



Village of Milan
Regular Council Meeting
September 23, 2020

The September 23, 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 – yes, DeLand - yes.

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

Motion by Jenkins, seconded by Crosby to approve the Minutes of the August 26, 2020 Council Meeting. Roll Call: Jenkins-yes, Rospert-yes, Shafer-yes, DeLand – yes, Taylor-yes, Crosby-yes. Motion passes.

Motion by Rospert, seconded by Shafer to approve the Minutes of the September 9, 2020 Special Council Meeting. Roll Call: Rospert-yes, Shafer-yes, DeLand – yes, Taylor-yes, Crosby-yes, Jenkins-yes. Motion passes.

Motion by Crosby, seconded by Jenkins to approve the Council Bills for the period of August 26th –September 23rd. Roll Call: Taylor-yes, Crosby-yes, Jenkins-yes, Rospert-yes, Shafer-yes, DeLand – yes. Motion passes.

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

CITIZEN PARTICIPATION

Mayor Smith will ask for a motion to suspend the rule to not allow Public Participation due to the current COVID-19 Virus. Motion by Rospert, seconded by Crosby, to suspend the rule. Roll call: Crosby - yes, Jenkins - yes, Rospert - yes, Taylor - yes, Shafer – yes, DeLand – yes. Motion passes.

Milan Rotary Club submitted a request to place a sign in the Village Square from October 20-October 26 to raise awareness for World Polio Day. Motion by Jenkins, seconded by DeLand to allow the sign. Roll call: DeLand – yes, Crosby – yes, Jenkins – yes, Rospert - yes, Taylor - yes, Shafer - yes. Motion passes.

Z. Rospert requested the closure of Center Street from Church Street to Merry Street from 9:00 am – Noon for the annual #TeamHolly 5k and Fun Run. In discussion, council requested approval from the Health Department. Motion by Taylor, second by Shafer to tentatively allow for the road closure, pending health department approval of the event. Roll call: Crosby – yes, Jenkins – yes, Rospert – yes, Taylor – yes, Shafer – yes, Deland – yes. Motion passes.

Bobbie Weber, 71 Elm Street, submitted questions, which Dave Jenkins answered as followed:

1) Was the former fiscal officer given the choice to resign before he was fired? Seems odd that a special meeting that went to executive session to discuss personnel issues happened the night before the fiscal officer's resignation. However, no action was taken! (see question #2)

Answer: Our former fiscal officer submitted his letter of resignation on August 6, 2020. If you would like a copy of his letter please let us know and we will provide you a copy of such.

2) Is the village of Milan going to allow the former fiscal officer to receive unemployment compensation? **Answer: We did not deny the former fiscal officer's unemployment compensation.**

3) In the June 2020 Finance meeting where you discussed the retirement and rehire of Dan Hipp, the Water and Sewer Supervisor, it was pointed out that a public notice and hearing might be required. Why wasn't this done to inform the Village of Milan residents that you were hiring back an employee that retired? **Answer: Per Ohio Revised Code 145.381 Re-employing retirant – Subsection (B) A board, commission, or legislative authority that proposes to continue the employment as a reemployed retirant or rehire as a reemployed retirant to the same position an individual described in division (A) of this section shall do both of the following in accordance with rules adopted under division (C) of this section. Since Dan Hipp is not being hired back to the same position as Water/Wastewater Superintendent, he is being hired back to the Water/Wastewater as the Class A Water/Sewer Department Employee NO PUBLIC MEETING WAS REQUIRED.**

4) When the village in Milan started to purchase water from Erie County and no longer produce water within the village, was there ever consideration to freeze the employees wages in water and sewer? Didn't their job responsibilities get reduced in the water department? **Answer 1: There was not discussion on freezing their wages at that time. Answer 2: Their responsibilities were reduced very minimally since we are still are responsible for all the State of Ohio and EPA testing requirements, maintaining our water distribution lines, our water tower etc. The old water plant was pretty much self-sufficient and required minimal daily time from our employees.**

