

McDonald Village Council
Wednesday, October 16, 2019
Regular Council Meeting

Visitors: Charlene McCracken, Sean Schmidt, Mike Canada, Peggy Palmer, Ken Miner, John Cunningham, Andrew Kitchens, Bil Stamp, Charles Regelman, Joe Dugan, Leah Dugan, Odell Houston, Ken Suich, Scott Merola, Joe Ryan, and Jamey Evans.

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 October 16, 2019 meeting of McDonald Village Council was called to order by Mayor Glen M. Puckett at 6:13 p.m.

Roll call:

Mr. Harvey – present
Mr. Lewis – present
Mr. Bradley – present

Mr. Seitz – present
Mr. Fisher – present
Mr. DeZee – 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 October 2, 2019 council minutes.

It was moved by Mr. Fisher to approve the October 2, 2019 minutes as mailed:

Roll call:

Mr. Fisher – aye
Mr. Seitz – abstain
Mr. Bradley – aye

Mr. Harvey – aye
Mr. Lewis – aye
Mr. DeZee – aye

Motion carried.

4. Adoption of agenda:

It was moved by Mr. Fisher to amend the agenda to add Legislation D the Public Defender's contract and also, under Miscellaneous add Executive Session for pending litigation with no action to follow.

Roll call:

4. Adoption of agenda cont'd.

Mr. Fisher – aye
Mr. Seitz – aye
Mr. Bradley – aye

Mr. Harvey – aye
Mr. Lewis – aye
Mr. DeZee – aye

Motion carried.

5. Mayor's report- The Mayor reported that the third grade class came to the Municipal Building for Civics Day. He enjoyed having the kids visit. The winner of the essay contest was Elyse Evans. Congratulations to Elyse.

6. Report of Village Officials:

Village Administrator Thomas Domitrovich stated that he has been working with Councilman Bradley and GPD on the application for the Sidewalk Grant. The survey has been done and Mr. Domitrovich has turned in a couple locations that they will apply to the grant to have our sidewalks repaired. This is due at the end of the month. Mr. Domitrovich stated that the signs for this year's street project are beginning to be changed out today. The striping and painting is soon to follow. Mr. Domitrovich is looking to stripe some additional areas outside of this project while the painters are in town. He thanked Solicitor Ross in assisting him in communicating with the City of Niles repeatedly to make sure that we have the payback to the City of Niles for the plant upgrades taken care of. This is a timely process but something worthwhile so that we make sure this is set for the next 20 years.

Mr. Bradley asked if the bottom of Ohio Avenue was one of the main priorities for striping to which Mr. Domitrovich stated that it is.

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

For the month of September, the Police Department received 203 calls from the 911 center. They investigated 36 formal complaints, conducted 24 traffic stops resulting in 7 citations. They issued 16 parking tickets and 8 parking warnings. The Department made 2 criminal arrests for domestic violence and one arrest for inducing panic. They responded to 7 animal complaints, 6 alarm drops, 4 welfare checks, 26 Mayor's court summons, 3 lockout calls, 4 parking violations, 5 calls for suspicious activity, 2 calls for suspicious vehicle, and 23 medical calls. The department also completed their DTB's for the month of September.

Fire Chief Todd Stitt stated that his report has been submitted. If anyone has additional questions, he will be happy to answer them.

6. Report of Village Officials cont'd.

Solicitor Ross no report.

7. Committee reports:

President Pro Tem Mr. Lewis reported on tonight's Caucus where the following items were discussed: agenda, Fiscal Officer's report, council minutes, legislation, executive session, November meetings, and Public Defender's agreement.

Park & Buildings Mr. Harvey stated that the Pumpkin Walk is scheduled for October 26. Trick-or-Treat is scheduled for October 31 from 5:30-7:30 p.m. with a bonfire and costume judging to follow.

Safety Committee Mr. DeZee stated that the Fire Department had 23 EMS calls and 15 fire calls for the month of September.

Finance & Capital Improvement Mr. Lewis stated that we do have a first reading for the 2020 budget temporary budget. He thanked the fiscal officer, office staff, and Mr. Domitrovich for their help in preparing the budget. This will be further discussed during committee meetings.

Service Committee Mr. Bradley stated that he and Mr. Domitrovich discussed the areas that are most in need of sidewalk repair for the Sidewalk Grant. They looked at Fifth Street and North of Fifth Street and identified the two most deserving areas. The Village Administrator will supply the information to council. The Village is prepared to begin making the payments to Niles. This will be coming up shortly. We have prepared for this. The Weathersfield Sewer District #3 is advancing well. There are still discussions with the Niles representative but this will be in place very soon.

