



Village of Milan
Regular Council Meeting
February 26, 2020

The February 26, 2020 Regular Meeting was called to order with the Pledge of Allegiance by Mayor Ben Smith

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

Also, present: Mayor Ben Smith, Fiscal Officer Scott Palmer, Administrator Brian Rospert, and Attorney Jim Barney.

Motion by Barber, seconded by Jenkins to approve the Minutes of the January 22, 2020 Council Meeting. Roll Call: Barber-yes, Crosby-yes, Jenkins-yes, Rospert-yes, Shafer-yes, Taylor-yes. Motion passes.

Fiscal Officer Palmer reviewed the Financial Report and Bank Reconciliations with the Mayor and Council Members.

Motion by Rospert, seconded by Crosby to approve the Financial Report/Bank Reconciliation for the period Ending January 31, 2020. Roll Call: Barber-yes, Crosby-yes, Jenkins-yes, Rospert-yes, Shafer-yes, Taylor-yes. Motion passes.

Motion by Barber, seconded by Rospert to approve the Council bills for the period of January 23rd – February 26th. Roll Call: Barber-yes, Crosby-yes, Jenkins-yes, Rospert-yes, Shafer-yes, Taylor-yes. Motion passes.

Motion by Barber, seconded by Crosby to approve the Utility bills for the period of January 23rd – February 26th. Roll Call: Barber-yes, Crosby-yes, Jenkins-yes, Rospert-yes, Shafer-yes, Taylor-yes. Motion passes.

CITIZEN PARTICIPATION

Kevin Riddle from 88 S. Edison Drive read a letter to the Mayor and Council Members regarding zoning violations at 180 Center Street. His concern is that the property owner at 180 Center Street is in violation of the zoning laws, has been sued by the Village, and should be responsible for correcting these violations and would like the Village to enforce the laws and have the property owner remedy the situation immediately. Solicitor Barney told Mr. Riddle that the

Mayor and Council Members would be going into executive session to discuss these legal matters. Trudy Riddle asked Mr. Barney how the zoning laws are enforced. Mr. Barney replied that the procedure that was used against the property owner at 180 Center Street is the proper way to try and enforce the laws. This includes sending letters to the property owner and if the property owner takes no corrective action then the Village will file a lawsuit.

Darrell Maines the son of the property owner at 34 Broad Street addressed Council regarding the zoning violations. Mr. Maines has spoken with Administrator Rospert several times and asked why a property owner who did nothing to cause the violations on the adjacent property would have to contribute to the situation the owner had nothing to do with. Mr. Maines wanted to state for the record that the offer to have his mother give up a part of her property to rectify the situation would not be accepted. She has lived at that property for 40 years and had water in the basement 2 times. Since the changes to the next-door property it has happened 6 times.

Mayor Smith reminded everyone that this is going to be discussed in executive session and will remain a top priority.

OLD BUSINESS

Streets, Sidewalks and Storm Sewers – None

Safety – Work continues on the new requirements from the Bureau of Workers Compensation (BWC) and Public Employees Risk Reduction Program (PERRP). The MSDS books and Hazardous Communication Program has been updated. Physicals, hearing tests, respirator tests and required vaccines through the Erie County Health Department have been scheduled. The safety equipment and construction zone signage has been updated as required.

Stage 3 plans for the Safe Routes to School Sidewalk Project are due to ODOT District 3 on March 6th. Bids for the project are scheduled to be done in October with construction set to begin in the spring of 2021. Additional safety monies will be applied for to install a bump-out crosswalk at the elementary school on Main Street.

The Village of Milan's Emergency Preparedness Committee will meet on Thursday February 27th at 9:00am in the Council Chambers.

Finance - None

Regional Planning, Building Codes & Inspection – Solicitor Barney will give an update in Executive Session on the pending litigation involving 180 Center Street and 103 S. Main Street.

Utilities – The logistics manager in charge of transporting the NASA Orion Space Craft contacted Administrator Rospert to communicate the tentative schedule to make its return trip through the Village. It is tentatively scheduled for Sunday March 15th.

North Electrical Substation update: A meeting with BCU Electric and our Criteria Engineer was held on March 11th and it was determined to select a Solomon remanufactured 3750 kVA transformer for \$159,000 with a three-year warranty. The total cost for this unit is estimated to be 10-20% less than a 5,000 kVA transformer that was considered previously. Over the 40-year

life expectancy there should be an energy savings of approximately \$100,000 in total cost of ownership versus the 5,000 kVA transformer. The BCU final Guaranteed Maximum Price (GMP) is expected to be received in early March. Once the GMP is received we will have a Finance Meeting to discuss their proposal.

On January 28th the Ohio EPA performed the Community Water System Sanitary Survey and the Village received a Letter of Compliance on January 31st. There were no violations noted in the report but there were several recommendations. Dan began working on these immediately.

Civic Contacts and Historical Preservation – None

Parks and Tree – None

Records Commission – The next Records Commission will be scheduled in June 2020.

