/12/2016	02/12/2016	AW	BC 120-2016	2011-620-340-0101	Professional and Technical Services(Continuing Education)		\$20.00	O	
							<u>\$20.00</u>		

Payment Advice #: 14390  
 Vendor / Payee: LAKETRAN  
 Type: Accounting Warrant  
 Purpose:

Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$465.00

Detail									
Quantity	Units	Description				Unit Price	Extended Price	Invoice #	
186.00		FARES/SENIOR CENTER				\$2.50	\$465.00	0015709-IN	

**Payment Register Detail**

1/30/2016 to 2/12/2016

**Distribution**

Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	BC 16-2016	2901-390-399-2900	Other - Other Contractual Services(FARES)	\$465.00	O
						<u>\$465.00</u>	

Payment Advice #: 14391  
 Vendor / Payee: LINK COMPUTER CORPORATION  
 Type: Accounting Warrant  
 Purpose:

Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$550.00

**Detail**

Quantity	Units	Description	Unit Price	Extended Price	Invoice #
1.00		MONTHLY UTILITY SOFTWARE SUPPORT	\$550.00	\$550.00	INV68237

**Distribution**

Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	PO 11-2016	5101-532-300-0203	Contractual Services(Utility Software Support)	\$275.00	O
02/12/2016	02/12/2016	AW	PO 11-2016	5201-542-300-0203	Contractual Services(Utility Software Support)	\$275.00	O
						<u>\$550.00</u>	

Payment Advice #: 14382  
 Vendor / Payee: LYNNE LEFFEL  
 Type: Accounting Warrant  
 Purpose:

Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$150.00

**Detail**

Quantity	Units	Description	Unit Price	Extended Price	Invoice #
1.00		TAI CHI INSTRUCTOR FEE / SENIOR CTR	\$150.00	\$150.00	1-28-16

**Distribution**

Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	BC 1-2016	2901-390-399-2912	Other - Other Contractual Services(INSTRUCTORS)	\$150.00	O
						<u>\$150.00</u>	

Payment Advice #: 14383  
 Vendor / Payee: McMASTER-CARR SUPPLY CO.  
 Type: Accounting Warrant  
 Purpose:

Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$169.42

**Detail**

Quantity	Units	Description	Unit Price	Extended Price	Invoice #
1.00		SEN CTR PARKING LOT/BULB	\$48.82	\$48.82	49093439
1.00		ROLL TOWELS/STRATTON AND VILLAGE HALL	\$120.60	\$120.80	48977169

**Distribution**

Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	BC 122-2016	1000-390-420-0210	Operating Supplies and Materials(JANITORIAL SUPPLIES)	\$60.30	O
02/12/2016	02/12/2016	AW	BC 51-2016	1000-790-431-0210	Repairs and Maintenance of Buildings and Land(JANITORIAL	\$30.15	O
02/12/2016	02/12/2016	AW	BC 24-2016	2901-390-431-0000	Repairs and Maintenance of Buildings and Land	\$48.82	O
02/12/2016	02/12/2016	AW	BC 86-2016	2903-110-431-0210	Repairs and Maintenance of Buildings and Land(JANITORIAL	\$30.15	O
						<u>\$169.42</u>	

**Payment Register Detail**

1/30/2016 to 2/12/2016

Payment Advice #: 14394  
 Vendor / Payee: MORTON SALT  
 Type: Accounting Warrant  
 Purpose:

Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$3,889.18

Detail							
Quantity	Units	Description		Unit Price	Extended Price	Invoice #	
76.09	ton	road salt		\$50.85	\$3,869.18	5400969407	
Distribution							
Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	PO 36-2016	2011-630-420-2001	Operating Supplies and Materials(SALT)	\$1,000.00	O
02/12/2016	02/12/2016	AW	PO 36-2016	2101-630-420-2001	Operating Supplies and Materials(SALT)	\$2,869.18	O
						<u>\$3,869.18</u>	

Payment Advice #: 14395  
 Vendor / Payee: NAPA AUTO PARTS  
 Type: Accounting Warrant  
 Purpose:

Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$43.49

Detail							
Quantity	Units	Description		Unit Price	Extended Price	Invoice #	
1.00	FLOW TRI	FLORMRKR		\$43.49	\$43.49	878088	
Distribution							
Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	BC 66-2016	2011-630-430-1999	Repairs and Maintenance(Plow/Main/Snow Removal)	\$43.49	O
						<u>\$43.49</u>	

Payment Advice #: 14396  
 Vendor / Payee: NED FOLEY  
 Type: Accounting Warrant  
 Purpose:

Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$16.00

Detail							
Quantity	Units	Description		Unit Price	Extended Price	Invoice #	
1.00		REIMBURSEMENT - TAI CHI CLASS		\$16.00	\$16.00		
Distribution							
Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	BC 19-2016	2901-390-398-2913	Other - Other Contractual Services(CLASS SUPPLIES)	\$16.00	O
						<u>\$16.00</u>	

Payment Advice #: 14397  
 Vendor / Payee: THE NEWS-HERALD  
 Type: Accounting Warrant  
 Purpose:

Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$64.30

Detail						
Quantity	Units	Description		Unit Price	Extended Price	Invoice #
1.00	LEGAL	ADVERTISEMENT/PUBLIC HEARING SHIMKO		\$64.30	\$64.30	895501

**Payment Register Detail**

1/30/2016 to 2/12/2016

**Distribution**

Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	BC 27-2016	1000-710-325-0000	Advertising	\$64.30	O
						<u>\$64.30</u>	

Payment Advice #: 14398

Vendor / Payee: THE NEWS HERALD (SUBSCRIPTION)

Type: Accounting Warrant

Purpose:

Status: Outstanding

Post Date: 02/12/2016

Transaction Date: 02/12/2016

Original Amount: \$364.00

**Detail**

Quantity	Units	Description	Unit Price	Extended Price	Invoice #
1.00		SUBSCRIPTION RENEWAL - VILLAGE HALL	\$364.00	\$364.00	1 YEAR SUB.

**Distribution**

Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	BC 48-2016	1000-790-420-0000	Operating Supplies and Materials	\$364.00	O
						<u>\$364.00</u>	

Payment Advice #: 14399

Vendor / Payee: RON BELL

Type: Accounting Warrant

Purpose:

Status: Outstanding

Post Date: 02/12/2016

Transaction Date: 02/12/2016

Original Amount: \$525.00

**Detail**

Quantity	Units	Description	Unit Price	Extended Price	Invoice #
1.00		LICENSED WATER OPERATOR	\$500.00	\$500.00	
1.00		CELL ALLOWANCE	\$25.00	\$25.00	

**Distribution**

Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	BC 115-2016	5101-531-321-0000	Telephone	\$25.00	O
02/12/2016	02/12/2016	AW	PO 19-2016	5101-534-300-0075	Contractual Services(Licensed Operator)	\$500.00	O
						<u>\$525.00</u>	

Payment Advice #: 14400

Vendor / Payee: NORTH COAST ENVIRONMENTAL LAB., INC.

Type: Accounting Warrant

Purpose:

Status: Outstanding

Post Date: 02/12/2016

Transaction Date: 02/12/2016

Original Amount: \$110.00

**Detail**

Quantity	Units	Description	Unit Price	Extended Price	Invoice #
2.00		LOW LEVEL MERCURY	\$55.00	\$110.00	51956

**Distribution**

Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	PO 18-2016	5201-543-399-0202	Other - Other Contractual Services(LAB SERVICES)	\$110.00	O
						<u>\$110.00</u>	

Payment Advice #: 14401

Vendor / Payee: OHIO UTILITIES PROTECTION SERVICE

Status: Outstanding

Post Date: 02/12/2016

**Payment Register Detail**

1/30/2016 to 2/12/2016

Type: Accounting Warrant  
Purpose:

Transaction Date: 02/12/2016  
Original Amount: \$58.56

Detail							
Quantity	Units	Description	Unit Price	Extended Price	Invoice #		
1.00		GOVERNMENTAL ASSESSMENT - 2016 FEE	\$58.56	\$58.56	102971		
Distribution							
Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	BC 92-2016	5101-533-391-0000	Dues and Fees	\$28.28	O
02/12/2016	02/12/2016	AW	BC 104-2016	5201-542-391-0000	Dues and Fees	\$29.28	O
						<u>\$58.56</u>	

Payment Advice #: 14402  
Vendor / Payee: SAM'S CLUB  
Type: Accounting Warrant  
Purpose:

Status: Outstanding  
Post Date: 02/12/2016  
Transaction Date: 02/12/2016  
Original Amount: \$83.32

Detail							
Quantity	Units	Description	Unit Price	Extended Price	Invoice #		
1.00	SENIOR C	7715090455735142	\$83.32	\$83.32			
Distribution							
Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	BC 13-2016	2901-390-391-0000	Dues and Fees	\$6.84	O
02/12/2016	02/12/2016	AW	BC 23-2016	2901-390-420-0210	Operating Supplies and Materials(JANITORIAL SUPPLIES)	\$76.48	O
						<u>\$83.32</u>	

Payment Advice #: 14403  
Vendor / Payee: STAPLES BUSINESS ADVANTAGE  
Type: Accounting Warrant  
Purpose:

Status: Outstanding  
Post Date: 02/12/2016  
Transaction Date: 02/12/2016  
Original Amount: \$10.99

Detail							
Quantity	Units	Description	Unit Price	Extended Price	Invoice #		
1.00		PLANNER A-Z -/ ADMIN	\$10.99	\$10.99	8037900298		
Distribution							
Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	BC 47-2016	1000-790-410-0000	Office Supplies and Materials	\$10.99	O
						<u>\$10.99</u>	

Payment Advice #: 14404  
Vendor / Payee: TRACTOR SUPPLY CO.  
Type: Accounting Warrant  
Purpose:

Status: Outstanding  
Post Date: 02/12/2016  
Transaction Date: 02/12/2016  
Original Amount: \$293.49

Detail						
Quantity	Units	Description	Unit Price	Extended Price	Invoice #	
1.00		MR/TRAILER PARTSQ	\$127.43	\$127.43	129108	
1.00		COUPLER/BOLT SNAP	\$31.95	\$31.95	140033	
1.00		TAPE MEASURES (3)	\$20.97	\$20.97	138718	
1.00		M&R CLOTHING RICH	\$25.99	\$25.99	138718	
1.00		M&R CLOTHING JASON	\$25.99	\$25.99	138718	

**Payment Register Detail**

1/30/2016 to 2/12/2016

1.00	PAINT/TRACKLESS, LEAF VAC MOTOR	\$37.98	\$37.98	136889
1.00	MR - COTTER PIN/TUBE	\$23.18	\$23.18	056966

Distribution

Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	BC 25-2016	1000-320-420-0000	Operating Supplies and Materials	\$11.96	O
02/12/2016	02/12/2016	AW	BC 116-2016	2011-620-270-0000	Uniforms and Clothing	\$51.98	O
02/12/2016	02/12/2016	AW	BC 57-2016	2011-620-420-0000	Operating Supplies and Materials	\$209.56	O
02/12/2016	02/12/2016	AW	BC 72-2016	2031-240-420-0000	Operating Supplies and Materials	\$19.99	O
						<u>\$293.49</u>	

Payment Advice #: 14405  
 Vendor / Payee: VECTOR SECURITY  
 Type: Accounting Warrant  
 Purpose:  
 Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$31.56

Detail

Quantity	Units	Description	Unit Price	Extended Price	Invoice #
1.00		MONTHLY MONITORING SENIOR CENTER	\$31.56	\$31.56	

Distribution

Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	BC 5-2016	2901-390-319-0350	Other - Utilities(SEcurity SERVICES/ALARM)	\$31.56	O
						<u>\$31.56</u>	

Payment Advice #: 14406  
 Vendor / Payee: VERIZON WIRELESS  
 Type: Accounting Warrant  
 Purpose:  
 Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$423.69

Detail

Quantity	Units	Description	Unit Price	Extended Price	Invoice #
1.00		MONTHLY CELL PHONES	\$423.69	\$423.69	9759815168

