

McDONALD VILLAGE COUNCIL
WEDNESDAY, MAY 3, 2017
REGULAR COUNCIL MEETING

Visitors: Walt Bradley, Joe Dugan, Kyle Puckett

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 May 3, 2017 meeting of McDonald Village Council was called to order by Mayor Glen M. Puckett at 6:17 p.m.

Roll call:

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

Mr. Harvey – present
Mr. Klase – present
Mr. Fisher – present

* Mr. Lewis will be late because he is coaching a baseball team

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 April 19, 2017 council minutes.

It was moved by Mr. Fisher to approve the April 19, 2017 minutes as mailed:

Roll call:

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

Mr. O'Brien – aye
Mr. Seitz – aye

Motion carried.

4. Adoption of agenda:

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

11. Legislation – add B – a first reading of a resolution for the facilities use agreement with the schools

4. Adoption of agenda cont'd.

Roll call:

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

Mr. O'Brien – aye
Mr. Seitz – aye

Motion carried.

5. Mayor's report - Mayor Puckett stated for the month of April Mayor's Court had computer fund I \$110, costs \$273, additional costs \$39, fines \$697, Niles Municipal Court fines \$711.20, parking tickets \$115, drug fund \$102 for a grand total of \$2047.20.

* Mr. Lewis entered the meeting at 6:22 p.m.

Mayor Puckett stated that he received 14 applications for the summer positions. It was extremely hard to choose the candidates. Everyone's resumes were extremely good. There are five attendants and one worker for the street department.

Mayor asked for confirmation on the following appointments to the summer park attendants and street department work program:

Samantha Homa - park	Mollie Billock - park	Samantha Stitt - park
Noah Shopinsky - park	Evan Magill - park	Joey Sudol – street

It was moved by Mr. Fisher to confirm the appointments.

Roll call:

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

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

Motion carried.

6. Report of Village Officials:

Village Administrator Thomas Domitrovich stated he be will hosting a pre-construction meeting tomorrow at 1:00 p.m. with Butch & McCree the successful

6. Report of Village Officials cont'd.

bidder for our 2017 Road Resurfacing Project and our Engineer GPD. They will be discussing the turn arounds and excavation of Madison as well as a part that need to be ordered so that we are not in any delays for paving. That project is not capable of starting until after July 1. That is the rules with the State and the acceptance of the program. We will start as close to July 1 as possible.

The VA also stated the roof bids are out for the Street Department garage and we are looking to open them on Tuesday, May 9.

Mr. Domitrovich commented on the storm damage from the weather event two days ago. He said he had the privilege of working with Lt. Woodley and Chief Kish in the efforts to keep the Village safe. Everyone worked tirelessly to clear the roads. We all stayed in close contact and as far as he knew even though there were situations with live wires down in at least 4 locations that we were monitoring, thank God no one was injured. I was happy to work with that group. Although the streets were opened and cleared and safe within one day's time, we will still be cleaning up the curbside for more than a week to chip the limbs that came down and haul them away. So if residents can be patient we are still taking calls on a daily basis. We are working as fast as we can to clean the curbside. We also went out and cleaned out some storm sewers and jet them in preparation for any more rain that may be coming in some problem areas.

Mr. Harvey asked about the line replacement on New Jersey at Marshall Rd. Mr. Domitrovich answered that the sanitary sewer concern that we have talked about from the past has been repaired and we can move forward with the paving project and not have to worry about digging up the road again afterward. We did complete that at the cost of around \$7000. That project was originally included in the road resurfacing project. We cameraed it and found that there was only about eight feet that was a problem. I did contract that out and it was taken care of in one day's time.

Mayor Puckett thanked Thomas and the contractor. Tom and I were there throughout the day and they were very clean and efficient. To dig 14 feet below the ground in the middle of the road and get it accomplished in a day, I thought they did a very nice job.

Acting Police Chief Bill Woodley gave his report for the month of April as follows:

6. Report of Village Officials cont'd.

For April, the Police Department investigated 25 formal complaints, conducted 58 traffic stops resulting in 15 traffic citations, filed 4 criminal charges, issued 1 parking ticket, responded to 10 alarm drops, 1 unwanted person call, 7 animal complaints, 1 welfare check, 4 disturbance calls, 2 noise complaints, 1 suspicious activity, 1 suspicious person, 2 suspicious vehicles, and 6 unknown problems. They conducted 8 residential security checks, served 4 warrants, checked 2 unsecured properties, and fielded 2 traffic regulation complaints.

The department continued with their online training for 2017, completed DTB's for the month of April, and will be participating in the "Helmet Smart Campaign for Kids" and will conduct the annual Bicycle Rodeo this year in conjunction with Safety Day in the park. They will also participate in the "Click It or Ticket" campaign and the "Drive Sober or Get pulled Over" campaign.

Regarding the Vest Partnership Grant, the Department of Justice has not released the funds yet therefore they cannot apply at this time. When they do release the funds, they will have everything in order to apply for the grant.