NEW BUSINESS

Streets, Sidewalks and Storm Sewer – During the previous month the Street Department made necessary repairs on the equipment, completed the Hazardous Communication Plan, cold patched several roads during the warmer weather at the beginning of February, ordered street signs that need to be replaced, assisted the Electric Department with setting a transformer and pole change over on Pawnee Drive, and met with contractors to replace the main doors at the Street Barn. Two were rusted out at the bottom and needed to be replaced with new doors and hardware. Assisted with the annual fire extinguisher checks and fire inspection and plowed and salted roadways numerous times.

Safety – Council spoke on behalf of Chief Meister. Officer Jeffrey Brown has completed his one year of service making him eligible to become a permanent part-time officer and receive a \$.50 per hour raise.

Motion by Barber, seconded by Jenkins to Hire Jeffrey Brown as a permanent part-time officer and receive a \$.50 per hour raise.

Roll Call: Taylor-yes, Shafer-yes, Barber-yes, Crosby-yes, Jenkins-yes, Rospert-yes. Motion passes.

Council member Todd Barber read a letter from Police Chief Meister regarding the hiring of part-time officer Richard Shiltz.

Motion by Barber, seconded by Rospert to hire Richard Shiltz as a part time police officer at a pay of \$13.00 per hour with a one-year probationary period.

Roll Call: Crosby-yes, Jenkins-yes, Rospert-yes, Taylor-yes, Shafer-yes, Barber-yes. Motion passes.

Finance – Dave Jenkins the Finance Committee Chair discussed the past Utility/Finance Committee meeting that was held on February 19th. For the 2020 Utilities committee, Carla Rospert was nominated and selected as the chairperson and Pam Crosby was nominated and selected as the Secretary.

Administrator Rospert discussed Capital Improvement projects and it was decided to proceed with the proposals from H2O Towers for cleaning and touch up painting the exterior of the water tower. R.A. Bores will be replacing critical water valves in our southern water distribution with Insta-Valves and installing two additional valves. This will remain within the \$50,000 amount budgeted.

The Water Rate Study from the original presentation in July 2019 was presented with revised numbers. The committee was pleased and appreciative of the efforts by the Administration to work again with our advisor, Joe Lawrie. The original proposal called for increases to water rates 10-16% for four years. The revision calls for lowering the minimum of water to 2000 gallons, along with the conversion in place for water/sewer wages, can lower our overall percentage increases to 4.75% for four years. The committee decided to propose to council a 3 year plan for annual increases of 4.75% and reevaluate in the fourth year.

It was determined that the 1.5% base salary raise approved at the January meeting did not specify being retroactive to January 1st therefore there will need to be a motion.

Motion by Jenkins, seconded by Barber to make the 1.5% raises retroactive to January 1, 2020.

Roll Call: Rospert-yes, Taylor-yes, Shafer-yes, Barber-yes, Crosby-yes, Jenkins-yes. Motion passes.

The Compensation Time Policy was discussed. The current policy allows employees to carry over up to two weeks, ten working days of comp time to the following year. It was proposed to decrease the carry over to one week, five days. Questions regarding the comp pay were posed by Tina Frederick. It was decided to table the policy revision because the Council is planning on reviewing the ordinances and will further study this policy.

New Productivity software, including Email, called G Suite by Google was proposed by Mayor Smith. The additional cost incurred this year will come from the Mayor's budget for 2020 and figured into the annual budget going forward. Council members and employees have voiced displeasure with the current GoDaddy Email.

Motion by Jenkins, seconded by Shafer to move forward with the G-Suite Software.

Roll Call: Barber-yes, Crosby-yes, Jenkins-yes, Rospert-yes, Taylor-yes, Shafer-yes. Motion passes.

Holiday, Sick, and Vacation Pay will be addressed in review of current ordinances, particularly Chapter 151, Employees generally. Mayor Smith will be setting up a work session to address these reviews.

Regional Planning, Building Codes & Inspection – The Zoning Inspector issued two Building Permits to Johns Manville and a Zoning Permit for a new attached garage on Liberty Street. There will be a Board of Zoning Appeals meeting scheduled for February 27th at 6:30pm in Council Chambers. Included on the agenda is two Variance requests for the following:

- 1) To open a pet grooming business at 11 West Church Street in the Central Business District.
- 2) Johns Manville for a building addition on the west side of the building (by US 250 & Swan Street). They are asking for a 7' set-back for their Variance. They are also estimating an additional 25 jobs with this new addition. Council Todd Barber brought up the subject of increased truck traffic and what could be done to make it safer. Mayor Smith suggested bring up at a future Safety Meeting.

Utilities – The Water/Wastewater performed daily and weekly testing required by the EPA, performed general maintenance on equipment and auto dialers, updated the MSDS book, completed the Hazardous Communication Plan, finished cutting down the brush around the Wastewater Treatment Plant dike, replaced a valve box lid that was hit by a snow plow in the parking lot behind Jim's Pizza Box, and finished revising the Total Coliform Sampling Site Template which was recommended during the survey. This will give a better representation of the water system for this test. R.A. Bores installed two blind flanges on the digester air lines in which a valve split and air was leaking.