Distribution

Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	BC 44-2016	1000-790-390-0300	Other Contractual Services(I.T. SERVICES)	\$40.15	O
02/12/2016	02/12/2016	AW	PO 8-2016	2011-620-321-3210	Telephone(CELL PHONES)	\$246.24	O
02/12/2016	02/12/2016	AW	PO 8-2016	2903-110-319-3210	Other - Utilities(CELL PHONES)	\$50.19	O
02/12/2016	02/12/2016	AW	PO 9-2016	5101-531-321-3210	Telephone(CELL PHONES)	\$47.92	O
02/12/2016	02/12/2016	AW	PO 9-2016	5201-541-321-3210	Telephone(CELL PHONES)	\$39.19	O
						<u>\$423.69</u>	

Payment Advice #: 14407  
 Vendor / Payee: WASTE MANAGEMENT CHARDON  
 Type: Accounting Warrant  
 Purpose:  
 Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$650.00

Detail

Quantity	Units	Description	Unit Price	Extended Price	Invoice #
1.00		CASE OF ORANGE GARBAGE BAGS	\$650.00	\$650.00	59909

**Payment Register Detail**

1/30/2016 to 2/12/2016

**Distribution**

Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	BC 123-2016	5601-561-420-0000	Operating Supplies and Materials	\$650.00	O
						<u>\$650.00</u>	

Payment Advice #: 14408  
 Vendor / Payee: WASTE MANAGEMENT OF OHIO INC.  
 Type: Accounting Warrant  
 Purpose:

Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$648.06

**Detail**

Quantity	Units	Description	Unit Price	Extended Price	Invoice #
1.00	M&R	5156713-1378-8	\$120.14	\$120.14	
1.00	SENIOR C	5156714-1378-6	\$81.75	\$81.75	
1.00	STRATTOI	5156715-1378-3	\$81.75	\$81.75	
1.00	VILLAGE T	5155233-1378-8	\$19.90	\$19.90	
1.00	33N LAKE	5155234-1378-6	\$17.90	\$17.90	
1.00	SLUDGE	0013207-1320-7	\$326.62	\$326.62	

**Distribution**

Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	PO 7-2016	1000-390-319-0360	Other - Utilities(TRASH SERVICES)	\$81.75	O
02/12/2016	02/12/2016	AW	PO 7-2016	1000-710-319-0360	Other - Utilities(TRASH SERVICES)	\$9.95	O
02/12/2016	02/12/2016	AW	PO 7-2016	2011-620-398-0000	Garbage and Trash Removal	\$120.14	O
02/12/2016	02/12/2016	AW	PO 7-2016	2901-390-398-0000	Garbage and Trash Removal	\$81.75	O
02/12/2016	02/12/2016	AW	PO 7-2016	2903-110-398-0000	Garbage and Trash Removal	\$27.85	O
02/12/2016	02/12/2016	AW	PO 7-2016	5201-549-399-0201	Other - Other Contractual Services(SLUDGE)	\$326.62	O
						<u>\$648.06</u>	

Payment Advice #: 14409  
 Vendor / Payee: WESTFIELD INSURANCE COMPANY  
 Type: Accounting Warrant  
 Purpose:

Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$2,361.00

**Detail**

Quantity	Units	Description	Unit Price	Extended Price	Invoice #
1.00	Policy	Annual/WWTP Sewer Pump House Flood Insurance	\$1,680.00	\$1,680.00	
1.00	Policy	Annual/Water Plant Flood Insurance	\$681.00	\$681.00	

**Distribution**

Post Date	Transaction Date	Type	Charge Type	Account Code	Description	Amount	Status
02/12/2016	02/12/2016	AW	PO 35-2016	5101-533-359-0000	Other - Insurance and Bonding Services	\$681.00	O
02/12/2016	02/12/2016	AW	PO 35-2016	5201-549-359-0000	Other - Insurance and Bonding Services	\$1,680.00	O
						<u>\$2,361.00</u>	

Payment Advice #: 14410  
 Vendor / Payee: WINDSTREAM  
 Type: Accounting Warrant  
 Purpose:

Status: Outstanding  
 Post Date: 02/12/2016  
 Transaction Date: 02/12/2016  
 Original Amount: \$24.70

**Detail**

Quantity	Units	Description	Unit Price	Extended Price	Invoice #
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Payment Register Detail

1/30/2016 to 2/2/2016

1.00 411-504-11 DAYTON RD WATER TOWER \$24.70 \$24.70

Distribution

Table with columns: Post Date, Transaction Date, Type, Charge Type, Account Code, Description, Amount, Status. Row: 02/12/2016, 02/12/2016, AW, PO 25-2016, 5101-531-321-0000, Telephone, \$24.70, O.

Payment Advice #: 14411

Vendor / Payee: WESTERN RESERVE HARDWARE STORE, INC.

Type: Accounting Warrant

Purpose:

Status: Outstanding

Post Date: 02/12/2016

Transaction Date: 02/12/2016

Original Amount: \$1,300.25

Detail

Table with columns: Quantity, Units, Description, Unit Price, Extended Price, Invoice #. Rows: 1.00 OPERATING SUPPLIES DUE 1/31 \$722.49 \$722.49; 1.00 OPERATING SUPPLIES DUE 2/29 \$577.76 \$577.76

Distribution

Table with columns: Post Date, Transaction Date, Type, Charge Type, Account Code, Description, Amount, Status. Multiple rows for various operating supplies and materials with amounts ranging from \$46.64 to \$462.37.

Total Payments: \$61,174.58

Type: AM - Accounting Manual Warrant, AW - Accounting Warrant, IM - Investment Manual Warrant, IW - Investment Warrant, PM - Payroll Manual Warrant, PR - Payroll Warrant, RW - Reduction of Receipt Warrant, SW - Skipped Warrant, WH - Withholding Warrant, WM - Withholding Manual, WS - Special Warrant, CH - Electronic Payment Advice, IL - Investment Loss, EP - Payroll EFT Voucher, CV - Payroll Conversion Voucher, SV - Payroll Special Voucher, EW - Withholding Voucher, POS ADJ - Positive Adjustment, NEG ADJ - Negative Adjustment

Status: O - Outstanding, C - Cleared, V - Voided, B - Batch

\* Asterisked amounts are not included in report totals. These transactions occurred outside the reported date range but are listed for reference.

**ORDINANCE NO. 1 - 2016**

**AN ORDINANCE AMENDING ORDINANCE NO. 35-2007 AND REENACTING, AMENDING, REARRANGING, REVISING, AND ENACTING FOR CODIFICATION PURPOSES CHAPTER 182 OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF MADISON VILLAGE, OHIO, LEVYING AN EXCISE TAX OF THREE PERCENT ON HOTEL AND BED AND BREAKFAST LODGING TRANSACTIONS WITHIN THE VILLAGE OF MADISON.**

WHEREAS, by Ordinance No. 35-2007 the Village enacted an excise tax pursuant to § 5739.08 of the Ohio Revised Code on transactions whereby occupancy is furnished to the transient guests of hotels and bed and breakfasts within the Village; and

WHEREAS, as part of the Village's ongoing efforts to update and amend its ordinances for codification, the Council further desires to add the Lodging Tax to its Administrative Code as Chapter 182; and

WHEREAS, the Council finds that the proposed new Part One, Administrative Code, Chapter 182, Lodging Tax, is in furtherance of the public health, safety, convenience, comfort, prosperity, general welfare, and further the good and orderly operation of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MADISON, COUNTY OF LAKE, STATE OF OHIO, THAT:

SECTION 1. That Ordinance No. 35-2007 is hereby comprehensively amended, as of the effective date of this Ordinance, by the following ordinances of the Village of Madison, Ohio of a general and permanent nature, as amended, revised, codified, rearranged and consolidated into component codes, titles, articles and sections and same are hereby approved, adopted and enacted as Chapter 182 of Part One – Administrative Code of the Codified Ordinances of Madison Village, Ohio:

- 182.01 AUTHORITY TO LEVY TAX; PURPOSES OF TAX; RATE.
  - 182.011 Authority to Levy Tax.
  - 182.012 Purposes of Tax; Imposition of Tax; Rate.
  - 182.013 Exemptions.
  - 182.014 Allocation of Funds.

- 182.015 Effective Date.
  
- 182.02 DEFINITIONS.
- 182.03 TAX TO BE SEPARATELY STATED AND CHARGED.
- 182.04 REGISTRATION.
- 182.05 REPORTING AND REMITTING.
- 182.06 PENALTIES AND INTEREST.
- 182.07 FAILURE TO COLLECT AND REPORT TAX; DETERMINATION OF TAX BY FISCAL OFFICER.
- 182.08 APPEAL.
- 182.09 RECORDS; INSPECTION; DESTRUCTION.
- 182.10 REFUNDS.
- 182.11 ACTIONS TO COLLECT.
- 182.12 CONFIDENTIAL REPORTS.
- 182.13 FRAUD.
- 182.98 SAVINGS CLAUSE.
- 182.99 VIOLATIONS – PENALTY.

**SECTION 2.** That the full, complete and accurate text of Chapter 182 of Part One – Administrative Code of the Codified Ordinances of Madison Village, Ohio is attached hereto as Exhibit “1” and incorporated herein as if fully re-written.

**SECTION 3.** That publication of these ordinances shall occur in book form containing the certification of the President of Council and Fiscal Officer of their correctness and same shall constitute the Codified Ordinances of Madison Village, Ohio, Part One – Administrative Code, Chapter 182.

**SECTION 4.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including § 121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance shall take effect and be in force from and after March 17, 2016.

PASSED:

\_\_\_\_\_

\_\_\_\_\_  
Kenneth D. Takacs  
President of Council

Attested:

\_\_\_\_\_  
Kristie M. Crockett  
Fiscal Officer / Clerk of Council

Approved:

Date: \_\_\_\_\_

\_\_\_\_\_  
Sam Britton Jr.  
Mayor

**CHAPTER 182**  
**Lodging Tax**

- 182.01 AUTHORITY TO LEVY TAX; PURPOSES OF TAX; RATE.
  - 182.011 Authority to Levy Tax.
  - 182.012 Purposes of Tax; Imposition of Tax; Rate.
  - 182.013 Exemptions.
  - 182.014 Allocation of Funds.
  - 182.015 Effective Date.
- 182.02 DEFINITIONS.
- 182.03 TAX TO BE SEPARATELY STATED AND CHARGED.
- 182.04 REGISTRATION.
- 182.05 REPORTING AND REMITTING.
- 182.06 PENALTIES AND INTEREST.
- 182.07 FAILURE TO COLLECT AND REPORT TAX; DETERMINATION OF TAX BY FISCAL OFFICER.
- 182.08 APPEAL.
- 182.09 RECORDS; INSPECTION; DESTRUCTION.
- 182.10 REFUNDS.
- 182.11 ACTIONS TO COLLECT.
- 182.12 CONFIDENTIAL REPORTS.
- 182.13 FRAUD.
- 182.98 SAVINGS CLAUSE.
- 182.99 VIOLATIONS – PENALTY.

**182.01 AUTHORITY TO LEVY TAX; PURPOSES OF TAX; RATE.**

**182.011 AUTHORITY TO LEVY TAX.**

The excise tax on lodging transactions established by this chapter 182 is authorized by § 5739.08 of the Ohio Revised Code. This excise tax is in addition to any tax levied pursuant to §§ 5739.02, 5739.09, or any other section of the Ohio Revised Code to the greatest extent permitted by law.

**182.012 PURPOSES OF TAX; IMPOSITION OF TAX; RATE.**

To provide funds for the purposes of general municipal operations, maintenance, new equipment, extension and enlargement of municipal services and facilities and capital improvements, road, street and highway construction and improvement, improvement of police protection, improvement of fire protection, improvement and construction of storm drainage, the improvement of general municipal functions, and for all lawful municipal purposes, an excise tax of three (3%) percent is hereby levied at a uniform rate on all rent transactions by which occupancy in a hotel and/or bed and breakfast is or is to be furnished to transient guests.

