

McDONALD VILLAGE COUNCIL  
WEDNESDAY, FEBRUARY 1, 2017  
REGULAR COUNCIL MEETING

Visitors: Ken Miner, Cliff DeZee, Kyle Puckett, Joe Dugan

Staff: Fiscal Officer Robin DeBow, Fire Chief Nick Kish, Acting Police Chief Bill Woodley, Solicitor Douglas W. Ross, Village Administrator Thomas Domitrovich, and Office Manager Char McCracken

1. The February 1, 2017 meeting of McDonald Village Council was called to order by Mayor Glen M. Puckett at 6:10 p.m.

Roll call:

Mr. O'Brien – present  
Mr. Seitz – present  
Mr. Lewis – present

Mr. Harvey – present  
Mr. Klase – present  
Mr. Fisher – 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 January 18, 2017 council minutes.

It was moved by Mr. Harvey to approve the January 18, 2017 minutes as mailed:

Roll call:

Mr. Harvey – aye  
Mr. Seitz – abstain  
Mr. Lewis – aye

Mr. O'Brien – aye  
Mr. Klase – aye  
Mr. Fisher – abstain

Motion carried.

4. Adoption of agenda:

It was moved by Mr. Fisher, to accept the agenda with the following amendment:

11. Legislation B – change from a second reading to an emergency reading

Roll call:

Mayor Puckett stated that we did not have enough in attendance at the last meeting to pass this as an emergency. This legislation is to make our Fiscal

4. Adoption of agenda cont'd.

Officer full time. It is much needed and we are happy she agreed to do it.

Roll call:

Mr. Fisher – aye  
Mr. Harvey – aye  
Mr. Klase – aye

Mr. O'Brien – aye  
Mr. Seitz – aye  
Mr. Lewis – aye

Motion carried.

5. Mayor's report - Mayor Puckett stated for the month of January Mayor's Court had computer fund I \$80, costs \$239, additional costs \$39, fines \$345, Niles Municipal Court fines \$100, parking tickets \$120, police reports \$5, drug fund \$22 for a grand total of \$950.00.

Mayor stated that he would like to appoint Brian Fisher to the Planning Commission. He was on there for three years previously and I'm sure he will do a great job.

It was moved by Mr. Harvey to confirm the appointment of Brian Fisher to the Planning Commission.

Mr. Harvey – aye  
Mr. Seitz – aye  
Mr. Lewis – aye

Mr. O'Brien – aye  
Mr. Klase – aye  
Mr. Fisher – aye

Motion carried.

6. Report of Village Officials:

**Village Administrator Thomas Domitrovich** stated he attended the committee meetings last evening and spoke at length on a number of projects that are going on in the Village but does not have an official report this evening.

**Acting Police Chief Bill Woodley** – no report.

**Fire Chief Nick Kish** apologized for missing the Safety meeting due to being on an ambulance call at the time. He reported using State grant money they have to purchase a carbon monoxide monitor for the ambulance. It can analyze the monoxide and hemoglobin in a person and without this device it is a guessing

6. Report of Village Officials cont'd.

game. It came be used for a resident or a firefighter. Along with that State grant the department purchased two iPads for the ambulances. Now they can do mobile reports from the field. They can do the ems reports in the ambulance or at the hospital and have the report ready to go. It will also streamline the billing because once the report is locked out it gets billed the very next day.

**Solicitor Douglas W. Ross** – no report. He welcomed Mr. Fisher back.

7. Committee reports:

**President Pro Tem Mr. O'Brien** reported on tonight's Caucus where the following items were discussed: agenda, Fiscal Officer's report, Council minutes, legislation, request from the Historical Society, Girls State, and Planning Commission representative. It has been determined that the Affirmative Action resolution does not need to be passed every year.

**Park & Buildings Mr. Harvey** started off with the following motion:

It was moved by Mr. Harvey to allow the Historical Society to use the Community room on the first Thursday of every month at 9:00 a.m. for 2017.

Roll call:

Mr. Harvey – aye  
Mr. Seitz – aye  
Mr. Lewis – aye

Mr. O'Brien – aye  
Mr. Klase – aye  
Mr. Fisher – aye

Motion carried.

Mr. Harvey stated Park and Buildings met last evening at 6:04 p.m. and discussed the roof bid, facility plan for the school, Relay for Life, 3 on 3 Basketball Tournament, and a little about the splash pad and adjourned at 6:43 p.m.

**Safety Committee Mr. Klase** reported Safety met last evening at 6:00 p.m. and briefly discussed legislation regarding a ban on medical marijuana dispensary or growth sites. He would like to see Council move swiftly and move forward on the issue. The meeting closed at 6:04 p.m.

**Finance & Capital Improvement Mr. Lewis** stated that Finance met last evening at 6:43 p.m. and discussed the two pieces of legislation – the budget and

7. Committee reports cont'd.

Fiscal Officer ordinance. They also discussed the paving project this year, South of Marshall Rd. It was decided that we are going to go ahead and take the loan for the maximum term. It is free money at zero percent interest.

