

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

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. He added that the former fiscal officer for the Village failed to apply for the

property tax exemptions for Village owned properties. Mr. Hamercheck stated that the potential dollar figure could be \$100,000.00 in real estate tax that the Village has paid that we may not actually owe. Mrs. Crockett stated that she filed the exemptions with the state in August 2015. 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. (2nd 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. (2nd 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. (1st 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. (1st 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. (1st 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 th	Planning & Zoning Meeting 7:00pm
Mon.	Feb 15 th	Village Hall closed for President's Day
Tues.	Feb. 16 th	Committee of the Whole Meeting 6:30pm
Tues.	Feb. 16 th	Regular Council Meeting 7:30pm
Wed.	Feb. 17 th	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.



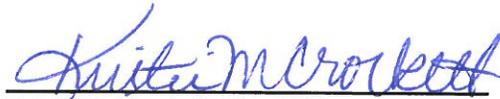
Sam Britton Jr., Mayor



Kenneth D. Takacs, Council President

2-22-16
DATE

Attested:



Kristie M. Crockett, Fiscal Officer

2-22-16
DATE