5) When an employee retires, do they receive payment for unused accumulated sick leave? If yes, what is the Village of Milan's policy on this? As an example, how much did your most recent retiree receive? **Answer 1: Yes. Answer 2: Our Policy is under Ordinance form 151.04 Sick Leave. The Ordinance states under subsection (b) For full time employees with at least ten consecutive years of service with the Village, upon voluntary termination, such employee shall be paid for one-quarter of his or her accumulated, unused sick leave, up to a maximum**

value of thirty days of base pay. Accumulated, unused sick leave for employees with less than ten years consecutive service with the Village and/or for employees involuntarily terminated regardless of their number of years of service, shall be forfeited, and there shall be no compensatory payment. **Answer 3: Our most recent employee received 30 days base pay (240 hours) and was paid \$7,365.60.**

6) Is the Village of Milan still operating on a spending freeze due to COVID? If you are, how are you able to give employee raises right now? **Answer 1: The freeze was an immediate reaction to the unknown financial hardships that COVID might cause. As Property tax revenue and local government funds were received the financial impact was not as severe as the worst case scenario that we originally planned for. The complete freeze was lifted and was replaced with a cautionary spending approach. Answer 2: Right now we are only giving probationary employees their earned raises along with giving new superintendents raises that are now required to perform more duties as the department lead(s). We have and will see a cost savings when the previous Water/Wastewater Superintendent retired and soon to be retirement of our Electric Superintendent.**

7) Who is in charge of the Village's website? Can you please clean it up? It is really difficult to find current information! At the very least, post the most current meetings at the top. (Which logo is current! Which are you using?) **Answer 1: Several of our employee's keep an eye on our website, Julie Stelzer is the primary person in charge. Answer 2: We strive to keep our website cleaned up and we will continue to do so. Answer 3: Per the Ohio EPA Guidelines we are required to have our Water Department Consumer Confidence Report at the top of our website. At this time we are exploring new website options and hope to roll out a new platform soon.**

8) When someone wants to use Milan's Village Square, why does the Village require them to obtain insurance when the Village of Milan has insurance? No insurance is required when you rent the Township's ballroom or shelter house at Edison Park. **Answer 1: Our insurance company requires us to have additionally insured insurance when someone wants to use the Village Square.**

OLD BUSINESS

Streets, Sidewalks and Storm Sewers

2021 Salt prices through the Erie County Engineer's bid is \$44.20 per ton delivered. 2020 rate is \$80.37.

Safety

The Safe Routes to School project will be awarded on March 8, 2021, with construction to begin shortly after. We submitted our Certification of Right of Way Control letter to ODOT this week.

Regional Planning, Building Codes & Inspection

The Case Trial involving 103 S. Main Street Fence Appeal is scheduled for May 10, 2021 in the Erie County Common Pleas Court.

Public Hearing scheduled for 10/8/2020 in the Milan Town Hall to discuss amending Zoning Code sections 1185.03 regarding animals, 1133.07 powers and duties of the Board of Zoning Appeals, and 1185.04 regarding fences.

Utilities

We had \$4,404.31 in OPWC funds remaining after Phase III of the Waste Water Treatment Facility project. As such, we extended the water line, installed a new door and converted the fluorescent lights to LED.

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

NEW BUSINESS

Safety

Motion by Rospert, seconded by Shafer to allow village employees to receive the flu shots and pick up the cost if their insurance does not cover the expense. Roll call:

Jenkins – yes, Rospert – yes, Taylor – yes, Shafer – yes, DeLand – yes, Crosby - yes. Motion passes.

Finance

Motion by Jenkins, seconded by DeLand, to hire Shawn Craig as a permanent part-time officer with a post-probation wage increase of \$.50 per hour. Roll Call: Rospert – yes, Taylor – yes, Shafer – yes, DeLand - yes Crosby – yes, Jenkins – yes. Motion passes.

Motion by Crosby, seconded by Rospert to approve the purchase of 2 picnic tables (\$725.95 + shipping), 2 trash cans (\$365 + shipping), a new audio system for the council chambers (\$2,650) and website redevelopment (not to exceed \$5,000) using CARES money. Roll Call: Taylor – yes, Shafer – yes, DeLand - yes Crosby – yes, Jenkins – yes, Rospert – yes. Motion passes.

Utilities

Leak Seekers performed a leak detection survey throughout the entire water distribution line in the village. Only one area of concern was found in an 8” water line from the old water plant to the water tower in a corn field south of Indian Acres. This will be looked at when the crops are removed in the fall.

Lew Kalin announced he planned to retire on October 9, 2020. Motion by Shafer, seconded by Taylor to accept the Electric Superintendents letter of Retirement. Roll Call: Shafer – yes, DeLand – yes, Crosby – yes, Jenkins – yes, Rospert – yes, Taylor – yes. Motion passes.