It was moved by Mr. Lewis to authorize the Fiscal Officer to proceed with the loan for the maximum allowable term.

Discussion: Mr. Lewis stated free money makes sense.

Roll call:

Mr. Lewis – aye  
Mr. Harvey – aye  
Mr. Klase – aye

Mr. O'Brien – aye  
Mr. Seitz – aye  
Mr. Fisher – aye

Motion carried.

Mr. Lewis stated the meeting closed at 6:55 p.m.

**Service Committee Mr. Seitz** stated Service met at 6:55 p.m. and discussed the Verizon cellphone tower, Ohio Valley curbside recycling program which we already have a recycling container at the Village garage. They also discussed resurfacing projects and within about a week we will have the bid specs ready. He thanked Thomas Domitrovich for his on-going meetings with the Ohio EPA to ensure we have good quality water.

**Planning Commission Mr. Klase** stated the building report for January lists a total value of \$229,000 with fees of \$240. Planning Commission will meet next Wednesday, February 8, at 7:00 p.m.

**Community Chest Mr. O'Brien** – no report.

8. Remarks from persons or groups present: Joe Dugan, 501 W. Marshall Rd. thanked the Police Department for watching his house while he was away. He addressed Council about his records request in December regarding the water rates. I received a response from Mr. Domitrovich which was a matter of a series of documents. They were documents that showed results but did not show how and why the decision came to place which were the essence of my letter. I sent a note back to Mr. Domitrovich saying thanks but it doesn't really answer any

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

questions and got a response from the solicitor that confused me but the essence of the response was wrapped around my passive note to Mr. Domitrovich and totally excluded the lack of detail on the response on my December 7 letter. Referring to the Mayor's comments on the 7<sup>th</sup> of December meeting he tried to take me to task about trying to communicate directly and stay off Facebook because it embarrasses everybody. Sometimes when you talk like that you over think things and sometimes it makes people look bad. One of the things that happens when people do move forward is they embarrass themselves, they embarrass this community and they embarrass us because we work extremely hard to keep this place solid. So I kept my mouth shut for the rest of that meeting and I let the Council of this Village reply to my eight simple questions. Then He asked council to response to his eight questions. These questions are basically accounting practices, they are decision making practices, second order and third order of effect. I have heard during this meeting so far about subcommittees, you discuss issues and come up with recommendations. Those are second order and third order of effects. That is all I asked for in question 1 and 2 and all I got was a bunch of documents that answers no questions. The document about the pay raised I got. I just threw that in there to see if anyone was paying attention. I did get that document and it did answer that question. But as for how this Council and this Village came up with the analysis that says we have to have a 28% water rate increase to pay for all these losses that are occurring. This is a prime opportunity to say this is what happened. Here is where the costs are. The newspaper said ` \$13,000 a quarter was lost and the Mayor said it was the cost of the loss of water. Don't you have insurance that covers the Village in case there is incidences where you lose resources? You have insurance on police cars and you have insurances on something that would not impact the dollars coming in. I guess you don't have insurance on that but basically it was I asked simple questions so I can better understand how you can be 28% off on the water rates after 12 months prior you dropped the capital charge. I'm assuming from the Solicitor's letter that was made on behalf of this Council and Village that I as a resident have no business asking questions and what I get is what I get. If that is the position I have alternative means in which to seek my information. Professional curtesy to any other resident is I have question one, I get an answer to question one, question two gets an answer. If it is that we don't have the information sorry I can't tell you that, that is an answer. To be blown off and say you get what you get we got nothing else to tell you and these are pointed questions. They are not ambiguous so I don't know where that phrase came in.

Solicitor Ross stated if I may there is a method and structure to getting public records and you apparently don't quite understand the process. We are more

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

than happy to comply with clear, concise public records requests assuming we have the documents requested. Without sounding too demeaning much of what you are requesting was not the model of clarity. They weren't documents; they appear to be your free flowing thoughts. In my letter to you I gave you the opportunity to clarify, specify, and list the documents you wanted. If you respond and do so, we'll comply. If you don't understand what I am saying or don't understand the process there are some help book records, resources on line, we can mediate it, we can get a third party involved and could try and get you the records you want.

Mr. Dugan stated my eight questions was seeking the information to find out what was done to make these decisions. I don't know what documents you use for decisions. I know you have subcommittees. Do those subcommittees take notes? Are those notes a matter of record? That would have answered question one and two. If I have to go down to that level of detail that is fine. The December 7 letter was an attempt to basically satisfy Mayor's Holmes request to say don't make this public, come to us. I came to you and you throw it back at me that you want something else. I can do that.