This tax constitutes a debt owed by the transient guest to the Village, which is extinguished only by payment to the operator as trustee for the Village, or to the Village. The transient guest shall pay the tax to the operator of the hotel or bed and breakfast at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient guest ceasing to occupy space in the hotel or bed and breakfast. If for any reason the tax due is not paid to the operator of the hotel or bed and breakfast, the Fiscal Officer may require that the tax be paid directly to the Village.

**182.013 EXEMPTIONS.**

(A) No tax shall be imposed under this chapter:

- (1) Upon rents not within the taxing power of the Village under the Constitution or laws of Ohio or the United States;
- (2) Upon rents paid by the state of Ohio or any of its political subdivisions.

(B) No exemption claimed under subsection (A) hereof shall be granted except upon claim therefor made at the time rent is collected, and, under penalty of perjury upon a form prescribed by the Fiscal Officer. All claims of exemption shall be made in the manner prescribed by the Fiscal Officer. The Fiscal Officer shall have the authority to waive the form requirement pursuant to this subsection (B) in the event the laws of the state of Ohio or of the United States provide for the protection of any person's identity.

**182.014 ALLOCATION OF FUNDS.**

The funds are to be allocated pursuant to municipal need(s) for the purposes stated above in § 182.012.

**182.015 EFFECTIVE DATE.**

Ordinance 1-2016, and as codified, does not repeal the existing sections of Ordinance No. 35-2007 but rather amends Ordinance No. 35-2007 effective March 17, 2016.

**182.02 DEFINITIONS.**

Any term used in this chapter that is not otherwise defined in this chapter has the same meaning as when used in a comparable context in laws of the state of Ohio and Village of Madison, unless a different meaning is clearly required.

For purposes of this section, the singular shall include the plural, and the masculine shall include the feminine and the gender-neutral.

As used in this chapter:

- (A) "Bed and breakfast" has the same meaning as that stated in § 2.2(b)(15) of the Zoning Code of the Village of Madison.
- (B) "Fiscal Officer" means the individual holding the office of Fiscal Officer of the Village of Madison and may include a person temporarily holding such office as Acting Fiscal Officer, when applicable.
- (C) "Hotel" has the same meaning as that stated in § 5739.01(M) of the Ohio Revised Code, except that, in accordance with § 5739.09(G) of the Ohio Revised Code, a "hotel" includes establishments in which fewer than five (5) rooms are used for the accommodation of transient guests. The term "hotel" includes a "bed and breakfast" as defined herein except when the context clearly indicates otherwise.
- (D) "Person" has the same meaning as that stated in § 181.03(29) of the Administrative Code of the Village of Madison.
- (E) "Occupancy" mean the use or possession, or the right to the use or possession of any room or rooms, or space or portion thereof, in any hotel and/or bed and breakfast for dwelling, lodging, or sleeping purposes. The use or possession or right to use or possess any room or any suite of connecting rooms as office space, banquet or private dining rooms, or exhibit, sample or display space shall not be considered occupancy within the meaning of this definition, unless the person exercising occupancy uses or possesses, or has the right to use or possess, all or any portion of such room or suite of rooms for dwelling, lodging, or sleeping purposes.
- (F) "Operator" means the person who is the proprietor of a hotel or bed and breakfast, whether in the capacity of owner, lessee, licensee, mortgagee in possession, or any other capacity. Where the operator performs its functions through a managing agent of any type or character, other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as the principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered compliance by both.
- (G) "Rent" means the consideration received for occupancy valued in U.S. currency, whether received as currency or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and also any amount for which the occupant is liable for the occupancy without any deduction therefrom whatsoever.
- (H) "Transient guest" has the same meaning as that stated in § 5739.01(N) of the Ohio Revised Code.

**182.03 TAX TO BE SEPARATELY STATED AND CHARGED.**

(A) The tax to be collected pursuant to § 182.012 of this chapter shall be stated and charged separately from the rent, and shown separately on any record thereof, at the time when occupancy is arranged or contracted and charged for, and upon every evidence of occupancy, or any bill or statement or charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the Village of Madison, and the operator shall be liable for the collection thereof and for the tax.

(B) No operator of a hotel or bed and breakfast shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner hereinafter provided.

**182.04 REGISTRATION.**

Within thirty (30) days of the effective date of this chapter, or within thirty (30) days after commencing business, whichever is later, each operator of any hotel or bed and breakfast renting lodging to transient guests shall register said hotel or bed and breakfast with the Fiscal Officer and obtain from him or her a "Transient Occupancy Registration Certificate" to be at all times posted in a conspicuous place on the premises. Said certificate shall, among other things, state the following:

- (i) The name of the operator;
- (ii) The address of the hotel or bed and breakfast;
- (iii) The date upon which the certificate was issued; and
- (iv) "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Lodging Tax ordinance of the Village of Madison by registering with the Fiscal Officer for the purpose of collecting from transient guests the Lodging Tax and remitting said tax to the Fiscal Officer. This certificate does not constitute a permit."

The registration requirement of this section is in addition to and in not in lieu of any other required permit approvals. There is no fee for registration pursuant to this section.

**182.05 REPORTING AND REMITTING.**

(A) Each hotel operator shall, on or before the last day of each calendar month make and file a return for the preceding month, on forms prescribed by the Fiscal Officer, showing the receipts from furnishing lodging, the amount of tax due from the operator to the Village for the period of time covered by the return, and such other information as the Fiscal Officer deems necessary for the proper administration of this chapter. The Fiscal Officer may extend the time for making and filing returns for good cause shown. Returns shall be filed by delivering or mailing same to the Fiscal Officer together with payment of the full amount of tax shown to be due thereon.

(B) Each bed and breakfast operator shall, on or before the last day of each quarter (March 31, June 30, September 30, December 31) make and file a return for the preceding quarter, on forms prescribed by the Fiscal Officer, showing the receipts from furnishing lodging, the amount of tax due from the operator to the Village for the period of time covered by the return, and such other information as the Fiscal Officer deems necessary for the proper administration of this Chapter. The Fiscal Officer may extend the time for making and filing returns for good cause shown. Returns

shall be filed by delivering or mailing same to the Fiscal Officer together with payment of the full amount of tax shown to be due thereon.

(C) All claims for exemptions from tax filed by transient guests with the operator during the reporting period shall be filed with the return.

(D) All returns and payments submitted by each operator shall be treated as confidential by the Fiscal Officer and shall not be released by him or her except upon order of a court of competent jurisdiction or to an officer or agent of the United States, state of Ohio, county of Lake, or Village of Madison, for authorized official use.

(E) If for any reason an operator shall cease to do business in the Village, all returns and payments are due immediately upon cessation of business.

(F) All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the Village of Madison until payment thereof is made to the Fiscal Officer.

#### **182.06 PENALTIES AND INTEREST.**

(A) Original Delinquency. Any operator who fails to remit any tax imposed by this chapter within the time required shall pay a penalty equal to ten (10%) percent of the amount of the tax, in addition to the tax.

(B) Continued Delinquency. Any operator who fails to remit any delinquent remittances on or before a period of thirty (30) days following the date on which the remittance first became delinquent shall pay a second delinquency penalty equal to ten (10%) percent of the amount of the tax and previous penalty in addition to the tax and the ten (10%) percent penalty first imposed. An additional penalty equal to ten (10%) percent of the total tax and penalty of the previous thirty (30) day period shall be added for each successive thirty (30) day period that account remains delinquent.

(C) Fraud. If the Fiscal Officer determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty equal to twenty-five (25%) percent of the amount of the tax shall be added thereto in addition to the penalties stated in subparagraphs (A) and (B) of this section.

(D) Interest. In addition to the previous penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of one (1%) percent per month, or fraction thereof, on the amount of the tax exclusive of penalties, from the date on which the remittance first became delinquent until paid.

(E) Penalties During Pendency of Hearing or Appeal. No penalty provided under the terms of this chapter shall be imposed during the pendency of any hearing or appeal.

(F) Abatement of Interest and Penalty. In cases where returns were filed in good faith, and an assessment has been paid within the time prescribed by this chapter or where otherwise allowed within the Fiscal Officer's discretion, then the Fiscal Officer may abate any charge of penalty or interest, or both.

**182.07 FAILURE TO COLLECT AND REPORT TAX; DETERMINATION OF TAX BY FISCAL OFFICER.**

If any operator shall fail or refuse to collect said tax and to make, within the time provided in this chapter, any report and remittance of said tax or any portion thereof required by this chapter, the Fiscal Officer shall proceed in such manner as he or she may deem best to obtain facts and information on which to base his or her estimate of the tax due. As soon as the Fiscal Officer shall procure such facts and information as he or she is able to obtain upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, he or she shall proceed to determine and assess against such operator the tax, interest, and penalties provided for by this chapter. In case such determination is made, the Fiscal Officer shall give notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at its last known place of business. Such operator may within ten (10) days after serving or mailing of such notice make application in writing to the Fiscal Officer for a hearing on the amount assessed.

If an application by the operator for a hearing is not made within the time prescribed, the tax, interest, and penalties, if any, determined by the Fiscal Officer shall become final and conclusive and immediately due and payable. If such application is made, the Fiscal Officer shall give not less than five (5) days written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in said notice why said amount specified therein should not be fixed for such tax, interest, and penalties. At the hearing, the operator may appear and offer evidence why the specified tax, interest, and penalties should not be so fixed. After the hearing, the Fiscal Officer shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest, and penalties. The amount determined to be due shall be payable after fifteen (15) days unless an appeal is taken as provided in § 182.08.

**182.08 APPEAL.**

Any operator aggrieved by any decision of the Fiscal Officer with respect to the amount of the tax, interest, and penalties, if any, may appeal to the Local Board of Tax Review by filing a notice of appeal with the Board within fifteen (15) days of the serving or mailing of the determination of tax due. The Board shall fix a time and place for hearing the appeal, and shall give notice in writing to such operator at its last known place of business. The findings of the Board shall be final and conclusive and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon service of notice.

**182.09 RECORDS.**

Each operator shall keep complete and accurate records of lodging furnished, together with a record of tax collected thereon, which shall be the amount due under this chapter, and shall keep all invoices, and such other pertinent documents. If the operator furnished lodging not subject to the tax, the operator's records shall show the identity of the transient guest, if the sale was not exempted by reason of such identity, or the nature of the transaction if exempted for any other reason. Such records and other documents shall be open during business hours for inspection by the Fiscal Officer, or his or her agents, and shall be preserved for a period of four (4) years, unless the Fiscal Officer, in writing, consents to their destruction within that period, or by any order requesting that such records be kept for a longer period of time.

#### **182.10 REFUNDS.**

(A) Whenever the amount of tax, interest, or penalty has been overpaid, or paid more than once, or has been erroneously or illegally collected or received by the Village under this chapter, it may be refunded as provided in subsections (B) and (C) of this section, provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the Fiscal Officer within three (3) years of the date of payment. The claim shall be made on forms furnished by the Fiscal Officer.

(B) Any operator may claim a refund or take as a credit against taxes collected and remitted the amount overpaid, paid more than once, or erroneously or illegally collected or received when it is established in a manner prescribed by the Fiscal Officer that the person from whom the tax has been collected was not a transient guest; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient guest or credited to rent subsequently payable by the transient guest to the operator.

(C) A transient guest may obtain a refund of taxes overpaid, or paid more than once, or erroneously or illegally collected or received by the Village, by filing a claim in the manner provided in subsection (A) hereof, but only when the tax was paid by the transient guest directly to the Fiscal Officer, or when the transient guest, having paid the tax to the operator, establishes to the satisfaction of the Fiscal Officer that the transient guest has been unable to obtain a refund from the operator who collected the tax.

(D) No refund shall be paid under the provisions of this section unless the claimant establishes his or her right thereto by written records showing entitlement thereto.