B. Rospert recommends appointing Tyson Metz to the Electric Department Superintendent effective October 12, 2020, with a \$1.00 per hour raise, and an additional \$1.00 per hour after completion of his 6-month probationary period. Z. Rospert presented a spreadsheet showing the effect of this raise and where he will fall within the range ordinance over the next 20 years.

C. Rospert moved to accept the recommendation from B. Rospert, seconded by Crosby. Roll Call:

Crosby – yes, Jenkins – yes, Rospert – yes, Taylor – yes, Shafer – yes, DeLand - yes. Motion passes.

B. Rospert and Mayor Smith have been working with Charge Point to place an Electric Vehicle Charging Station in the village parking lot behind the Milan Drive Thru. Erie County is one of 26 priority counties, and with our proximity to the Turnpike, we think Milan would be a great location. Estimated costs to complete is approximately \$17,247, with a maximum grant award of \$15,000. Motion by Jenkins, seconded by Crosby to apply for the Ohio EPA, Level 2 Electric Vehicle Charging Station Grant. Roll Call: Jenkins – yes, Rospert – yes, Taylor – yes, Shafer – yes, DeLand – yes, Crosby – yes. Motion passes.

Parks and Trees

Mayor Smith shared a proclamation from his office in observation of Arbor Day to coincide with our Tree City USA status.

Records Commission

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

Communications

We still have one open seat on both the Tree Commission and the Board of Zoning Appeals.

Mayor Smith announced changes to various committees, appointing Patty DeLand to the Finance and Utility Commissions, and Carla Rospert to the Safety, Streets, Sidewalks & Storm Serers and the Parks & Trees Commission.

It was discussed whether we should host the village-wide trick-or-treat in 2020. Many surrounding communities are still hosting. It was also discussed if the time should be longer. It was decided this would not be the year to make that change. Motion by Taylor, seconded by Shafer to host trick-or-treat from 5-6pm on Saturday, October 31. Roll Call: Rospert – No, Taylor – yes, Shafer – yes, Crosby – yes, Jenkins – yes. Motion passes.

Mayor Smith has begun looking into the possibilities of establishing a “Designated Outdoor Recreation Area” (DORA) in the village square. Council was in favor of this proposal, so Mayor Smith will continue with his research.

UNFINISHED BUSINESS

Ordinance 776-06-20 has a typo stating the Superintendent of the Electric Department shall be a lineman with ten (5) years of electric utility experience. It was intended to spell out five. Motion by Jenkins, seconded by Rospert to draw up the necessary legislation indicating the Superintendent of the Electric Department shall be a lineman with five (5) years of electric utility experience. Roll Call: Taylor – yes, Shafer – yes, DeLand – yes, Crosby – yes, Jenkins – yes, Rospert – yes. Motion passes.

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

C. Rospert asked where these funds would be derived. B. Smith noted it would be by donations only.

N. Shafer asked to be excused for the October through February meetings due to commitments with the National Guard. Mayor Smith thanked Shafer for his service. Jenkins moved, seconded by Crosby to excuse Shafer from meetings held between October and February. Roll call: DeLand – yes, Crosby- yes, Jenkins-yes, Rospert – yes, Taylor-yes, Shafer – abstain. Motion passes.

Additional New Business

In working on the current health insurance renewal, it was noted the wait period for a new employee was not standard. Motion by Jenkins, seconded by Taylor to offer health insurance to new employees during their first full month after 30 days of employment. Roll call: Jenkins-yes, Rospert – yes, Taylor-yes, Shafer – yes, DeLand – yes, Crosby- yes. Motion passes.

Z. Rospert noted he would like to switch accounting software to the State Auditor Uniform Accounting Network (UAN). Taylor moved, seconded by DeLand to enter into a contract with UAN. Roll call: Rospert – yes, Taylor-yes, Shafer – yes, DeLand – yes, Crosby- yes, Jenkins-yes. Motion passes.

ADJOURNMENT

Motion by Shafer, seconded by Taylor to adjourn tonight’s meeting. Roll Call: Taylor-yes, Crosby-yes, Jenkins-yes, Rospert-yes, Shafer-yes, DeLand-yes. Motion passes.

Dave Jenkins, Council President

Zachary Rospert, Fiscal Officer