Fire Chief Nick Kish stated that the Memorial Day service will be held Sunday, May 28, at 1:00 p.m. at the war memorial.

He also gave his report for the month of April as follows:

The department answered 20 EMS calls and 2 fire calls. They attended 58 man hours of training.

He reiterated the VA's sentiments regarding the storm. He said it is always a pleasure working with Thomas and Chief Woodley and staff. Everything went very well for all the damage and street closings we had. There was significant damage and live wires down and no injuries. The Fire Department had 20 incidents in the six hour period. He thanked his young members of the Fire Department because they did an outstanding job. For several of them this is the first time they had a multi-system incident. They stepped up and did an excellent job.

Solicitor Douglas W. Ross – no report.

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, summer schedule and the facilities use agreement.

Park & Buildings Mr. Harvey stated Park and Buildings met May 1. Items discussed were the roof bids, facility agreement, park attendants, splash pad, Relay for Life, and Music in the Park. By the next meeting we hope to have the set schedule for the park programs. He asked Council to give some thought on the splash pad regarding extended hours. He also stated that the 3 on 3 is scheduled for August 5. He commented on the Memorial Day service and stated the Easter egg hunt was successful. Baseball season is in full swing.

Safety Committee Mr. Klase stated Safety met May 1, at 6:00 p.m. He thanked Fire, Police, and Street Department for their fine work that they did and are still doing since Monday regarding the storm damage. It brought people together. The committee discussed the intersection of Marshall Rd. and McDonald Ave., potential street painting projects, and Safety Day which is June 14, at 10:00 a.m. This will include a bike rodeo sponsored by AAA and the Dairy Queen. It is an educational program for the kids on safety. Kids can receive ice cream tickets for wearing helmets while riding their bikes. There is also a bike giveaway. They also discussed a possible safety education presentation for our seniors.

Finance & Capital Improvement Mr. Lewis apologized for his baseball attire as he was coaching a baseball game and the high school was leading 8-2 in the bottom of the fifth. He stated Finance met Monday, May 1, at 6:46 p.m. They discussed the budgetary meetings for the 2018 budget. Those dates will be held anywhere between Thursday, July 20 and Friday, August 4. Thomas and both Chiefs and anyone else on Council that wishes to conduct a meeting regarding needs and wants or concerns on the 2018 budget they will be discussed at public meetings at that time. The reason that we are holding them early is we don't want to put ourselves in a situation where we have to do an emergency read. This way we know exactly what we want to spend or going to spend for 2018. Not that we ever spent out of line in the past but to remain clear and wide open to the public, we want to make sure that they are well aware of what is going on. Those will be held during that time.

Service Committee Mr. Seitz stated that we have legislation tonight. We have a second reading of the resolution to employ a solicitor and our facilities use agreement. He appreciates everyone's support on those.

7. Committee reports cont'd.

Planning Commission Mr. Fisher thanked the Street Department, Water Department, Police and Fire for handle the downdraft the other day. There were branches and trees falling everywhere. It is a miracle that nobody got hurt. It was limited damage sustained for how severe that storm was. It was a good job on that.

Mr. Fisher stated that Planning Commission is going into summer recess so they will not meet next week due to lack of business. It is noteworthy, however, should any business occur during the course of the summer they will convene.

Community Chest Mr. O'Brien – no report.

8. Remarks from persons or groups present: Joe Dugan, 501 W. Marshall Rd. addressed Council with a couple questions. He asked about the procedure for renting of the Community Room. Mayor Puckett answered that they can come to the Municipal Building to fill out an application. Mr. Harvey said they can call and the girls will give them the information.

Mr. Dugan asked about Part Thirteen of the building code regarding signs that says when you are out of business your signs come down. It also says in 1325.99 that there is \$25 a day fine. He has been researching the businesses that have gone down like TowJo's. The last time he saw activity was 2013. This request is in a letter. I'm just requesting information because the TowJo's, Backdraft, and Little Blue Devil Shopper – those three alone appear they should have brought about \$70,000 in proceeds, if you are looking at \$25 a day. This just asks to see if those fines are actually being collected because that is good revenue. \$70,000 is nothing to turn your nose up at. I have a request in here asking for that information and if it is actually collected.

Mr. Dugan continued to ask about the ordinance about the contractors he asked for clarification that it only pertains to if a contractor is listed on the permit. Mr. Fisher stated the way it reads it pertains to if a permit is required the contractor has to be registered. It doesn't pertain to if you are painting, etc. It pertains to altering the structure. Mr. Dugan referred to section two which says "provisions of this chapter do not apply to a homeowner personally performing or permitting an immediately family member to work on the dwelling. I understand. I get a permit for an out building; I'm going to do the work. My 63 year old wife can't carry shingles on the roof. I want to hire some help. According to this if I hire a

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

person, because section I says if you are a human you are a contractor. If I hire some high school graduate that needs money for college, are they considered a contractor because they are an individual. Mr. Fisher stated if you are a homeowner and you decide to pull a permit and you want to do the work there is nothing wrong with having someone help you do it. That's why it is written in there that a homeowner can do the work or a relative of. Mr. Dugan stated according to this it sounds like if I have to hire somebody I have list them on a permit and if I list them on a permit they are a contractor. He elaborated on his interpretation of the ordinance. Mr. Fisher stated that if you hire someone to do the work you are not going to go out there but if you want to hire someone to help you it is okay.