#### **182.11 ACTIONS TO COLLECT.**

Any tax required to be paid by a transient guest under the provision of this chapter shall be deemed a debt owed by the transient guest to the Village. Any such tax collected by an operator which has not been paid to the Village shall be deemed a debt owed by the operator to the Village. Any person owing money to the Village under the provisions of this chapter shall be liable to an action brought in the name of the Village of Madison for the recovery of such amount.

#### **182.12 CONFIDENTIAL REPORTS.**

All returns and information relating to the business of any person required to collect and remit the tax imposed by this chapter and coming into possession of the Fiscal Officer, his or her agents and employees, shall be confidential. Any person divulging such information, unless so ordered to do so by a court of competent jurisdiction or to an officer or agent of the United States, state of Ohio, county of Lake, or Village of Madison, for authorized official use, shall be subject to dismissal from service with the Village.

This section shall not operate so as to preclude the use of otherwise confidential information when needed for evidentiary purposes in an action brought pursuant to this chapter for a violation of or to enforce any of its provisions, be same civil or criminal.

**182.13 FRAUD.**

(A) No person shall knowingly make, present, aid, or assist in the preparation or presentation of a false or fraudulent report, return, schedule, statement, claim, or document authorized or required by this chapter to be filed with the Fiscal Officer, or knowingly procure, counsel, or advise the preparation or presentation of such report, return, schedule, statement, claim, or document, or knowingly change, alter, or amend, or knowingly procure, counsel or advise such change, alteration, or amendment of the records upon which such report, return, schedule, statement, claim, or document is based with intent to defraud the Village or the Fiscal Officer.

(B) No person shall knowingly present to any operator any false information indicating that the lodging as furnished is not subject to the tax.

**182.98 SAVINGS CLAUSE.**

If any sentence, clause, section or part of this chapter, or any tax imposed against, or exemption granted pursuant to this chapter, is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall affect only such clause, sentence, section or part of this chapter so found and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this chapter. It is hereby declared to be the intention of the legislative authority of the Village that this chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included in this chapter.

**182.99 VIOLATIONS; PENALTY**

(A) Whoever violates § 181.13 of this chapter shall be guilty of a misdemeanor of the first degree and shall be subject to the penalties set forth in § 501.99 of the Codified Ordinances of Madison Village for a first degree misdemeanor.

(B) Whoever knowingly violates any provision of this chapter for which violation no penalty is otherwise provided, is guilty of a misdemeanor of the fourth degree on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the second degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the first degree and shall be subject to the penalties set forth in § 501.99 of the Codified Ordinances of Madison Village for such misdemeanors.

(C) In accordance with § 501.11 of the Codified Ordinances of Madison Village, it is the intent of this ordinance to impose organizational criminal liability.

(D) The imposition of any other penalties provided herein shall not preclude the Village from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful action, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this chapter or other applicable laws, ordinances, rules, or regulations.

## ORDINANCE NO. 2 - 2016

### AN ORDINANCE ENACTING CHAPTER 111 OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF MADISON VILLAGE, OHIO, ESTABLISHING RULES OF COUNCIL FOR THE VILLAGE OF MADISON.

WHEREAS, pursuant to the Charter and plenary power granted by the Ohio Constitution, the Council desires to exercise its powers of local self-government in establishing rules for the conduct of the meetings of Council, inclusive of notice and the calling of same.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MADISON, COUNTY OF LAKE, STATE OF OHIO, THAT:

SECTION 1. That as of the effective date of this Ordinance the following ordinances of the Village of Madison, Ohio of a general and permanent nature as arranged into component codes, titles, articles and sections are hereby approved, adopted and enacted as Chapter 111 of Part One – Administrative Code of the Codified Ordinances of Madison Village, Ohio:

111.01 MEETINGS.

- 111.011 Regular meetings.
- 111.012 Special meetings.
- 111.013 Committee of the whole.
- 111.014 Introduction of legislation.

111.02 ORDER OF BUSINESS.

111.03 RECEIVING MOTION WHEN QUESTION IS BEFORE COUNCIL.

- 111.031 Motion to reconsider.
- 111.032 Motion to take from the table.
- 111.033 Motion to postpone indefinitely.
- 111.034 Motion to amend.
- 111.035 Amending legislation.

111.04 PRESIDING OFFICER; SERGEANT AT ARMS.

- 111.041 Preserving order.
- 111.042 Control of the Council Chamber.
- 111.043 Members desiring to speak.
- 111.044 Transgression of rules.

- 111.05 USE OF ELECTRONIC DEVICES.
- 111.06 ROLL CALL OR VOTE OF COUNCIL.
- 111.07 COUNCIL EXECUTIVE SESSIONS.
- 111.08 NOTIFICATION OF COUNCIL MEETINGS; FEES.
- 111.09 STANDING AND SPECIAL COMMITTEES.
  - 111.091 Quorum.
  - 111.092 Committee meetings.
  - 111.093 Reference to committees.
- 111.10 PERSONS BEFORE COUNCIL.
  - 111.101 First hearing of persons before Council.
  - 111.102 Second hearing of persons before Council.
- 111.11 PUBLIC HEARINGS.

**SECTION 2.** That the full, complete and accurate text of Chapter 111 of Part One – Administrative Code of the Codified Ordinances of Madison Village, Ohio is attached hereto as Exhibit “1” and incorporated herein as if fully re-written.

**SECTION 3.** That publication of these ordinances shall occur in book form containing the certification of the President of Council and Fiscal Officer of their correctness and same shall constitute the Codified Ordinances of Madison Village, Ohio, Part One – Administrative Code, Chapter 111.

**SECTION 4.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including § 121.22 of the Ohio Revised Code.

**SECTION 5.** This Ordinance shall take effect and be in force from and after March 17, 2016.

PASSED:

\_\_\_\_\_

\_\_\_\_\_  
 Kenneth D. Takacs  
 President of Council

Attested:

\_\_\_\_\_  
 Kristie M. Crockett  
 Fiscal Officer / Clerk of Council

Approved:

Date: \_\_\_\_\_

\_\_\_\_\_  
Sam Britton Jr.  
Mayor

**CHAPTER 111**  
**Rules of Council**

- 111.01 MEETINGS.
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  - 111.012 Special meetings.
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- 111.08 NOTIFICATION OF COUNCIL MEETINGS; FEES.
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  - 111.093 Reference to committees.
- 111.10 PERSONS BEFORE COUNCIL.
  - 111.101 First hearing of persons before Council.
  - 111.102 Second hearing of persons before Council.
- 111.11 PUBLIC HEARINGS.

**111.01 MEETINGS.**

**111.011 REGULAR MEETINGS.**

Unless otherwise ordered by vote of Council, meetings of Council shall be held in the Council Chambers of Village Hall located at 126 West Main Street, on the first and third Monday of each month, or, on the Tuesday immediately following same where the Monday falls on a legal holiday. Meetings shall be called to order at 7:30 p.m.

**111.012 SPECIAL MEETINGS.**

Upon written request of the Mayor, President of Council, or any three (3) members of Council, special meetings of the Council may be called. Notice thereof shall be given by the Clerk of Council by serving the same upon the President of Council and each member either by leaving a copy of such notice in a conspicuous location at their place of residence or by electronic transmission at least 24 hours before the time specified for such meeting. Electronic transmission shall be accomplished by e-mail communication sent to the Council member's designated Village e-mail account. In the event any member of Council will for any period of time not have accessible to them their e-mail account, then, it shall be that member's responsibility to notify the Clerk in advance and provide a telephone number where a message can be left. Notice is perfected on that member when they are either reached directly by telephone or a message is left on that number's answering service.

The President of Council and each member may waive such notice, and any defect or irregularity in the service of such notice shall be conclusively waived by attendance at such meeting. Only such matters as are set forth in such notice shall be considered and acted upon.

**111.013 COMMITTEE OF THE WHOLE.**

Unless otherwise ordered by vote of Council, Council shall hold a committee of the whole meeting in the Council Chambers of Village Hall located at 126 West Main Street, on the third Monday of each month, or, on the Tuesday immediately following same where the Monday falls on a legal holiday. The committee of the whole shall be called to order at 6:30 p.m.

The purpose of the committee of the whole shall be to allow additional time for the Mayor and Administration to update the Council on Village business and upcoming proposed legislation. There shall not be debate, deliberation, or expressions of position by the members on any issue during the committee meeting, however, the members may ask questions of the Mayor and Administration for informational and fact-finding purposes. Minutes of the committee of the whole meeting shall not be kept unless upon motion carried by a majority of the members of Council in attendance.

**111.014 INTRODUCTION OF LEGISLATION.**

Legislation may only be introduced and placed on the Council agenda by (i) the Mayor acting under the authority of § 3.6(a) of the Charter, (ii) upon sponsorship of three (3) members of Council, and (iii) upon referral from the Planning and Zoning Commission when authorized by applicable Code. The Law Director shall not be required to draft any Council-initiated legislation unless and until requested by the three sponsoring members of Council.

**111.02 ORDER OF BUSINESS.**

The order of business of the Council shall be as follows:

- (a) Roll call.
- (b) Approval of minutes.
- (c) Public hearings.
- (d) First hearing of persons before Council.
- (e) Legislation before Council.
  - (i) Pay ordinance.
  - (ii) Old legislation.
  - (iii) New legislation.
  - (iv) Purchase orders and other approvals permitted by motion.
- (f) Administrator's report.
  - (i) Engineer's report.
  - (ii) Fiscal Officer / Clerk's report.
- (g) Commission and committee reports.
- (h) Final hearing of persons before Council.
  - (i) New business.
- (j) Mayor's report.
- (k) Adjournment.

The Administration may be called upon by the presiding officer to present an overview, together with its recommendations, related to any item of legislation upon its reading or introduction, inclusive of purchase orders and other items submitted for the approval of the Council. In accordance with § 111.10, the presiding officer may also call upon the Administration to respond to any questions from members of the public related to that item.

Administrative, Mayoral, commission, and committee reports shall be presented in succinct fashion and avoid repetitiveness. Minutes of commission and committee meetings may be submitted in lieu of any formal report. Questions shall not be raised during the reports.

New business shall be the opportunity of the members of Council to address items of importance to the Village that are not otherwise on the legislative portion of the agenda. A Council member may pose a question to the presiding officer, who shall refer same to the appropriate Administrative officer for response or follow-up, which need not occur during the course of the meeting if time is required for response to same.

The order of business may be changed by the presiding officer when special circumstances warrant same, in his or her discretion.

**111.03 RECEIVING MOTION WHEN QUESTION IS BEFORE COUNCIL.**

When a question or a proposition is before Council or under debate, or when a motion has been made, no motions shall be received except the following:

- (a) To adjourn.
- (b) To table the motion (lay it aside until later).
- (c) To request that discussion end and that any motion being considered be voted on (known as "previous question").
- (d) To postpone any action on a motion until some stated future time.
- (e) To refer the proposal to a standing or special committee.

- (f) To amend the main motion.
- (g) To postpone any action for an indefinite time.

These motions have precedence in the order in which they are arranged. Motions listed as (a), (b) and (c) above shall be decided without debate.

**111.031 MOTION TO RECONSIDER.**

A motion to reconsider a subject that may have been acted upon favorably must be made before the adjournment of that meeting of Council. The motion must be made and seconded by two members who voted favorably on the subject. A motion to reconsider any other subject may be brought not later than the next regular meeting after such action was taken. A motion to reconsider shall be in order at any time except when a motion on some other subject is standing.

No motion to reconsider shall be made more than once on any matter or subject, and, the same number of votes shall be required to reconsider the action of Council as was required to pass or adopt same.

**111.032 MOTION TO TAKE FROM THE TABLE.**

A motion to take from the table shall be in order when that order of business is being transacted in which such matter to be taken-up was laid upon the table and such motion shall be decided without debate, provided the mover may be permitted to state briefly his or her reasons for the motion.

**111.033 MOTION TO POSTPONE INDEFINITELY.**

If a motion to postpone indefinitely be carried, the principal question shall be declared lost.

**111.034 MOTION TO AMEND.**

A motion to amend is susceptible of but one amendment thereof. An amendment once rejected may not be moved again in the same form.

