

McDonald Village Council
Wednesday, April 22, 2020
Regular Council Meeting

Staff: Fire Chief Todd Stitt, Police Chief Bill Woodley, Solicitor Douglas W. Ross, Village Administrator Thomas Domitrovich, Fiscal Officer Lori Canada, and Office Manager Amy Cunningham.

1. The April 22, 2020 meeting of McDonald Village Council was called to order by Mayor Glen M. Puckett at 6:05 p.m.

Roll call:

Mr. Harvey – present
Mr. Fisher – present
Mr. Schmidt – present

Mr. Lewis – present
Mr. DeZee – present
Mr. Joynes – present

2. Pledge of allegiance

One minute of silence in remembrance of American troops serving throughout the world and the recitation of the Lord's Prayer.

3. Approval of the March 18, 2020 council minutes.

It was moved by Mr. Fisher to approve the March 18, 2020 minutes as mailed:

Roll call:

Mr. Fisher – aye
Mr. Lewis – aye
Mr. Schmidt – aye

Mr. Harvey – abstain
Mr. DeZee – aye
Mr. Joynes – aye

Motion carried.

4. Adoption of agenda:

It was moved by Mr. Fisher to amend the agenda to alter legislation F and G to go through the first, second, and third reading of these legislations.

Roll call:

Mr. Fisher – aye
Mr. Lewis – aye
Mr. Schmidt – aye

Mr. Harvey – aye
Mr. DeZee – aye
Mr. Joynes – aye

4. Adoption of agenda cont'd.

Motion carried.

5. Mayor's report- Mayor Puckett gave the monthly court report as follows: For the month of March, Mayor's Court had computer fund \$105, court costs \$245, additional costs \$29, city revenue from fines \$610, Niles Municipal Court Fines \$1143, and parking tickets \$70 for a total to the city of \$2,202.

Mayor Puckett stated that he has been in discussion with Joe Danko, the head of the Firemen's Social Organization, regarding the Firemen's Festival. There is a possibility this could be postponed until October. There is nothing definite now. We will let everyone know as soon as possible.

Mayor Puckett stated that, as of right now, the Memorial Day service is still scheduled. This could change daily. We will address this as it comes.

Lastly, the Mayor would like to thank everybody in the Village. He knows that everything going on right now is an inconvenience. Hopefully we get through this soon and we can open our parks and enjoy things like we always have. As soon as we can do so safely, we will. Mayor Puckett thanked Chief Stitt and Chief Woodley for working through this crisis. He knows that they are doing the best they can. They are doing a great job.

6. Report of Village Officials:

Village Administrator Thomas Domitrovich stated that there was a bid opening today for the 2020 Street Resurfacing Project. The fiscal officer will read the bids into the record. We are moving forward with the road paving project this year as long as the State does provide funds. We have been notified that the State may suspend some of the payment opportunities. Some projects might get put back a little bit.

Mr. Domitrovich thanked Solicitor Ross for defending the Village repeatedly. He knows that Solicitor Ross does so in a quick and timely manner for the benefit of the Village and the least cost to our residents.

Police Chief Bill Woodley distributed his end of the month report for March and it is as follows:

For the month of March, the Police Department received 159 calls from the 911 center. They investigated 29 formal complaints, and made 25 traffic stops resulting in 8 citations. They issued 4 parking tickets. The Police Department responded to 2 traffic crashes.

6. Report of Village Officials cont'd.

They made 2 residential security checks, 5 bank drops, 6 criminal arrests, and 2 warrant arrests. The Department continued their DTBs (daily training bulletins) for the month of March.

Fire Chief Todd Stitt stated that his report has been submitted.

Solicitor Ross stated that the Joe Dugan vs. Village of McDonald public records lawsuit was dismissed by Judge Logan last year. Mr. Dugan and his lawyer appealed that to the Eleventh District Court of Appeals. The case was orally argued by Mr. Dugan's lawyer to the Court of Appeals as well as Solicitor Ross. On April 13, the Court of Appeals issued a thirteen-page opinion basically saying the same thing the trial court said. This was that Mr. Dugan had absolutely no facts or evidence whatsoever to support any of his claims. Of note, the Court of Appeals reviews the entire record afresh and makes their own decisions. All three judges concluded, again, the same thing that the prior court concluded. That is, that Mr. Dugan had zero evidence at all. Solicitor Ross stated that since he knows things get distorted with social media commentary, we did post on the Village's website under the "Announcement" page, the full thirteen-page opinion. If anybody wants to read it and see exactly what the Court of Appeals said about Mr. Dugan's case that was thrown out of court, they're welcome to do so.