Planning Commission Mr. Bradley stated that the Planning Commission meeting will be at 6:00 p.m. on November 13 in the Community Room.

Community Chest Mr. DeZee stated that Community Chest had a meeting to discuss what they want to do for Christmas. Also, they received a \$2,500 check from Home Savings. Mr. Harvey stated that the check is so important. Home Savings has been a big part of our Village for a long time and has sponsored many events here. We lost the branch but we haven't lost their support. The check for \$2,500 to the Community Chest is a big deal.

8. Remarks from persons or groups present: Joseph A. Ryan, 715 Connecticut Avenue. Mr. Ryan stated that he found something in the Ohio Revised Code 705.13 regarding

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

salaries and attendance. It states “*the legislative authority of a municipal corporation shall by ordinance fix the salary of its members who shall be paid in equal monthly installments for each absence from a regular meeting of a legislative authority unless authorized by a 2/3 vote of all members thereof. There shall be deducted a sum equal to 2% of such annual salary*”. Mr. Ryan stated that according to the information that was provided to him, no councilmen has had any reduction in pay from January 2018 through September 25, 2019. To the best of his knowledge, there is no ordinance stating council members shall be paid in full whether attending council meetings or not. He contacted the State Auditor and asked “if the fiscal officer of a village has overpaid a councilman for any reason, can or should the Village try to recover such overpayment? The answer was yes. Mr. Ryan stated that he did not know if the Village is entitled to get money back. Mr. Ryan said that he put this out there to see what council thought or is it going to remain the same. Mr. Ryan stated that council is probably wondering where he is coming from right now because we have not seen him in 17 years. His biggest investment is in this community on Connecticut Avenue. Everything that you people do rightly or wrongly affects what happens to him and his investment. He asked council to cross their t’s and dot their i’s, take care of business, come to meetings, and take care of Village business.

Mr. Ryan also stated that for a public records request, he asked to see receipt of acknowledgement that a copy of the Ohio Ethics Law was received. From what he received, the answer is no. State law says that you are supposed to get a copy of that and acknowledge receipt within 15 days of taking office. Somehow in the system, this needs to be addressed. This law has been in effect since 1974. The commission has been there since 1975. This is not something new. It has just been ignored.

Solicitor Ross stated that he appreciates citizens coming in. He has been solicitor since June 2008 when Bill Roux passed away. He is happy to report that in his decade plus he has never had to deal with one allegation, complaint, or issue raised by anybody regarding the Ohio Ethics Commission whether it be this council or their predecessors, this Mayor or his predecessors, this Fiscal Officer or her predecessors, this Office Manager or her predecessors. He thinks that it is important for the public to know that in his 12 years, he has never had to deal with one issue of the Ohio Ethics Commission which he feels is a glowing endorsement for the Village and these folks and their predecessors. He thanked Mr. Ryan for bringing up the subject.

Odell Houston, 1124 Logan Avenue. Mr. Houston stated that two meetings ago, he spoke to Mr. Harvey and also spoke with Mr. Domitrovich. He brought an issue to their attention and it was dealt with. There were repaving issues on Logan Avenue due to a water main break. Instead of complaining all the time, Mr. Houston wanted to give

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

thanks when something is done right.

Mr. Domitrovich thanked Mr. Houston for his demeanor when he did approach him in his concern to keep the neighborhood and the roadway passable. He appreciates the attention to sensitive situations. Mr. Domitrovich did not want to have to cut the road but they did have to. There is a time in the year that they come back to repaving all of them at once. It is more cost-effective to do it this way. Mr. Domitrovich is conscience of our water budget and doing those repairs. He appreciates Mr. Houston's patience in letting them come back to do that all at once. That same day, they did at least three other water breaks.

Mr. Jamey Evans, 205 W. Marshall Road. Mr. Evans emailed the Village and wanted to ensure that the information was received. Mr. Harvey stated that his concerns are being looked into.