**111.035 AMENDING LEGISLATION.**

It shall be in order to amend an ordinance or resolution at any time. If such ordinance or resolution be of a general or permanent nature and the amendment materially changes the nature, terms, or provisions of the ordinance or resolution, if the amendment is made after the second reading it shall then be read again as amended, as the second reading, and laid over to the next meeting for final action.

**111.04 PRESIDING OFFICER; SERGEANT AT ARMS.**

Pursuant to § 3.6(a) of the Charter, the Mayor shall preside at all meetings of the Council and shall enforce the Rules of Council in the conduct of the meeting. In the absence of the Mayor, the President of Council shall serve as the presiding officer and carry out the duties of same in the conduct of the meeting.

The presiding officer may request the presence of a police officer be in attendance at any meeting whom shall perform the duties ordinarily performed by a sergeant at arms.

**111.041 PRESERVING ORDER.**

The presiding officer shall at all times preserve order and decorum. The presiding officer shall decide questions of order, subject to an appeal to the Council by any member, on which appeal no member shall speak more than once.

**111.042 CONTROL OF THE COUNCIL CHAMBER.**

The presiding officer shall have general direction and control of the Council Chambers in case of any disturbance or disorderly conduct in the Council Chambers or so near thereto as to disturb the orderly proceedings of Council, and may cause same to be cleared.

**111.043 MEMBERS DESIRING TO SPEAK.**

When any member of Council desires to address the body, the member shall address the presiding officer, saying, "Mr. / Madam Mayor," or "Mr. / Madam President," as applicable. The presiding officer shall then recognize the member by name. In the event two members desire to speak at the same time, the presiding officer shall name the member who is to have the floor. No member shall speak more than twice on the same question, except with permission of the Council. The member shall confine himself or herself to the question under discussion or debate. The member shall avoid personalities and not direct comments directly to any other member, officer, or member of the public.

No member shall speak upon one question, ordinance or resolution for more than a total of five (5) minutes at any meeting, unless additional time be granted by a majority of Council upon motion. No member shall be able to cede any of their time to any other member.

**111.044 TRANSGRESSION OF RULES.**

If any member, in speaking or otherwise, transgresses the rules of Council, the presiding officer shall call the offending member to order. Any member may, by raising the point of order, call the attention of the presiding officer to such transgression, and the point of order shall be decided by the presiding officer without debate.

**111.05 USE OF ELECTRONIC DEVICES.**

Members of Council shall not use any electronic device during the course any meeting for communication purposes. This prohibition does not apply to a member's use of a personal computer, tablet, or other such device to review files pertaining to matters on that meeting's agenda or to take personal notes.

In the event a member is expecting an emergency notification to arrive during the course of a meeting, the member shall inform the presiding officer of that circumstance prior to the meeting for permission of the presiding officer to use an electronic device during the meeting for purposes of the emergency notification and only for that limited purpose.

**111.06 ROLL CALL OR VOTE OF COUNCIL.**

The Clerk of Council shall call the roll of members of Council, for any purpose, commencing in alphabetical order of their last names, then, for each subsequent roll shall commence with the next name in alphabetical order from that name previously called first in the roll.

**111.07 COUNCIL EXECUTIVE SESSIONS.**

Executive sessions shall be called in accordance with the procedural requirements and for the reasons permitted by the Ohio Revised Code.

Discussions conducted during executive sessions shall be confidential and no member of Council shall violate said confidentiality unless same is waived by affirmative vote of the Council or pursuant to order of a court of competent jurisdiction. No waiver of executive session confidentiality by vote of the Council shall permit the disclosure of information independently made confidential by law.

**111.08 NOTIFICATION OF COUNCIL MEETINGS; FEES.**

An annual notice of regular meetings, as well as the committee of the whole meetings, shall be made once in the month of January by publication in a newspaper of general circulation within the Village. If there is no such publication in print, then, this publication notice is waived. Notice of regular and committee of the whole meetings shall also be (i) continuously posted to the Village's website, and, (ii) posted one week in advance of the meeting date on the freestanding reader board located in front of Village Hall.

Notice of special meetings shall be made as soon as the meeting is called by (i) posting the notice on the Village's website, including identifying the purpose of the meeting, until the date thereof and, (ii) posting notice of the meeting on the freestanding reader board located in front of Village Hall. Further, the Clerk shall immediately forward notice of the special meeting, including its purpose, to any news media that have requested notification.

Persons and/or organizations desiring advance notice of regular and special meetings, including a copy of agenda items, may receive such notice electronically, provided that, the Clerk is given an e-mail address to which a PDF or other such electronic copy of the notice may be sent. The Clerk shall take no action in response to any failure of delivery except for reasons caused by the Village. There shall be no charge for this electronic transmission. In the event persons and/or organizations request a hard copy of any such notifications be sent to them, including agenda items, then it is the obligation of that person and/or organization to provide the Clerk sufficient numbers of self-addressed envelopes, full postage pre-paid, for purposes of mailing. Hard copies of any agenda items shall be processed as requests for public records for purposes of charging copying fees, if any, against the requestor.

**111.09 STANDING AND SPECIAL COMMITTEES.**

Standing committees shall consist of: Finance, Tax Incentive Review Council. Special committees for the consideration of special measures or matters, or for the performance of special legislative functions, may be appointed by the presiding officer.

**111.091 QUORUM.**

A majority of all members of a committee shall constitute a quorum.

**111.092 COMMITTEE MEETINGS.**

It shall be the duty of the chairperson to give notice of all committee meetings to members of the committee. Notice of meetings shall also be given to the Clerk by the chairperson prior to 3:00 p.m. the Thursday of the week preceding the meeting. Public notice of said meeting, including the date, time, and location, shall be (i) continuously posted to the Village's website until the date thereof, and, (ii) posted on the freestanding reader board located in front of Village Hall.

The affirmative vote of all members constituting such a committee shall be necessary to report any recommendation with respect to any subject referred to the committee. Three consecutive absences from committee meetings shall operate to suspend the member from such committee, unless excused by the remaining members thereof. All suspensions shall be reported to Council forthwith. No committee or member thereof shall be permitted to incur any expense without first receiving the consent of Council.

It shall be the duty of the chairperson, or a designee, to document the proceedings of said committee meeting by completing a form that includes the name of the committee, the date of meeting, the time of commencement and adjournment, the persons present and a brief description of the matters discussed. Any recommendation adopted pursuant to a committee meeting shall be reflected fully in writing in the minutes with the yes and no votes of persons voting thereon duly recorded. Said form shall constitute the minutes of the meeting and shall be submitted to the Clerk at the end of the meeting and maintained pursuant to duly adopted record retention schedules. Information required by law to be kept confidential shall not be included in the minutes.

**111.093 REFERENCE TO COMMITTEES.**

Any legislative matter brought to the attention of Council may be referred by the presiding officer to a standing or a special committee as will, in the officer's judgment and discretion, be proper. All such matters shall be investigated and a report made to Council as a whole within such time as is fixed by the presiding officer. A motion to discharge a committee of further consideration of any matter referred to it shall be in order upon the expiration of the time so fixed. Roll call shall be had on such motion and a majority of the members of Council must vote favorably upon the motion before the adoption thereof.

**111.10 PERSONS BEFORE COUNCIL.**

Persons before Council is defined as those parts of a regular meeting of Council where persons address Council concerning issues affecting the Village, which consists of a first hearing and a second hearing. No person shall be permitted more than five (5) minutes of speaking time, per hearing, at any meeting unless interrupted.

The person desiring to speak must approach the public lectern, state their name and address, unless their address is confidential pursuant to law in which case it may be withheld. In the event a person requires a special accommodation in order to be heard, they are requested to contact the Village Administrator in advance of the meeting and inform him or her of the nature of their need. The Administrator shall make all reasonable efforts to accommodate same in advance of the meeting.

The person before Council shall only address the presiding officer. The person shall avoid personalities and not direct comments directly to any Council member, officer, or other member of the public. The person may pose questions, however, the proceeding shall not be paused for answers. Once their speaking time is complete, the presiding officer may indicate that an answer to a question may occur during the applicable portion of the agenda, provided that such answer is susceptible of a succinct fact-based or procedural answer. The presiding officer may direct the Administrator to follow-up on questions following the meeting.

No handouts, displays, or other materials shall be received into the Council record, unless such are being offered as a reasonable accommodation by a person otherwise unable to speak during the meeting.

**111.101 FIRST HEARING OF PERSONS BEFORE COUNCIL.**

Members of the public desiring to be heard on any matters of legislation, including the pay ordinance, purchase orders and other Council approvals, may be heard during the portion of the agenda allotted to the first hearing of persons before Council. The person before Council shall confine himself or herself solely to items in the legislative portion of the Council's agenda.

**111.102 SECOND HEARING OF PERSONS BEFORE COUNCIL.**

Members of the public desiring to be heard on any non-legislative matters affecting the Village may be heard during the portion of the agenda allotted to the second hearing of persons before Council.

**111.11 PUBLIC HEARINGS.**

When a public hearing is required by law, it shall be conducted pursuant to the same rules of order as persons before Council under § 111.10.

## **ORDINANCE NO. 3 - 2016**

### **AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR VILLAGE INSURANCE WITH GLATFELTER PUBLIC PRACTICE INSURANCE COMPANY AND DECLARING AN EMERGENCY.**

WHEREAS, Glatfelter Public Practice Insurance Group, administered by VFIS of Ohio as part of the PRIME Public Entity Insurance Program, and Gehring's Agency, Inc. has submitted a quotation for the hereinafter referred to insurance coverage for the Village's municipal operations for a period of one year, effective April 4, 2016; and

WHEREAS, upon the recommendation of the Mayor and Fiscal Officer, the Council has determined that it is in the best interests of the Village to enter into a contract of insurance with the aforesaid entity.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF MADISON VILLAGE, COUNTY OF LAKE, STATE OF OHIO:

SECTION 1. That the Mayor and Fiscal Officer be and are hereby authorized and directed to enter into a contract of insurance with Glatfelter Insurance Group to be administered by VFIS of Ohio as part of the PRIME Public Entity Insurance Program in the total amount of Fifty Five Thousand Seventy Two (\$55,072.00) Dollars. The coverage provided includes property (buildings & contents); equipment; employee dishonesty bond; general liability; law enforcement liability; public officials / employment practices liability; fleet; and an umbrella policy. The coverage limits and cost for each coverage type are on file in the office of the Fiscal Officer.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including § 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare and safety of the inhabitants of this Village, and for the further reason that the insurance contracts must be entered into forthwith so as to provide continuous insurance protection;

Introduced by: Mayor Britton

wherefore, this Ordinance shall take effect and be in force from and immediately upon its passage.