Mayor Puckett stated that he appreciates Solicitor Ross defending the Village and stated that Solicitor Ross does a great job.

7. Committee reports:

President Pro Tem Mr. Lewis stated that Caucus met at 6:04 p.m. and the following items were discussed: agenda, fiscal officer's report, council minutes, and legislation.

Park & Buildings Mr. Harvey stated that, due to school being cancelled for the rest of the year, all school events that were to be held at the park facilities are cancelled as well. Many events that are scheduled, are pending.

Safety Committee Mr. Fisher stated that Chief Woodley submitted his month end report. Dinesol Plastics donated full face shields to the Police and Fire Departments. There will be a delay in the delivery of our police cruiser due to everything that is going on. Mr. Fisher stated that he and Mr. Woodley had a meeting with Hudson Radio in regards to the MARCs radio systems. We were going to schedule a meeting to do testing in the Village for the system. Due to COVID-19, we need to delay this. Chief Stitt submitted his month end report. The Fire Department retrofit an ambulance for COVID

7. Committee reports cont'd.

patients. This also gives us an ability to assist in mutual aid situations. We received a delayed grant for a heart monitor. Ohio CAT performed a complete inspection on one of our fire engines. We now have a detailed list and, as things start to open back up, there will be a discussion of how we need to approach that because, obviously, these will be expenditures. On a sad note, Firefighter John Beard passed away. Mr. Fisher extended condolences to his family and thank him for his service to the Village.

Finance & Capital Improvement Mr. Lewis stated that we have an emergency reading of a transfer ordinance. This is taking our income tax transfers into designated accounts. We also have a first reading of the 1.5 Mil Renewal Levy. This levy has been in existence for about 30 years. It is at minimal cost to home owners. This is a first read to get it on the ballot for November. We have a first read of a resolution to take proper use of mandatory drug fines. This is setting up a policy on how the funds can be spent. We also have two transfer ordinances, one of which is for the DUI Task Force being closed out at the recommendation of the State Auditor. That has about \$10,000. We are also closing out the Universal Hiring Fund. This has about \$3,500. Both funds will go into the General Fund. Both of these will be passed on a first read only, suspending the Rules of Council, just in light of time. Mr. Lewis thanked Mr. Harvey for bringing to his attention that he neglected to bring up Committee and Council meetings. We will set one meeting for May. Committee Meetings will be held Tuesday, May 19 at 6:00 p.m. Our Council Meeting will be held Wednesday, May 20 at 6:00 p.m. Both meetings will be held via Zoom.

Service Committee Mr. Schmidt stated that we have a third reading to approve NOPEC's service agreement with Nextera to provide electrical aggregation to the Village. There is also an emergency reading of an ordinance enacting COVID-19 additional employment leave policy. Mr. Schmidt stated that this allows us to comply with the Families First Coronavirus Response Act. This will be a temporary policy effective April 1, 2020 and will expire and terminate on December 31, 2020. This may be amended at any time. This is for full and part-time employees. This also acknowledges the Emergency Family Medical Leave expansion. We need to move with this as an emergency read for, if and when, any of our employees do come down positive with COVID-19 or need to be of assistance to a family member that would be infected with COVID-19.

Mr. Schmidt stated that he spoke with Mr. Domitrovich and the bids were opened today for the Massachusetts and Connecticut Avenue paving project. Mr. Domitrovich and Solicitor Ross added an addendum to the contract to be able to extend the signing day with the contractors to a later date outside of the printed date. Not knowing when the State will have the funding for this allows us to extend the start date of the project.

7. Committee reports cont'd.

Mr. Schmidt spoke on the removal of the blue containers for cardboard collection. We do need to honor the full term, which is August 31, 2020. After the term is over, we will be able to terminate the contract. This will save the Village around \$1,400.00 this year and moving forward annually save about \$6,000-\$8,000. Mr. Domitrovich is working with Gotta Go Green to get some supplemental containers for the cardboard. These will be free. Mr. Schmidt urged our residents and anybody who takes cardboard down to recycle, please be respectful of this. This is a great thing that we have, that we can take our products down there. Mr. Schmidt stated that he drove by a few times and it was a complete mess. People aren't flattening the cardboard as we are asking them to do. This takes time for our employees to go down there and clean it up and have to smash it all down. We all can do our part and take a few minutes to flatten the cardboard to get it in there. This will allow our employees to not have to deal with that.