Mr. Dugan stated that he has letters here for Councilmembers to provide information. Mr. Ross has told him that he..the council is not or the Village is not obligated to respond to my emails anymore so I'm writing letters. On April 11 the solicitor told me Mr. Dugan out of courtesy the Village has responded to a couple of your prior emails containing questions but as I explained to you in previous correspondence the Village is under no obligation to respond to your email questions. So I guess I'm not allowed to use the website anymore or you are taking the website down. I don't know what you plan on doing.

Solicitor Ross said Mr. Dugan if you want to keep your comments to a minimum, keep it civil, you can say (inaudible) if we are obligated under the law to respond we will. If we are not we won't unless we choose to.

Mr. Dugan replied I am just reading your words.

Mr. O'Brien stated don't we have a five minute limit Mayor?

Mr. Dugan said these are just simple questions no big deal. I don't want to have to ask everybody questions.

Mr. Fisher said I just have a short comment that might clear part of that up. I think as elected officials you are free to ask us questions at any time and I would be more than happy to give you information as an elected official but I don't speak for the entire Village Council here. Unless you actually perform a public records request and get the information from our archives, a lot of it is my opinion or my conjecture. I can tell you what I think or what I know but I only speak for myself. I don't speak for the other people that run the Village. If you need a public records request it has to come from the Village archives.

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

Mr. Dugan said these are just questions. I don't want to bother everybody on Council and I just wrote to each one and I'm asking for you to respond. If you choose not to respond that is fine too. It is just a request. Thank you.

Mayor Puckett said I agree with Brian, if you do have questions or things like that you can approach a Councilman and they are more than willing to answer you and talk to you that is fine.

Mr. Dugan said you guys are doing this as a courtesy to the Village. I'm not going to interrupt your council meeting. I've got a letter. If there is something I don't understand, I'll ask questions.

9. Old Business: none

10. New Business: none

11. Legislation:

A Second reading of a Resolution Employing The Solicitor Under The Covenants And Conditions Of The Attached Agreement And Determining To Employ Attorney Douglas W. Ross As Solicitor For The Village Of McDonald, Ohio, Commencing July 1, 2017 Through And Including June 30, 2018.

It was moved by Mr. O'Brien that the resolution pass first reading as read.

Discussion: Mr. O'Brien personally thanked the Solicitor for the tremendously fine job he is doing.

Mayor Puckett stated our Solicitor has been with us for the past 9 years and he has done an excellent job and I really appreciate it.

Mr. Harvey stated the job here as a solicitor is to work for the Village. He is basically worked for us in a timely manner and got anything we needed through the years and that is what we need. We have a person sitting up here that could just leave and go home. You need something and he is available and will get back to you and it is a pleasure to work with him.

Roll call:

Mr. O'Brien – aye

Mr. Harvey – aye

11. Legislation cont'd.

Mr. Seitz – aye
Mr. Lewis – aye

Mr. Klase – aye
Mr. Fisher – aye

Motion carried.

A round of applause was given by Council in agreement for the Solicitor.

B First reading of a Resolution Authorizing The Mayor, Fiscal Officer, And/Or The Village Administrator To Enter Into A Facilities Use Agreement With The McDonald Local School District To Permit The District To Use The Village's Facilities.

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

Discussion: Mr. Harvey thanked Mr. Domitrovich for all the work he has put into this resolution. It is just part of the business. I appreciate everyone's efforts.

Mayor Puckett thanked Mr. Domitrovich and Solicitor Ross. We sat with the school multiple times. They have been using our facilities for a long time without an agreement but we thought the times that we live in we need this. We are glad to help the school out and we've all said it before the most important thing is the youth. This is more of an insurance thing between our insurance company and theirs. I hope we move forward and we have a great relationship still.

Mr. Harvey said when you see organizations working together, Village and the people down there; working hand in hand what more can you ask for. Communication and help and you get things done.

Roll call:

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

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

Motion carried.

12. Fiscal Officer's report:

Mrs. DeBow reported that the bills for the Fiscal Officer's report total \$37,806.40.

12. Fiscal Officer's report cont'd.

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. Seitz stated it is important to know that when folks come down to our Council meeting we appreciate you folks 100% for taking the time out of your day to come down here. What a lot of people don't understand is it's really not a question and answer session. That's meant for our committee meetings. You folks can come to that and you can entertain your questions there and we can talk and discuss it. A Council meeting is meant for you to come and state your concerns and we will take it under advisement. That is something that we should all understand and not get away from. So if there is anything, please attend our committee meetings.

14. Adjournment

The meeting was adjourned on a motion by Mr. O'Brien at 6:56 p.m. All voted aye.

Mayor

Attest to:

Fiscal Officer