PASSED:

\_\_\_\_\_  
Kenneth D. Takacs, President of Council

\_\_\_\_\_  
Attested:

\_\_\_\_\_  
Kristie M. Crockett, Fiscal Officer

Approved:

Date: \_\_\_\_\_

\_\_\_\_\_  
Sam Britton Jr., Mayor

Sponsored/Introduced By: Kristie Crockett, Fiscal Officer  
 and Mayor Britton

**ORDINANCE NO. 4 - 2016**

**AN ORDINANCE MAKING PERMANENT 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 DECEMBER 31, 2016 AND DECLARING AN EMERGENCY**

**Section 1.** BE IT ORDAINED by the Council of the Village of Madison, State of Ohio, to provide for the current expenses and other expenditures of said Village of Madison during the fiscal year ending December 31, 2015, the following sums be and they are hereby set aside and appropriated as follows:

<b>FUND</b>	<b>PERSONAL SERVICES</b>	<b>OTHER</b>	<b>TOTAL</b>
General Fund (1000)	\$234,325.00	\$535,875.00	\$770,200.00
Maintenance & Repair (2011)	\$211,700.00	\$216,372.19	\$428,072.19
State Highway (2021)	\$0.00	\$10,000.00	\$10,000.00
Cemetery (2031)	\$19,550.00	\$21,080.00	\$40,630.00
SWIF Grant (2051)	\$0.00	\$85,821.22	\$85,821.22
319 Grant (2052)	\$0.00	\$141,034.81	\$141,034.81
Drug Law Enforcement (2081)	\$0.00	\$3,000.00	\$3,000.00
Law Enforcement Trust (2091)	\$0.00	\$500.00	\$500.00
Permissive Motor Vehicle (2101)	\$0.00	\$13,500.00	\$13,500.00
Police Disability & Pension (2131)	\$40,000.00	\$500.00	\$40,500.00
Enforcement & Education (2271)	\$0.00	\$500.00	\$500.00
Street Lighting (2401)	\$0.00	\$131,700.00	\$131,700.00
Senior Citizens (2901)	\$53,250.00	\$120,600.00	\$173,850.00
Mayors Ct Computer (2902)	\$0.00	\$2,000.00	\$2,000.00
Police Levy Fund (2903)	\$330,700.00	\$284,900.00	\$615,600.00
Gen Obligation Bond Retirement (3101)	\$0.00	\$0.00	\$0.00
Cemetery Capital (4901)	\$0.00	\$7,000.00	\$7,000.00
Senior Ctr Capital (4902)	\$0.00	\$22,500.00	\$22,500.00
Other Capital Projects (4903)	\$0.00	\$476,397.69	\$476,397.69
Cemetery Endowment (4951)	\$0.00	\$0.00	\$0.00
Water Operating (5101)	\$121,425.00	\$533,700.00	\$655,125.00
Sewer Operating (5201)	\$176,175.00	\$569,000.00	\$745,175.00
Garbage (5601)	\$0.00	\$13,000.00	\$13,000.00
Water Capital (5701)	\$0.00	\$311,125.22	\$311,125.22
Sewer Capital (5702)	\$0.00	\$323,035.00	\$323,035.00
W/S Deposits (5781)	\$0.00	\$9,000.00	\$9,000.00
<b>Grand Total Permanent Appropriations</b>	<b>\$1,187,125.00</b>	<b>\$3,832,141.13</b>	<b>\$5,019,266.13</b>

Sponsored/Introduced By: Kristie Crockett, Fiscal Officer  
and Mayor Britton

**Section 2.** The Village Fiscal Officer is hereby authorized to draw warrants on the Village treasury for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefore; approved by the board or officers authorized by law to approve the same, or an Ordinance or Resolution of Council to make the expenditures.

**Section 3.** It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 4.** This Ordinance is declared to be and is passed as an emergency measure necessary for the immediate preservation of the peace, health, safety and welfare of the Village, and so is to provide sufficient funds for the operation of the Village; and, THEREFORE, this ordinance shall take effect as an emergency ordinance in accordance with the provision of Article V, Section 5.2 of the Madison Village Charter.

Passed \_\_\_\_\_

\_\_\_\_\_  
Kenneth D. Takacs, President of Council

ATTEST:

\_\_\_\_\_  
Kristie M. Crockett, Fiscal Officer

Approved:

Date: \_\_\_\_\_

\_\_\_\_\_  
Sam Britton Jr., Mayor

**ORDINANCE NO. 5-2016**

**AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FROM THE  
GENERAL FUND TO VARIOUS OTHER FUNDS AS PREVIOUSLY  
BUDGETED, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Fiscal Officer requests that Council authorize the transfer to various funds as specified in Section 1, for current and other expenditures of the Village of Madison during calendar year 2016.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE  
VILLAGE OF MADISON, COUNTY OF LAKE AND STATE OF OHIO, THAT:**

**SECTION 1.** To provide for the transfer of the following amounts for the current expenses and other expenditures of the Village of Madison, Ohio, for the period beginning January 1, 2015 to and including December 31, 2015:

<b>\$643,300.00</b>	<b>From General Fund (1000)</b>
<b>\$238,300.00</b>	<b>To Road Dept. M &amp; R (2011)</b>
<b>\$ 13,000.00</b>	<b>To Cemetery (2031)</b>
<b>\$ 16,000.00</b>	<b>To Police Pension &amp; Disability (2131)</b>
<b>\$ 4,000.00</b>	<b>To Senior Center (2901)</b>
<b>\$ 372,000.00</b>	<b>To Police Levy Fund (2903)</b>

**SECTION 2.** It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 3.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of the Village of Madison, and further necessary to provide the Village of Madison the necessary funds for the operation of the Village during the period aforesaid; wherefore, this Ordinance shall take effect and be in force immediately upon its passage.

Sponsored / Introduced by: Kristie Crockett, Fiscal Officer  
And Mayor Britton

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Kenneth D. Takacs, President of Council

Attested:

\_\_\_\_\_  
Kristie M. Crockett, Fiscal Officer

Approved:

Date: \_\_\_\_\_

\_\_\_\_\_  
Sam Britton Jr., Mayor

**ORDINANCE NO. 6 - 2016**

**AN ORDINANCE ACCEPTING THE BASE BID OF C.I.R., INC. FOR THE S.R. 528 RIVER ROAD WATERLINE IMPROVEMENTS PROJECT, AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO A CONTRACT WITH SAME, AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to prior ordinance advertisement for bids for the S.R. 528 River Road Waterline Improvements project occurred; and

WHEREAS, said bids were publicly opened and read on February 3, 2016; and

WHEREAS, the lowest base bid (and lowest base bid plus alternate) was received from C.I.R., Inc. in the base bid amount of Three Hundred Seventy-One Thousand Five Hundred Ninety-Eight Dollars and Nineteen Cents (\$371,598.19); and

WHEREAS, the Village Engineer, who opines that the company is a responsible bidder capable and qualified to perform the work and that its bid was in compliance with all bid, contract, and legal requirements, now recommends the base contract be awarded.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MADISON, LAKE COUNTY, STATE OF OHIO:

SECTION 1. That the base bid of C.I.R., Inc. is hereby accepted in the amount of \$371,598.19. Upon recommendation of the Village Engineer, the alternate (same being a water meter vault) is not being awarded.

SECTION 2. That the Mayor and Fiscal Officer are hereby authorized to forthwith enter into a contract with C.I.R., Inc. in accordance with the specifications of the Village Engineer, the bid, and contract documents.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements.

**SECTION 4.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the inhabitants of the Village of Madison because timely award and start of the project is needed to meet financing conditions; wherefore, this Ordinance shall take effect and be in force from and immediately upon passage.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Kenneth D. Takacs,  
President of Council

Attested:

\_\_\_\_\_  
Kristie M. Crockett, Fiscal Officer / Clerk of Council

Approved:

Date: \_\_\_\_\_

\_\_\_\_\_  
Sam Britton Jr., Mayor

AN OPEN LETTER TO THE  
MADISON VILLAGE COMMUNITY  
FROM MAYOR BRITTON

Dear Friends,

Madison Village, like many communities across the state and nation, faces constant pressure to do more with less. That fact requires us to constantly re-evaluate how we do business and to see where we can accomplish the same important work by taking on new approaches and not just taking the easy path of doing business as usual. The fact is, like many other communities, business as usual is not an option for us.

The Village's general fund revenue of \$1,177,000 (2015) – which is the money that pays for just about everything the Village government does – has been flat for many years. Yes, \$1,177,000 is a lot of money, but to pay for police, roads, and just to keep the lights on, it does not go as far as one would hope.

Cuts from the state's local government funds hit the Village's revenue hard. The passage of the police levy a few years ago helped restore that lost revenue, but only to prior levels. We continue to project flat revenue into the foreseeable future.

Currently, just over 31% of the general fund -- \$370,784 -- is spent on the Police Department. A few years ago you narrowly passed a police levy. That levy generates approximately \$234,749 annually and brings the Police Department's total budget to \$656,100 (2015).

The difficulty we face is that, even with a budget of over \$650,000, the Police Department is still running at less than full staffing. Full staffing would be 6 full-time patrol officers. We currently have three. Part-time officers fill in open shifts, but that has not proven to be an effective way to run the Department. We function at times only due to Chief Shannon's tireless service, running patrol in addition to her other duties.

What would full-time staffing cost? At current rates of pay for our officers, the price would be \$836,000 annually. That is with no raises and no other increases in costs. When confronted with numbers such as this, and the reality that we must have a professional, full-time police department, I was compelled to explore all options. The option that makes the most economic sense and still provides the Village with highly professional, full-time police protection is to contract with Madison Township to allow its police department to take over law enforcement duties in the Village.

The Township is in agreement to provide police services to the Village for the annual cost of \$575,000 (2016) with only pass-through increases in subsequent years reflecting the Township's actual increased costs. What do we get in exchange? A 24/7 full-time patrol officer dedicated to service within the Village -- the same patrol presence that we have at present. Other Township patrol officers will be available at all hours for back-up. A police substation will be located right here in the Village. And we get the benefit of resources that we simply cannot afford on our own, such as detectives to investigate any serious offenses that may occur and an increased administrative support staff.

Dissolving the Village police department is a serious decision. It is not being made lightly or without significant contemplation. It is also on a personal level a difficult decision as the men and women of the department are fine, decent people who will be affected by this decision.

However, despite any such reservations, I nonetheless write this letter to you with full confidence that it is the right decision for Madison.

I recall decades ago the decision made to partner with the Township to create the Fire District. The Village operated with a mostly volunteer crew and made do with the equipment that it could afford. How different things would now be if we had not created this partnership all those years ago. Imagine the cost of the Village alone paying for state-of-the-art facilities, fire-fighting and EMS equipment, and of having the best trained professional firefighters and EMTs. By eliminating redundancies in equipment, staffing, and administration, we realize significant cost savings without compromise to services. I believe partnering with the Township for police protection provides the same benefits. It simply makes sense to do together what we now each do alone.

In the coming years you are going to see a lot of exciting changes in the Village. For the first time in many years new housing will be going up. We have significant plans for new storm water management infrastructure to help alleviate flooding. Our new road program will get some of our problem streets paved and implement routine maintenance to avoid a repeat of such conditions in the future. We will see continued revitalization of the downtown. And our economic development initiatives are paying off with frequent inquiries from businesses looking at the Village as a great place to locate.

Madison has a bright future. Partnering with the Township to provide police protection is just one component in moving this community forward.

Thank you.

Yours in service,

Sam Britton, Jr.  
Mayor

**ORDINANCE NO. 7- 2016**

**AN ORDINANCE DISSOLVING THE VILLAGE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.**

WHEREAS, the men and women of the Madison Village Police Department, past and present, have served this community with honor and the appreciation of this community for their service is hereby recognized; and

WHEREAS, budgetary constraints have resulted in the Police Department operating at less than full-time staffing; and

WHEREAS, projected municipal revenue does not provide sufficient funding to bring the Police Department's staffing to full-time status without increasing taxes; and

WHEREAS, even operating at current levels of staffing, cost-of-living wage increases, equipment, and administrative expenses will continue to place budgetary pressure on maintaining the Police Department in its current form; and

WHEREAS, the Mayor has reviewed options to provide police protection to the Village and recommends the Village contract for services with the Township of Madison; and

WHEREAS, the Mayor's recommendation has been reviewed by the Safety Advisory Group, which has joined in that recommendation; and

WHEREAS, the Council has independently reviewed this matter and finds that the ability of the Township to provide police protection to the Village at current service levels at a cost less than what the Village currently incurs warrants in furtherance of the best interests of the public peace, health, welfare, and safety contracting for said services, and, pursuant to the Charter and plenary power granted by the Ohio Constitution, the Council desires to exercise its powers of local self-government in dissolving the Police Department in furtherance of the contracting of police protection services with the Township.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF MADISON VILLAGE, COUNTY OF LAKE, STATE OF OHIO:

SECTION 1. That as of 12:01 AM on April 13, 2016 and thereafter, the Madison Village Police Department is and shall be dissolved, further, that effective that date and time all prior ordinances and resolutions related to the Police Department are and shall

be from that date and time repealed and held for naught, except as follows: the repeal of any ordinance or resolution shall not be construed to affect a right or liability accrued or incurred under any such legislative provision prior to the effective date of this Ordinance, or an action or proceeding for the enforcement of such right or liability..