The Electric Department removed several branches off of secondary and primary wires, rearranged power at the Administration Office to put our server on a receptacle that is connected to the emergency backup generator, updated the MSDS books, completed their Hazardous Communication Plan, replaced the parking lot light at the Administration Office with a new LED light, replaced a service line from the pole to the house at 315 S. Main Street which upon inspection had a bad connector that was recently replaced by Main Lite contractors for the Orion Project, worked with Frontier Communications to straighten the pole on S. Main Street that was leaning since the last storm, repaired a broken guy wire to a power pole on Lockwood Rd. that appears to have been hit by a vehicle. Frontier Communications installed new poles on Pawnee Dr. and Seminary Road that were damaged during the last storm. The Village had to transfer both primary and secondary lines along with hanging a new transformer.

Civic Contacts – The Beautification Commission held a meeting on February 20th to discuss the finish of the Christmas lighting display and to brainstorm future ideas.

Parks and Trees – None

Records Commission – None

Citizens Property Maintenance Commission – Council Rospert read a letter she received from a concerned citizen addressed to the Village Council regarding a property that is unsightly and a nuisance. Council Rospert asked that this property be addressed. Administrator Rospert said that the Zoning Inspector spoke with the property owner and was promised it would be cleaned up in two weeks.

Communications – None

UNFINISHED BUSINESS

None

LEGISLATION

Ordinance – Next Number will be 771-02-20

Resolution - Next Number will be 604-02-20

**A RESOLUTION APPOINTING THE VILLAGE OF MILAN FISCAL OFFICER AS THE DESIGNEE OF THE MEMBERS OF COUNCIL FOR THE PURPOSE OF THE PUBLIC RECORDS LAW
RES #604-02-20**

Motion by Rospert, seconded by Barber, to bring this ordinance to its third and final reading by title only. Roll call: Shafer - yes, Barber - yes, Crosby - yes, Jenkins - yes, Rospert - yes, Taylor - yes.

Motion by Barber, seconded by Crosby, to adopt by title only. Roll call: Barber - yes, Crosby - yes, Jenkins – yes, Rospert – yes, Taylor - yes, Shafer - yes.

**RESOLUTION GIVING CONSENT TO THE DIRECTOR OF TRANSPORTATION TO RESURFACE STATE ROUTE 113 FROM THE INTERSECTION OF SR 113 & SR 601 INSIDE THE VILLAGE OF MILAN TO THE INTERSECTION WITH BELLAMY ROAD AND DECLARING AN EMERGENCY
RES #605-02-20**

Motion by Barber, seconded by Jenkins, to suspend the rules. Roll call: Crosby - yes, Jenkins - yes, Rospert - yes, Taylor - yes, Shafer - yes, Barber - yes.

Motion by Barber, seconded by Shafer, to adopt by title only. Roll call: Jenkins - yes, Rospert - yes, Taylor - yes, Shafer - yes, Barber - yes, Crosby - yes.

**AN ORDINANCE AUTHORIZING AND DIRECTING THE FISCAL OFFICER TO EXPEND NOT MORE THAN \$50,000.00 FROM THE CAPITAL IMPROVEMENT FUND TO REHABILITATE THE WATER TOWER AND REPLACE SEVEN (7) WATERLINE DISTRIBUTION VALVES AND DECLARING AN EMERGENCY
ORD #771-02--20**

Motion by Barber, seconded by Rospert, to suspend the rules. Roll call: Shafer - yes, Jenkins - yes, Rospert - yes, Taylor - yes, Barber - yes, Crosby - yes.

Motion by Barber, seconded by Crosby, to adopt by title only. Roll call: Rospert - yes, Taylor - yes, Shafer - yes, Barber - yes, Crosby - yes, Jenkins - yes.

AN ORDINANCE AMENDING THE RATES TO BE CHARGED FOR MUNICIPAL WATER SERVICES FURNISHED BY THE VILLAGE OF MILAN, OHIO REPEALING ALL ORDINANCES OR PARTS THEREOF INCONSISTENT HEREWITH

Motion by Barber, seconded by Shafer, to bring this ordinance to its first reading by title only. Roll call: Shafer - yes, Barber - yes, Crosby - yes, Jenkins - yes, Rospert - yes, Taylor - yes.

EXECUTIVE SESSION

Motioned by Barber, seconded by Crosby, to enter into Executive Session to discuss pending litigation against the Village. Unknown action to be taken. Roll call: Jenkins - yes, Barber - yes, Crosby - yes, Rospert - yes, Taylor - yes, Shafer - yes.

Council Jenkins was unable to stay for executive session due to prior commitment.

Motioned by Rospert, seconded by Taylor, to close Executive Session and return to Regular Session. Roll call: Rospert - yes, Taylor - yes, Shafer - yes, Barber - yes, Crosby - yes.

QUESTIONS FOR THE NEXT MEETING

None

ADJOURNMENT

Motion by Barber, seconded by Crosby to adjourn tonight's meeting. Roll call: Rospert - yes, Smith – yes, Shafer - yes, Barber - yes, Crosby - yes. Motion carried.



Dave Jenkins, Council President



Scott Palmer, Fiscal Officer