Solicitor Ross stated that the Families First Coronavirus Response Act and additional leave is something the Village is required to do by federal legislation. Since this is our first meeting after the act was enacted, it is necessary to pass as an emergency.

Planning Commission Mr. Fisher stated that there are no pressing items. As of right now, we don't have a meeting scheduled in the foreseeable future. A lot of the issues that Planning Commission addresses probably won't be considered during this COVID response. If and when we do have issues arise, we will set a meeting for that.

Community Chest Mr. DeZee stated no report.

8. Remarks from persons or groups present: Mayor Puckett read a letter from Joseph Dugan that was submitted to be read on the record. The letter reads as follows:

“As far as the decision of the 11th District Court to affirm the local courts decision in my case against the Village for violation of state law and local ordinance is without reason. It is unbelievable a local trial judge could even attempt to make a finding on a summary motion without any foundation of law, citation of other legal precedent, case law, or otherwise. It is without question the Village went 10 years and 11 months in violation of state law (ORC 101.15(B) and 121.22(c) for the creation and maintaining of public meeting minutes and ignored its own Ordinance 3142-13 to conduct studies for council decisions. The Village could never prove they had those minutes in question nor could they prove they followed the law and provided them to me upon written request. As for the water rate study supporting the then Mayor's declaration that the water rate increase was due to water loss, how could council approve such an increase with absolutely no shred of evidence to back up the them Mayor's public statements. These few facts alone make an appeal to the Ohio Supreme Court a possible option, some one

8. Remarks from persons or groups present cont'd.

need to put checks and balance into local government.”

Mayor Puckett then stated that this is absurd. Not one, but four judges found that Dugan’s claims were completely unsubstantiated and false.

9. Old Business: none.

10. New Business: none.

11. Legislation:

A. Third Reading of Resolution No. 1823-20 For The Purpose Of Approving NOPEC’s Extension Of Its Service Agreement With Nextera Energy Solutions, LLC, To Provide Electrical Aggregation Services For The Village Of McDonald, Ohio, Through NOPEC, Beginning January 2020.

It was moved by Mr. Schmidt that Resolution No. 1823-20 pass third reading as read.

Roll call:

Mr. Schmidt – aye
Mr. Lewis – aye
Mr. DeZee – aye

Mr. Harvey – aye
Mr. Fisher – aye
Mr. Joynes – aye

Motion carried.

B. Emergency Reading Of Ordinance No. 3247-20 Transferring Funds Within Various Funds Within The Village Of McDonald, Ohio, For A Period Beginning January 1, 2020 And Ending December 31, 2020.

It was moved by Mr. Lewis to suspend the Rules of Council.

Roll call:

Mr. Lewis – aye
Mr. Fisher – aye
Mr. Schmidt – aye

Mr. Harvey – aye
Mr. DeZee – aye
Mr. Joynes – aye

Motion carried.

11. Legislation cont'd.

It was moved by Mr. Lewis that Ordinance No. 3247-20 pass emergency reading.

Roll call:

Mr. Lewis – aye
Mr. Fisher – aye
Mr. Schmidt – aye

Mr. Harvey – aye
Mr. DeZee – aye
Mr. Joynes – aye

Motion carried.

C. First Reading Of A Resolution To Proceed And Submit To The Electors Of The Village Of McDonald, Ohio The Question Of The Renewal Of A Current Operating Levy Of One And Five Tenths (1.5) Mills For A Period Of Five (5) Years For The Purpose Of Providing A Renewal Of Funds For The Current Operating Expenses Of The Village.

It was moved by Mr. Lewis that the resolution pass first reading as read.

Roll call:

Mr. Lewis – aye
Mr. Fisher – aye
Mr. Schmidt – aye

Mr. Harvey – aye
Mr. DeZee – aye
Mr. Joynes – aye

Motion carried.