Ken Suich, 973 McDonald Avenue. He stated that he has been in the Village for over 30 years. He would like to know what the plan is for some of the abandoned buildings. He has one right next to his business on Marshall Road. This building is an eyesore. He has never met the Building Inspector but would like to talk to him. There are a few other buildings right down the street that need addressed as well. Lastly, Mr. Suich stated that there are a couple swimming pools that do not have fences around them. Mayor Puckett encouraged Mr. Suich to attend the next Planning Commission meeting on November 13. Solicitor Ross asked if Mr. Suich filed a written complaint with the Zoning office to which Mr. Suich stated no. He stated that he has spoken with councilmen before but has never formally filed a complaint. Solicitor Ross encouraged Mr. Suich to do so if he believes someone is out of compliance with a zoning code. Solicitor Ross stated that the Village has taken the people who own the building with the card shop to court before. To be honest, this has been an ongoing battle with them. Another complaint will start the process again. Mr. Suich stated that with the people who have their building in a trust, he understands that is a battle. Solicitor Ross stated that there is specific criteria for condemning a building. Mr. Domitrovich stated that as long as there is legal notification, it is no secret that the Village has, unfortunately, had to do demolitions on commercial buildings as well as homes in the Village. There is absolutely a process that we will follow. The Village does need a catalyst though. Mr. Bradley recommended that Mr. Suich compile a list of addresses. He stated that if this list is filed by the end of the week, the Building Inspector could address this promptly. Mayor Puckett stated that there is a process and it does take time. When we get a formal complaint, it gives us more information if we need to take legal action. Solicitor Ross stated that Mr. Suich can contact Mrs. Cunningham and talk with her about what his concerns are.

- 9. Old Business: none
- 10. New Business: none
- 11. Legislation:

A. Second Reading Of An Ordinance To Amend Appropriations For 2019 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 2019.

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

Roll call:

Mr. Lewis – aye	Mr. Harvey – aye
Mr. Seitz – aye	Mr. Fisher – aye
Mr. Bradley – aye	Mr. DeZee – aye

Motion carried.

B. Second Reading Of An Ordinance Transferring Funds Within Various Funds Within The Village Of McDonald, Ohio, For A Period Beginning January 1, 2019 And Ending December 31, 2019.

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

Roll call:

Mr. Lewis – aye	Mr. Harvey – aye
Mr. Seitz – aye	Mr. Fisher – aye
Mr. Bradley – aye	Mr. DeZee – aye

Motion carried.

C. First Reading Of An Ordinance To Make Appropriations For 2020 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 2020.

11. Legislation cont'd.

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

Discussion: Mr. Lewis stated that this is a first reading of the temporary 2020 budget. Over the past three years, we have been diligent to make sure that we do have three readings going throughout the whole process to have a temporary budget in place prior to the end of the year. He appreciates all the hard work that has been done.

Mr. Lewis – aye
Mr. Seitz – aye
Mr. Bradley – aye

Mr. Harvey – aye
Mr. Fisher – aye
Mr. DeZee – aye

Motion carried.

D. First Reading Of A Resolution Authorizing The Mayor, Fiscal Officer, And Village Administrator To Enter Into An Agreement With The Trumbull County Public Defender's Office For The Benefit Of The Village Providing For Services To Be Rendered By Trumbull County, Acting Through The Trumbull County Board Of Commissioners, At A Pro-Rata Share Of Five Hundred Dollars (\$500.00) For One (1) Year Commencing January 1, 2020 And Ending December 31, 2020.

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

Discussion: Mr. Fisher stated that, in his 12 years, this is the only piece of business that we do that this number has never changed.

Mr. Bradley – aye
Mr. Seitz – aye
Mr. Fisher – aye

Mr. Harvey – aye
Mr. Lewis – aye
Mr. DeZee – aye

Motion carried.

12. Fiscal Officer's report:

Mrs. Canada stated that the bills for the Fiscal Officer's report total \$101,022.45.

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.

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

12. Fiscal Officer's report cont'd.

Roll call:

Mr. Bradley – aye
Mr. Seitz – aye
Mr. Fisher – aye

Mr. Harvey – aye
Mr. Lewis – aye
Mr. DeZee – aye

Motion carried.

13. Miscellaneous:

Mr. Fisher moved to enter executive session at 6:44 p.m. for pending litigation with no business to follow.

Roll call:

Mr. Fisher – aye
Mr. Seitz – aye
Mr. Bradley – aye

Mr. Harvey – aye
Mr. Lewis – aye
Mr. DeZee – aye

Motion carried.

It was moved by Mr. Fisher to exit executive session at 6:55 p.m.

Mr. Fisher – aye
Mr. Seitz – aye
Mr. Bradley – aye

Mr. Harvey – aye
Mr. Lewis – aye
Mr. DeZee – aye

Motion carried.

14. Adjournment

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

Mayor

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14. Adjournment cont'd.

Attest to:

Fiscal Officer