SECTION 2. That as of 12:01 AM on April 13, 2016 and thereafter, the employment positions of patrol officer(s), Chief of Police, and administrative staff of the Police Department are hereby eliminated and the employment of those personnel holding said positions is consequently terminated as of that date and time, further, that effective that date and time all prior ordinances and resolutions related to the Police Department's employees are and shall be from that date and time repealed and held for naught, except as follows: the repeal of any ordinance or resolution shall not be construed to affect a right or liability accrued or incurred under any such legislative provision prior to the effective date of this Ordinance, or an action or proceeding for the enforcement of such right or liability.

SECTION 3. That the Mayor and Village officials are hereby empowered to take all necessary actions to wind-up the affairs of the Police Department.

SECTION 4. That the position of Mayor's Court Clerk is unaffected by this Ordinance and shall continue until such indeterminate later time as the Mayor's Court is finally dissolved.

SECTION 5. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including § 121.22 of the Ohio Revised Code.

SECTION 6. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare and safety of the inhabitants of this Village, and for the further reason that dissolution of the Police Department, the winding up of its affairs, and the transition of police protection services to the Township must occur forthwith so as to provide continuous police protection to the Village; wherefore, this Ordinance shall take effect and be in force from and immediately upon its passage.

PASSED:

\_\_\_\_\_  
Kenneth D. Takacs, President of Council

Attested:

\_\_\_\_\_  
Kristie M. Crockett, Fiscal Officer / Clerk

Approved:

Date: \_\_\_\_\_

\_\_\_\_\_  
Sam Britton Jr., Mayor

**ORDINANCE NO. 8 - 2016**

**AN ORDINANCE ACCEPTING AN AGREEMENT WITH THE TOWNSHIP OF MADISON TO PROVIDE POLICE PROTECTION SERVICES TO THE VILLAGE, AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to Ohio Revised Code §§ 737.04 and 505.431, the Village and Township of Madison are empowered to enter into an agreement whereby the Township may provide police protection services to the Village upon such terms and conditions as the parties may agree; and

WHEREAS, in companion legislation, same being Ordinance No. 7-2016, the Council found and determined that dissolution of the Village Police Department is, for the reasons stated therein, in the best interests of the Village; and

WHEREAS, the Council desires to enter into an agreement with the Township of Madison for police protection to the Village and that said agreement is in furtherance of the public peace, health, welfare, and safety, and, in addition to such statutory authority as cited above, pursuant to the Charter and plenary power granted by the Ohio Constitution, the Council also hereby exercises its powers of local self-government in contracting for police protection services with the Township.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF MADISON VILLAGE, COUNTY OF LAKE, STATE OF OHIO:

SECTION 1. That the agreement for police protection services with the Township of Madison attached hereto and incorporated herein as Exhibit "1" is approved. The Mayor is hereby authorized to execute same on behalf of the Village.

SECTION 2. That by virtue of this Ordinance, all sworn officers of the Madison Township (Lake County), Ohio Police Department are vested with full authority to enforce within the municipal boundaries of the Village all laws of the state and all ordinances and resolutions of the Village of Madison, and, to perform all such actions necessary and proper to carry out these duties.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including § 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare, and safety of the inhabitants of this Village, and for the further reason that dissolution of the Police Department, the winding up of its affairs, and the transition of police protection services to the Township must occur forthwith so as to provide continuous police protection to the Village; wherefore, this Ordinance shall take effect and be in force from and immediately upon its passage.

PASSED:

\_\_\_\_\_ Kenneth D. Takacs, President of Council

Attested:

\_\_\_\_\_ Kristie M. Crockett, Fiscal Officer / Clerk

Approved:

Date: \_\_\_\_\_

\_\_\_\_\_ Sam Britton Jr., Mayor

**AN AGREEMENT BETWEEN THE VILLAGE OF MADISON AND  
THE TOWNSHIP OF MADISON TO PROVIDE  
POLICE PROTECTION TO THE VILLAGE**

THIS AGREEMENT MADE AND ENTERED INTO AT Madison, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between the VILLAGE OF MADISON, an Ohio municipal corporation, having an address for purposes hereof at 126 West Main Street, Madison, Ohio 44057 (the "Village"); and the TOWNSHIP OF MADISON (LAKE COUNTY), an Ohio political subdivision, having an address for purposes hereof at 2065 Hubbard Road, Madison, Ohio 44057 (the "Township").

Section 1.1 Purpose and Intent.

WHEREAS, Pursuant to Ohio Revised Code §§ 737.04 and 505.431, the Village and Township are empowered to enter into an agreement whereby the Township provides police protection services to the Village upon such terms and conditions as the parties may agree.

WHEREAS, the Village is sited in the center of (and remains a part of) the Township of Madison, resulting in all primary roadways that serve areas of the Township transecting the Village as well.

WHEREAS, the operations of the Township Police Department and Village Police Department has through custom and necessity resulted in significant cooperation through back-up patrol officers' response and the investigation of major crimes.

WHEREAS, the Township currently provides the Village Police Department dispatch services pursuant to an agreement dated January 11, 2011.

WHEREAS, the Township desires to more effectively service its southern territory via the availability of a police substation.

WHEREAS, both the Village and Township face increased costs to provide police protection, inclusive of labor, equipment, and administrative services, at percentage levels of increase that are greater than any actual or projected increases in their respective general and special revenues.

WHEREAS, both the Village and Township desire to eliminate redundancies in their respective costs and thereby realize significant savings.

WHEREAS, the Township Police Department has staffing at levels which enable it to provide the Village police protection services at or superior to the levels the Village is now or reasonably anticipates being able to afford on its own.

WHEREAS, the Village has existing facilities for the Township's use to operate as a Police Substation able to service the southern territory of the Township, as well the Village.

NOW THEREFORE, the parties enter into this Agreement for purposes of the Township providing to the Village police protection services upon the terms and conditions set forth herein.

Section 1.2 Police Protection.

(a) Patrol and Criminal Investigations.

The Township shall provide routine road patrol consisting of at least one (1) patrol officer to enforce the general criminal offenses and traffic law violations occurring within the Village municipal boundaries. Nothing in this Agreement prohibits the Township from dispatching the patrol officer outside of the Village municipal boundaries to respond to emergency calls and/or as a back-up officer related to same.

The Township shall also investigate all reports of criminal activity occurring within the Village and coordinate with such other governmental agencies exercising their respective jurisdiction within the Village.

The Township shall provide such administrative support as is necessary to provide the Village police protection services as specified in this Agreement.

The Township shall coordinate with the Village Law Director related to the prosecution of all criminal and traffic violations occurring within the Village. The Township may request of the Law Director a legal opinion, subpoena assistance, the drafting of charges, and any other legal assistance within the scope of his or her office for all matters occurring within the Village limits. The Village shall pay all costs related to the Law Director's services without right or demand against the Township related to same.

(b) Non-Criminal / Non-Traffic Enforcement.

(i) Residential and Business Checks. Consistent with the time allowed while not performing services as specified in section 1.2(a), the Township officer shall perform residential and business checks for persons and businesses so requesting, and, perform such checks generally without request such that a visible police presence is maintained throughout the Village.

(ii) Vacation Checks. Consistent with the time allowed while not performing services as specified in section 1.2(a), the Township officer shall perform vacation checks for persons and businesses so requesting.

(iii) Courtesy Services. The Township may at its sole discretion provide courtesy services to the public, for example, assistance with vehicle lock-outs, and may do so pursuant to and in a manner consistent with such services provided to Township residents, inclusive of assessing a charge for same. Such charges shall be by and between the Township and individual requesting the service and the Village shall have no right or claim against same.

(iv) Special Traffic Control Details and Special Events. The Township may at its sole discretion provide officers within the Village municipal boundary to serve on special details for traffic control and for special events, and, to charge the requesting party such rates as the Township charges within its territory. Such services and charges shall be by and between the Township and the party requesting the service and the Village shall have no right or claim against same.

(v) Administrative Communications. Routine communication between the Village and the Township Police Department regarding police or policing issues shall be conducted between the Village Mayor and the Township Police Chief.

(vi) Attendance at Village Meetings. The Township Police Chief or designee shall as requested or on at least a quarterly basis attend a regularly scheduled Village Council meetings to provide an update on policing services.

(vii) School Resource Officer. All school resource officers to be supplied by the Township Police Department shall be based upon such agreements as the Township and school district may enter into and are outside the scope of services contemplated by this Agreement.

(c) Equipment. Initial equipment required to accommodate the expansion of the Township Police Department is listed below. Procurement of the following equipment will be added to Year 1 of the contract.

1. Two fully equipped patrol vehicles;
2. 5 portable 880 radios with lapel mics;
3. 5 Glock safe action pistols;
4. 5 Badges; and
5. 3 Taser International X26P tasers.

The Village shall transfer to the Township the following of its current property in full satisfaction of the applicable cost(s):

1. Village patrol cruisers #623 and #625;
2. 5 portable 880 radios with lapel mics;
3. 5 Glock safe action pistols;
4. 5 Badges; and
5. 3 Taser International X26P tasers.

In the event the Village for whatever reason is unable to transfer any of the above-identified property, then, it shall bear the cost of procurement of the equipment.

All future associated costs and expenses, inclusive of repair, normal wear-and-tear, and replacements, shall be at the Township's sole cost and expense.

(d) Excluded Services. Enforcement of violations of the Village zoning, property maintenance, and other ordinances not falling within the classifications of general criminal and traffic offenses are not within the scope of this Agreement and shall be performed by applicable Village officers.

### Section 1.3 Payment to the Township and Excluded Costs and Expenses.

(a) Base Charges Year 1. As and for the Township providing the services specified in section 1.2 hereof, the Village shall pay to the Township the total sum of Five Hundred Seventy-Five Thousand (\$575,000.00) Dollars (of which \$295,392 is for wages and \$279,608 is for operations and support), in equal quarterly installments of One Hundred

Forty-Three Thousand Seven Hundred Fifty (\$143,750.00) Dollars payable on or before the following dates: March 31, June 30, September 30, and December 31. The base charges for Year 1 shall however be prorated based upon the date the Township shall assume policing of the Village (which date may be later than the effective date of this agreement, see, section 1.6) with the start date therefore being on the first date of a month and the base charges for Year 1 being divided by 12 months and then multiplied by the remaining months in the year 2016 (Example, for a March 1 policing commencement date:  $\$575,000 \div 12 \times 10 = \$479,166.67$ . Quarterly installments would then be \$119,791.67 each for 2016).

(b) Base Charges Years 2 - 5. Base charges for Years 2 through 5 of this Agreement shall reflect annual increases of 3.6% in Township contractual wage costs:

	Wages:	Op/Suppt:	Total:
Year 2:	\$306,026.11	\$279,608	\$585,634.11
Year 3:	\$317,043.05	\$279,608	\$596,651.05
Year 4:	\$328,456.60	\$279,608	\$608,064.60
Year 5:	\$340,281.04	\$279,608	\$619,889.04

Base charges shall be paid to the Township in equal quarterly installments on or before the dates stated in subparagraph (a) of this section.

(c) In addition, the Village shall at its sole cost and expense both furnish and maintain the police substation in accordance with the terms of section 1.4 with no right or claim against the Township related to those costs and expenses.

(d) Pass-Through Increases.

(i) The Township periodically will have increased labor costs associated with percentage increases in the established regular wage rates of its officers and police department administrative staff. It is the parties' intent that such periodic percentage increases shall be passed-through to the Village via an equal percentage increase assessed to the Village, as reflected in section 1.3(b) wherein the contractual wage increases for the initial 5-year contract term are shown. Wage increases as a result of subsequent labor agreements would be eligible for pass-through increase on the wages portion of this contract in any successor agreement.

