



Village of Milan
Regular Council Meeting
October 28, 2020

The October 28, 2020 Regular Meeting was called to order with the Pledge of Allegiance by Mayor Ben Smith

Roll call: Crosby - yes, Jenkins – yes, Rospert – yes, Taylor – yes, Shafer – excused, DeLand - yes.

Also, present: Mayor Ben Smith, Fiscal Officer Zachary Rospert, Administrator Brian Rospert, and Solicitor Jim Barney.

Motion by Rospert, seconded by Crosby to approve the Minutes of the September 23, 2020 Council Meeting. Roll Call: Jenkins-yes, Rospert-yes, DeLand – yes, Taylor-yes, Crosby-yes. Motion passes.

Motion by Jenkins, seconded by Taylor to approve the Council Bills for the period of September 23rd – October 28th. Roll Call: Rospert-yes, Taylor-yes, DeLand – yes, Crosby-yes, Jenkins-yes. Motion passes.

Motion by Crosby, seconded by Taylor to approve the Utility bills for the period of September 23rd – October 28th. Roll Call Taylor-yes, DeLand – yes, Crosby-yes, Jenkins-yes, Rospert-yes. Motion passes.

CITIZEN PARTICIPATION

Bobbie Weber, 71 Elm Street, submitted questions, which Zachary Rospert answered:

1. Again, last month we asked, is the Village of Milan still operating on a spending freeze due to COVID? Your response was “The spending freeze was an immediate reaction to unknown fiscal hardships that COVID might cause. As property taxes and local govt funds were received, the financial impact was not as severe as the worst-case scenarios. The complete freeze was lifted and replaced with cautionary spending approach.

a) When exactly was the spending freeze implemented? Was it a vote? Was it done through an ordinance?

The spending freeze was implemented in late March or Early April by the previous fiscal officer. It was not done through a vote or ordinance.

b) Exactly when was the complete freeze lifted? Who made the decision?

When the Zach Rospert came in as fiscal officer on an interim basis in early August, it was apparent that some items needed to be purchased. Many necessary supplies were gone. After reviewing the financial situation, we felt comfortable using the cautionary spending approach.

c) Aren't property taxes and local govt funds received this year based on last year values? Wouldn't that mean that taxes collected (or unable to be collected due to COVID19) this year will actually be affected next year?

Property Tax payments made in 202 are paid for the 2019 calendar year. However, when the county receives this money, they remit it to us approximately 30 days after the close of the collection period. As such, if residents did not pay their bill this year, we would have seen the impact immediately.

d) How can the Village say that there is no worse case scenario when RITA is the biggest revenue in the general fund and if people are not working the village isn't going to be collecting taxes. Like property taxes, you will not feel the impact until next year as RITA is based on the previous year income, but collected in the next year.

Local employers withhold employee wages and remit them monthly. We receive distributions from RITA every month.

e) Why didn't the Finance Committee hold an emergency meeting(s) to discuss the finances? They have only met twice – in Feb. and June of 2020.

While regular finance council meetings were not held, council was kept abreast of the situation at the regular council meetings.

f) Who decided that the worse case scenarios wasn't as severe as originally expected? Please provide us with a copy of the ORIGINAL worst case scenario worksheet and the REVISED.

These documents do not exist.

2. In the April 22, 2020 meeting at 16:25, Mayor Ben Smith stated that "they are suspending ALL overtime (except for emergency situations)". Is this policy still in place? It appears yes, since it has not been rescinded per review of council minutes since. If no, when was it rescinded. Also, is comp time considered overtime for this policy?

This policy is still in place, with the exception of required Overtime when we only had one employee certified in Water/Wastewater. During this two-month period, the Water/Wastewater Superintendent needed to work minimal Overtime to complete the required state testing. Comp time has been accrued by other employees when necessary.

3. Please explain the Village of Milan's overtime policy? Are holiday, vacation, and sick days considered work hours when determining overtime?

Council is currently in the process of updating its policy manual. However, the answer to this question depends on when the overtime occurs. Ordinance 151.07 further explains.

4. Please explain the Village of Milan's comp policy? Are holiday, vacation, and sick days considered work hours when determining comp earned?

Same as #3.

5. Once again, we ask that you open up the village council meetings to the public. Consider just opening up the doors to the council chambers and allow a few residents to sit in chairs in the lobby socially distanced and wearing a mask (like you have allowed in Milan's Town Hall in the Ballroom.) We ask that you please stop hiding behind the 10 person large gathering limit. Seems some council members seem to want to follow the rules for council meetings, but do not outside in their real world – where they are not wearing the masks, have more than 10 people in a gathering, and do not practice the 6ft. social distancing – just take a look at Facebook.