D. Emergency Reading Of Ordinance No. 3248-20 For The Purpose Of Enacting A “COVID-19 Additional Employment Leave Policy” In Accordance With The Families First Coronavirus Response Act Enacted By Congress.

It was moved by Mr. Schmidt to suspend the Rules of Council.

Roll call:

Mr. Schmidt – aye
Mr. Lewis – aye
Mr. DeZee – aye

Mr. Harvey – aye
Mr. Fisher – aye
Mr. Joynes – aye

Motion carried.

It was moved by Mr. Schmidt that Ordinance No. 3248-20 pass emergency reading.

11. Legislation cont'd.

Roll call:

Mr. Schmidt – aye
Mr. Lewis – aye
Mr. DeZee – aye

Mr. Harvey – aye
Mr. Fisher – aye
Mr. Joynes – aye

Motion carried.

E. First Reading Of A Resolution Adopting A Written Internal Control Policy For The Village Of McDonald Police Department's Use And Disposition Of Money Paid To The Village From Mandatory Drug Fines.

It was moved by Mr. Lewis that the resolution pass first reading as read.

Roll call:

Mr. Lewis – aye
Mr. Fisher – aye
Mr. Schmidt – aye

Mr. Harvey – aye
Mr. DeZee – aye
Mr. Joynes – aye

Motion carried.

F. First Reading Of A Resolution Transferring Funds Within Various Funds Within The Village Of McDonald, Ohio, For A Period Beginning January 1, 2020 And Ending December 31, 2020.

It was moved by Mr. Lewis to suspend the Rules of Council and waive the three read process.

Roll call:

Mr. Lewis – aye
Mr. Fisher – aye
Mr. Schmidt – aye

Mr. Harvey – aye
Mr. DeZee – aye
Mr. Joynes – aye

Motion carried.

It was moved by Mr. Lewis to pass on the first, second, and third reading.

Roll call:

11. Legislation cont'd.

Mr. Lewis – aye
Mr. Fisher – aye
Mr. Schmidt – aye

Mr. Harvey – aye
Mr. DeZee – aye
Mr. Joynes – aye

Motion carried.

G. First Reading Of A Resolution Transferring Funds Within Various Funds Within The Village Of McDonald, Ohio, For A Period Beginning January 1, 2020 And Ending December 31, 2020.

It was moved by Mr. Lewis to suspend the Rules of Council and waive the three-read process.

Discussion:

Mr. Lewis stated that, as with the previous legislation, both of these are being done in order to remain timely in light of the COVID-19 crisis and because of our meeting time frames. This allows our fiscal officer to transfer these funds as quickly as possible.

Roll call:

Mr. Lewis – aye
Mr. Fisher – aye
Mr. Schmidt – aye

Mr. Harvey – aye
Mr. DeZee – aye
Mr. Joynes – aye

Motion carried.

It was moved by Mr. Lewis to pass on the first, second, and third reading.

Mr. Lewis – aye
Mr. Fisher – aye
Mr. Schmidt – aye

Mr. Harvey – aye
Mr. DeZee – aye
Mr. Joynes – aye

Motion carried.

12. Fiscal Officer's report:

Mrs. Canada stated that the bills for the Fiscal Officer's report total \$162,508.09.

I, Lori Canada, Fiscal Officer of the Village of McDonald, Ohio do hereby declare that the bills are true and correct and the money is in the bank to pay them.

12. Fiscal Officer's report cont'd.

It was moved by Mr. Lewis to accept the Fiscal Officer's report and pay all bills.

Roll call:

Mr. Lewis – aye
Mr. Fisher – aye
Mr. Schmidt – aye

Mr. Harvey – aye
Mr. DeZee – aye
Mr. Joynes – aye

Motion carried.

Mrs. Canada stated that we had a bid opening today for the 2020 Street Resurfacing Project. These are the official bids that were open:

R. T. Vernal Paving and Excavating, Inc.	\$144,471.63
Lindy Paving	\$181,703.65
Barbicas Construction Co., Inc.	\$207,758.33
Chagrin Valley Paving Inc.	\$212,457.23
American Contracting Inc.	\$215,263.75

The bids have been turned over to our engineers for extensive review. They will give us their recommendation in a few days.

13. Miscellaneous: none.

14. Adjournment

The meeting was adjourned on a motion by Mr. Harvey at 6:46 p.m. All voted aye.

Mayor

Attest to:

Fiscal Officer