(ii) The Township periodically will have increased non-wage labor costs associated with, for example, increases in employee medical insurance premiums, for its officers and police department administrative staff. It is the parties' intent that such periodic percentage increases shall be passed-through to the Village via an equal percentage increase assessed to the Village.

(e) Village Expenses. The Village shall pay directly the following expenses, if any, related to persons incarcerated or in custody, as applicable, for offenses occurring within the Village's municipal boundaries when required by law:

- (i) Incarceration costs;
- (ii) Medical bills; and
- (iii) Mandatory testing related to communicable diseases.

The Township shall coordinate with the Law Director prior to incurring any of these costs and expenses in order to avoid same, to the greatest extent practicable under the circumstances.

(f) Base Charges Years 6+. Base charges for Years 6 and beyond shall be determined prior to the 5-year anniversary of this Agreement. It is the parties' intent to continue to set base charges at 5-year intervals upon each successive 5-year Agreement anniversary date and based upon the formula established herein in this section 1.3. The parties shall communicate as soon as reasonably possible prior to these 5-year anniversary dates to establish to their mutual satisfaction the future base charges.

Section 1.4 Police Substation.

(a) The Village owns a building located at 33 North Lake Street which is intended for remodel into a new Village Hall. The Village will provide a secure area to be designated the Police Substation. The Substation shall be furnished by the Village with basic office equipment including personal computer with existing ID Networks software, printer, desk, chair, bookcase, file cabinet, interview table and chairs devoted to the exclusive use of the Township Police Department during the term of this Agreement. This use by the Township shall constitute a license granted pursuant to this Agreement and not a lease. The exclusive use is subject to the following exceptions:

(i) The Village reserves to itself the right to run utility lines, pipes, and other such infrastructure when necessary or desirable upon, under, or through the space and to maintain, repair, alter, replace or remove same in locations which will not materially interfere with the substation's use.

(ii) The Village shall have the right to enter the Substation, upon prior notice to the Township, in order to conduct remodeling, repairs, and other improvements in furtherance of the conversion of the building into the new Village Hall, as noted above.

(iii) The Township shall provide designated Village officials with access keys / codes to enter the Substation in the event of emergency. Only emergency access necessary to protect life or property is permitted without prior notice to and approval from the Township.

(b) The Village shall be entitled to no compensation or offset from the Township for the Substation's use.

(c) The Township shall maintain the Substation in broom clean condition at all times. The Township shall not store any combustible materials within the Substation and shall comply at all times with applicable building and fire codes.

(d) Any and all improvements and/or additions to the Substation must first be approved by the Village. All improvements, additions, fixtures, and apparatus (including

anything that may be characterized as a leasehold improvement) installed or constructed in the Substation shall remain the property of the Village upon the expiration of this Agreement.

(e) Utilities. All costs and expenses of providing utility service to the Substation shall be paid by the Village.

(f) Maintenance, Repairs, and Improvements. The Village shall keep the Substation in good condition and repair at all times, inclusive of its exterior elements, driveways and parking areas. The Village shall solely incur all costs and expenses associated with same, with no claim or right of offset against the Township related to same, except, solely in the event a Township employee intentionally or recklessly causes damage.

(g) Insurance. The Village will carry and maintain liability and such property damage coverage in amounts adequate to cover such liabilities and property damage as may reasonably be anticipated from the use and value of the improvements, exclusive of Township personal property. The Township shall insure its personal property to the extent it so chooses.

The Township shall be named as an additional insured on the liability insurance. The proceeds of the insurance, to the extent of the cost of any damage or loss to the Substation, shall be used for the repair and replacement of the property damaged or destroyed.

The Township shall promptly notify the Village in the event of any damage to property or injury to person(s) occurring at the Substation from fire, water, or any other casualty, and further shall take immediate action to mitigate further damage.

#### Section 1.5 No Agency / Independent Contractor.

The Village shall have no inherent or implied authority of any nature whatsoever over the manner, methods, and processes by which the Township will provide police protection services.

The Township shall have no authority, express or implied, to enter into any contract, purchase, or to otherwise create any other liability or indebtedness on the part of the Village.

#### Section 1.6 Commencement.

This Agreement shall be effective at 12:01 AM on \_\_\_\_\_, 2016. It is contemplated by the parties that the effective date shall also be the date on which the Township assumes all policing duties pursuant to this Agreement, however, in the event of unexpected delays in so assuming policing duties, the parties shall consult in advance of same and mutually agree on another specific date upon which policing duties will be assumed.

#### Section 1.7 Expiration.

This Agreement shall expire upon one of the following occurrences:

(a) At any date upon the mutual agreement of the Village and Township thereto; or

(b) Upon notice provided to the other that the party intends to withdraw from the Agreement, provided that, such a unilateral withdrawal shall not occur (i) with less than twelve (12) months prior notice, and (ii) that the effective date given for termination of this Agreement shall coincide with the end of the Village fiscal year.

Section 1.8 Village to Authorize Law Enforcement Authority of the Township Officers Acting Within the Village's Municipal Boundary.

As a condition of this Agreement, the Village shall duly enact legislation granting to the Township's sworn peace officers all necessary authority to enforce the laws of the State and ordinances of the Village within its municipal boundaries.

Section 1.9 Notices.

Any notice or consent required to be given to, by, or on behalf of either party, shall be in writing and shall be given by mailing (or hand-delivering) such notice or consent addressed to the Village at its address set forth herein above and to the Township at its address set forth herein above. Either party may, by written notice similarly given, designate a substitute address at any time hereafter.

Section 1.10 Complete Agreement.

The parties hereto acknowledge that all of the terms and covenants contained herein were reviewed by both parties and/or their legal counsel, and all negotiations, consideration, representations, inducement and understandings between the parties are incorporated herein and may be modified or altered only by agreement, in writing, between the parties. This Agreement contains the entire agreement between the parties hereto, and no agent, representative, employee or officer of the Village or Township has authority to make, or has made, any statement, agreement or representation, either oral or written, in connection herewith, modifying, adding or changing the terms and conditions herein set forth. No present or past dealings or customs between the parties shall be permitted to contradict or modify the terms hereof.

Section 1.11 Force Majeure.

The Village and/or Township shall be excused for the period of delay in the performance of any of their respective obligations hereunder, except their obligation to pay any sums of money due under the terms of this Agreement, and shall not be considered in default of this Agreement when prevented from so performing by cause(s) beyond the Village's or Township's control, including, but not limited to, civil commotion, war, fire or other casualty, governmental regulations, statutes, ordinances, restrictions or decrees, or through acts of God.

Section 1.12 Interpretation.

The laws of the State of Ohio shall govern the validity, performance and enforcement of this Agreement. If any provision of this Agreement shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not be deemed to affect or impair any other provisions hereunder.

Section 1.13 Section and Title Headings.

The section and title headings contained herein are for convenience purposes only and do not define, limit, construe or amplify the contents of any such sections.

Section 1.14 Waiver.

(a) The Village and Township shall each have the right at all times to enforce the covenants, conditions and legal rights and remedies of this Agreement in strict accordance with the terms hereof, notwithstanding any conduct or custom(s) on the part of the Village or Township in refraining from so doing at any time(s). No failure by either party hereto to insist upon the strict performance of any term or condition of this Agreement, no failure by either party hereto to exercise any right or remedy available, legal or equitable, for a breach thereof shall constitute a waiver by such party of any such breach, term, condition or right.

(b) No term or condition of this Agreement required to be performed by the Village or Township, and no breach thereof, shall be waived, altered or modified except by written instrument executed by the waiving party.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written hereinabove.

VILLAGE OF MADISON

By: \_\_\_\_\_  
Sam Britton, Jr., Mayor

As authorized by the Council of the Village of Madison,  
Ordinance No. \_\_\_\_ - 2016

MADISON TOWNSHIP

By: \_\_\_\_\_  
\_\_\_\_\_, Chairman

As authorized by the Board of Trustees of Madison  
Township, Resolution No. \_\_\_\_\_

REVIEWED AND APPROVED AS TO FORM BY:

\_\_\_\_\_  
Joseph P. Szeman, Law Director  
Village of Madison

\_\_\_\_\_  
Gary L. Pasqualone, Solicitor  
Township of Madison

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**CERTIFICATE OF AVAILABILITY OF FUNDS  
BY THE FISCAL OFFICER  
OF MADISON VILLAGE, OHIO**

The undersigned Fiscal Officer of Madison Village, Lake County, Ohio hereby certifies that the monies required to meet the obligations of the Village of Madison, which is \_\_\_\_\_ Hundred \_\_\_\_\_ Thousand Dollars (\$\_\_\_\_,000.00) under "An Agreement Between the Village of Madison and the Township of Madison to Provide Police Protection to the Village" entered into as of \_\_\_\_\_, 2016 by and between the Village of Madison, Ohio and the Townhi of Madison, Ohio have been lawfully appropriated by the Council for such purpose and are in the treasury of the Village or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances.

VILLAGE OF MADISON

\_\_\_\_\_  
Kristie Crockett,  
Fiscal Officer

Date: \_\_\_\_\_

**ORDINANCE NO. 9 – 2016**

**AN ORDINANCE AUTHORIZING THE ADMINISTRATOR TO ADVERTISE FOR BIDS FOR THE GROWING GREEN ON MAIN STREET PROJECT, PHASE I, AND DECLARING AN EMERGENCY.**

WHEREAS, the Village Engineer has completed his work for public improvements to Main Street that will consist of storm water management infrastructure utilizing third-party funding; and

WHEREAS, because the probable cost of this project is in excess of fifty thousand dollars, the Administrator requests approval to advertise for bids in accordance with § 731.141 of the Ohio Revised Code and all other applicable legal requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MADISON, COUNTY OF LAKE, STATE OF OHIO, THAT:

SECTION 1. The Administrator is hereby authorized to advertise for bids for the construction of the "Growing Green on Main Street, Phase I" project, as per the plans, specifications and construction cost estimate on-file with his office, in accordance with § 731.141 of the Ohio Revised Code and all other applicable legal requirements.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including § 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare, and safety of the inhabitants of this Village, and for the further reason that project commencement cannot be delayed in order to meet financing and construction deadlines; wherefore, this Ordinance shall take effect and be in force from and immediately upon its passage.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Kenneth D. Takacs,  
President of Council

Attested:

\_\_\_\_\_  
Kristie M. Crockett,  
Fiscal Officer / Clerk of Council

Approved:

\_\_\_\_\_  
Sam Britton Jr.,  
Mayor

\_\_\_\_\_  
Date

**RESOLUTION NO. 6 - 2016**

**A RESOLUTION RECOGNIZING AND HONORING HEARN  
PLUMBING AND HEATING FOR 70 YEARS IN BUSINESS**

**WHEREAS**, Hearn Plumbing and Heating has been a valuable member of the Madison Village community for three (3) generations. David Hearn began the business out of his home in 1946 and turned the reigns over to son Dan who has passed the leadership to his son Tom; and,

**WHEREAS**, small businesses are the backbone of every community, and,

**WHEREAS**, the Hearn family has an impressive history of providing professional and outstanding service based on long-standing family values and traditions; and,

**WHEREAS**, the Hearn family has been incredibly generous and giving to the Madison community by volunteering and supporting various charitable and community causes; and,

**WHEREAS**, Hearn Plumbing and Heating was recognized as the Eastern Lake County Chamber of Commerce as the 2016 Business of the Year, and

**WHEREAS**, the Hearn family has faithfully and with honor shown its dedication to the Madison Community in their sense of community pride and continued commitment to serving others.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MADISON, COUNTY OF LAKE, STATE OF OHIO, THAT:**

SECTION 1: That Madison Village Council, on its own behalf and on behalf of all of the residents of Madison Village, hereby commends, congratulates, and honors Hearn Plumbing and Heating in recognition of seventy years in business..

SECTION 2: That this Resolution shall take effect immediately upon its adoption.

ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
Kenneth D. Takacs,  
President of Council

Attested:

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Kristie M. Crockett,  
Fiscal Officer / Clerk of Council

Approved:

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Sam Britton Jr.,  
Mayor

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Date