Stephan Taylor indicated the photo reference included himself and Councilwoman Carla Rospert at an outdoor function. He further indicated as neighbors they consider each other family and with young children, he has read studies where young children reading facial interactions is important to their development.

Mayor Smith read a letter from Nick Tucker, 40 W. Williams Street, requesting the alley to his house be widened, as a trailer he purchased for his business cannot make the tight turn into his driveway. P. Crosby asked if stone can be graded in. The issue was referred to the Street, Sidewalk and Storm Sewers Committee.

D. Jenkins announced his resignation as President Pro-Tem, effective immediately.

C. Rospert moved to appoint P. Crosby as President Pro-Tem. S. Taylor seconded the motion. Roll Call Taylor-yes, DeLand – yes, Crosby-abstain, Jenkins-yes, Rospert-yes. Motion passes.

OLD BUSINESS

Finance

CARES Act money was used to purchase two new picnic tables and trash cans on the square to promote social distancing, a new audio system for the village council room, and an upgrade to the Village website.

Utilities

Phase III of the WWTP project was completed late last month. The total project came in under budget, including the additional work at \$98,598.59 of the \$100,000.00 budget. Final payment application was submitted to the Ohio Public Works Commission for final review and payment approval.

It was suggested we once again table the change in water rate, due to the uncertainty of House Bill 163.

Parks and Trees

A Brandywine Red Maple was planted in front of 118 S. Center Street for our Arbor Day Tree.

NEW BUSINESS

Streets, Sidewalks and Storm Sewer

B. Rospert indicated he submitted \$2,500 Erie County Community Cleanup Grant.

Leaf Pickup began on October 20th.

Safety

Chief Meister provided a memo indicating Officer Yost resigned October 18, 2020 and Officer Smith resigned October 20, 2020. D. Jenkins moved to accept their resignations. S. Taylor seconded the motion. Roll Call Jenkins-yes, Rospert-yes, Taylor-yes, DeLand – yes, Crosby-yes. Motion passes.

Chief Meister provided a memo indicating he would like to hire Justina Demarchi-Rollings, James Bartus III & Dillon Lewis. C. Rospert moved to hire these three employees at a rate of \$13.00 per hour with a six-month probationary period. P. Deland seconded the motion. Roll Call Rospert-yes, Taylor-yes, DeLand – yes, Crosby-yes, Jenkins-yes. Motion passes.

Finance

Z. Rospert suggested holding a Finance Committee meeting to discuss CARES Act funding and Health Insurance renewal. He will work with the Ashley Group to get a time that works best.

Regional Planning, Building Codes & Inspection

Mayor Smith recommended appointing John Bachelor to the Board of Zoning Appeals to serve the vacant opening until December 31, 2022. P. Deland moved to appoint John Bachelor. S. Taylor seconded the motion. Roll Call Taylor-yes, DeLand – yes, Crosby-yes, Jenkins-yes, Rospert-yes. Motion passes.

The Zoning Inspector has tentatively set a Board of Zoning Appeals meeting for November 17, 2020 related to a solar array system at the Edison Birthplace.

P. Deland asked about the house at 73 Center Street. Mayor Smith will get with Brian and the Zoning Inspector to get a timeline on anticipated improvement.

Utilities

Dan Hipp returned on October 5, 2020 to the Water and Waste Water Department.

Water & Wastewater completed their new Community Asset Management Metrics Report and submitted it to the EPA.

BCU Electric began working on the North Substation Phase I Electric Project the week of October 19th.

Civic Contacts

It was noted the Silver Maple Tree on the South West end of the Square needs removed. The Milan Garden Club proposed their organization donate a new tree to be identified as a “Recovery Tree” to commemorate the COVID-19 Pandemic Recovery.

Parks and Trees

Jennifer Jackson moved out of the area, and has submitted her letter of resignation for the Tree Commission. C. Rospert moved to accept the resignation. P. Crosby seconded the motion. Roll Call DeLand – yes, Crosby-yes, Jenkins-yes, Rospert-yes, Taylor-yes. Motion passes.

Records Commission

The next meeting is scheduled to be held in December of 2020.

Communications

Due to Thanksgiving and Christmas it was suggested to move the November and December meetings to the 3rd Wednesday of the month. P. Crosby moved to hold the meetings on November 18 and December 16, 2020. S. Taylor seconded the motion. Roll Call Crosby-yes, Jenkins-yes, Rospert-yes, Taylor-yes, DeLand – yes. Motion passes.

The open seat on the Tree Commission will be posted.