Solicitor Ross stated I didn't throw it back I gave you a change under the law which we should to require you to clarify and specifically ask for the documents you want. We can't guess at what you are thinking. I'd like to be able to but I just can't do it neither can this Council neither can the Village Administrator. I'd be happy to help you do it by getting a third party involved at the State of Ohio. If you like and want to have another crack to try to give us a clear, actual list of documents, we'll comply. You as a citizen are entitled to the public records you seek assuming that they exist but what you are not entitled to is for us to guess a lot of the free flowing thoughts on that page to try and decipher what you want. That is just not the way it works. This is not time or place to hash this out by the way.

Mr. Dugan stated alright I think my question number five just got all the details that you would have to have to answer what I'm asking for. That's okay. There are other methods; I'll look into it to see if there is anything else I have to do. I don't want to have to reword question one to bring up a chapter out of an old business manual on the decision making process to ask for the notes of the subcommittee to show me why you did XYZ.

Solicitor Ross said well why didn't you ask for the notes of the subcommittee then? That is a document that we have. We don't have second or third, fourth, or

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

or fifth analysis, you sound a lot smarter than I am because I don't even know what those are.

Mayor Puckett stated what I would say is if you could be a little bit more detailed it would help us help you. I haven't seen that letter yet but it sounds like, without me seeing that, if you could be more specific in what you want we can help you out to understand what we do as a Council, a legislative body.

Solicitor Ross stated you are entitled to public records.

Mr. Dugan said I understand that.

Solicitor Ross said you have to specifically in a clear way tell us what you want and we'll be happy to give it to you.

Mr. Dugan said I thought my points were clear. I guess we speak different business languages. That's fine and dandy. That's okay. I'll shall reword this thing and do it again and we'll see if I get the information. Thank you.

Solicitor Ross said thank you.

Mr. Domitrovich stated any of the questions that were asked and any reply that I gave was in an attempt to answer that. Your statements for the record here that is being recorded nothing was thrown back at you and meant to be disrespectful to you in any way. It was very well researched by the records that we had to give you an honest reply. There is no way in any attempt that any of the other comments that made regarding throwing it back at you or this is how you act, nobody acting in any way. We perform things based on money in and money out. There is no attempt to try to denigrate anybody here.

Mr. Dugan said okay I'll format my questions like a pre-trial briefing. I'm sure to show you...

Solicitor Ross said I don't want a pre-trial briefing.

Mr. Dugan said... how it did not answer the question. I can do that. It's fine no big deal. Thanks again.

9. Old Business: none

10. New Business: none

11. Legislation:

A Second reading of an Ordinance To Make Appropriations For 2017 To Various Divisions Of The Village Government For Each Of The Several Objects For Which The Village Of McDonald, Ohio, Has To Provide Out Of The Monies Known To Be In The Treasury Of Said Village During The Year From The Collection Of All The Taxes And From All Other Sources Of Revenue For 2017.

It was moved by Mr. Lewis that the ordinance pass second reading as read.

Roll call:

Mr. Lewis – aye  
Mr. Harvey – aye  
Mr. Klase – aye

Mr. O’Brien – aye  
Mr. Seitz – aye  
Mr. Fisher – aye

Motion carried.

B Emergency reading of Ordinance No. 3203-17 For The Purpose Of Amending Previous Ordinance No. 3178-15 Concerning The Appointed Position Of Village Fiscal Officer Created In Accordance With Section 733.262 Of The Ohio Revised Code.

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

Roll call

Mr. Lewis – aye  
Mr. Harvey – aye  
Mr. Klase – aye

Mr. O’Brien – aye  
Mr. Seitz – aye  
Mr. Fisher – aye

Motion carried.

It was moved by Mr. Lewis that Ordinance No. 3203-17 be passed as read.

Discussion: Mr. Lewis thanked Mrs. DeBow for coming back full time. We need her now so this is being passed as an emergency.



11. Legislation cont'd.

Roll call:

Mr. Lewis – aye  
Mr. Harvey – aye  
Mr. Klase – aye

Mr. O'Brien – aye  
Mr. Seitz – aye  
Mr. Fisher – aye

Motion carried.

12. Fiscal Officer's report:

Mrs. DeBow reported that the bills for the Fiscal Officer's report total \$52,900.97.

I, Robin DeBow, 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.

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

Roll call:

Mr. Lewis – aye  
Mr. Harvey – aye  
Mr. Klase – aye

Mr. O'Brien – aye  
Mr. Seitz – aye  
Mr. Fisher – aye

Motion carried.

13. Miscellaneous: Mr. Fisher thanked Council for their confidence in bringing him back to this job which he took very seriously. He felt he can serve the Village well as he has in the past and looks forward to working with all in the coming year.

Mayor Puckett said same thoughts back to you.

14. Adjournment

The meeting was adjourned on a motion by Mr. O'Brien at 6:40 p.m. All voted aye.

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14. Adjournment cont'd.

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Mayor

Attest to:

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Fiscal Officer