LEGISLATION

Ordinance – Next Number will be 777-09-20

Resolution - Next Number will be 611-09-20

CONSIDERATION WILL BE GIVEN TO TABLE THE ORDINANCE AMENDING THE RATES TO BE CHARGED FOR MUNICIPAL WATER SERVICES FURNISHED BY THE VILLAGE OF MILAN

Motion by D. Jenkins, seconded by P. DeLand, to table the Ordinance Amending the Rates to be Charged for Municipal Water Services Provided by the Village of Milan. Roll call: Rospert-yes, Taylor-yes, DeLand – yes, Crosby-yes, Jenkins-yes. Motion passes.

AN ORDINANCE ESTABLISHING A VILLAGE OF MILAN PARKS AND ACTIVITIES COMMISSION

Motion by Crosby, seconded by Taylor, to bring this ordinance to its second reading by title only. Roll Call: Taylor-yes, DeLand – yes, Crosby-yes, Jenkins-yes, Rospert-yes. Motion passes.

AN ORDINANCE AMENDING THE PROBATION PERIOD FOR POLICE OFFICERS IN THE VILLAGE OF MILAN AND DECLARING AN EMERGENCY

Motion by D. Jenkins, seconded by C. Rospert, to suspend the rules. Roll Call: DeLand – yes, Crosby-yes, Jenkins-yes, Rospert-yes, Taylor-yes. Motion passes.

Motion by C. Rospert, seconded by P. Crosby, to adopt by title only. Roll Call: Crosby-yes, Jenkins-yes, Rospert-yes, Taylor-yes, DeLand – yes. Motion passes.

AN ORDINANCE AMENDING THE VILLAGE OF MILAN ZONING ORDINANCE §1133.07 AND §1133.08 CONCERNING DUTIES AND STANDARDS OF THE BOARD OF ZONING APPEALS AND §1185.03 REGARDING ANIMALS

Motion by P. Deland, seconded by P. Crosby, to bring this ordinance to its first reading by title only. Roll Call: Jenkins-yes, Rospert-yes, Taylor-yes, DeLand – yes, Crosby-yes. Motion passes.

AN ORDINANCE REPEALING ORDINANCE 776-06-20 AND ENACTING THIS ORDINANCE RELATIVE TO THE COMPENSATION OF THE VILLAGE EMPLOYEES TO CORRECT A TYPOGRAPHICAL ERROR AND DECLARING AN EMERGENCY

Motion by C. Rospert, seconded by P. DeLand, to suspend the rules. Roll Call: Rospert-yes, Taylor-yes, DeLand – yes, Crosby-yes, Jenkins-yes. Motion passes.

Motion by C. Rospert, seconded by P. Crosby, to adopt by title only. Roll Call: Taylor-yes, DeLand – yes, Crosby-yes, Jenkins-yes, Rospert-yes. Motion passes.

D. Jenkins announced his resignation from Council effective 10/31/2020.

EXECUTIVE SESSION

Motion by S. Taylor, seconded by P. Crosby, to enter into Executive Session to consider the appointment, employment, dismissal, discipline, promotion, or compensation of a public employee or official. Roll Call: DeLand – yes, Crosby-yes, Jenkins-yes, Rospert-yes, Taylor-yes. Motion passes.

Motion by C. Rospert, seconded by P. Deland to return to regular session. Roll Call: Crosby-yes, Jenkins-yes, Rospert-yes, Taylor-yes, DeLand – yes. Motion passes.

CONTINUING BUSINESS

Mayor Smith read a letter from Brian Rospert, resigning from the Village Administrator role.

P. Crosby moved to hire Joe Hamilton to the open Electric employee position, at a starting rate of \$22.00 an hour + 3% raise after a 6-month probationary period. S. Taylor seconded the motion. Roll Call: Jenkins-yes, Rospert-yes, Taylor-yes, DeLand – yes, Crosby-yes. Motion passes.

Mayor Smith recommended Tim McIlrath to Dave Jenkins open seat, effective November 1, 2020. C. Rospert moved, seconded by P. Crosby to appoint Tim McIlrath to the open seat. Roll Call: Rospert-yes, Taylor-yes, DeLand – yes, Crosby- yes, Jenkins-abstain. Motion passes.

Mayor Smith will resign as Mayor, effective October 31, 2020. He thanked Council for everything they have done for Milan and for him during his time as Mayor.

Motion by P. Crosby, seconded by S. Taylor to adjourn. Roll Call: DeLand – yes, Crosby- yes, Jenkins-yes, Rospert-yes, Taylor-yes. Motion passes.

Pamela Crosby, Council President

Zachary Rospert, Fiscal Officer