

McDonald Village Council
Wednesday October 2, 2019
Regular Council Meeting

Visitors: Ken Miner, Andrew Kitchens, Ginger Evans, John Cunningham, William Rushen, Sean Schmidt, Joe Ryan, Ron Jones, Joe Dugan, Odell Houston, and Scott Merola.

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

Press: Bob Coupland.

1. The October 2, 2019 meeting of McDonald Village Council was called to order by Mayor Glen M. Puckett at 7:05 p.m.

Roll call:

Mr. Harvey – present

Mr. Seitz – absent

Mr. Lewis – present

Mr. Fisher – present

Mr. Bradley – 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 September 18, 2019 council minutes.

It was moved by Mr. Fisher to approve the September 18, 2019 minutes as mailed:

Discussion: Mr. Bradley stated that because Mr. Lewis left the September 18 meeting early, he should abstain from this vote.

Roll call:

Mr. Fisher – aye

Mr. Harvey – aye

Mr. Lewis – aye

Mr. Bradley – aye

Mr. DeZee – aye

Motion carried.

4. Adoption of agenda:

It was moved by Mr. Fisher to amend the agenda under miscellaneous to add executive session for pending litigation with no action to follow:

4. Adoption of agenda cont'd.

Roll call:

Mr. Fisher – aye
Mr. Lewis – aye
Mr. DeZee – aye

Mr. Harvey – aye
Mr. Bradley – aye

Motion carried.

5. Mayor's report- Mayor Puckett gave the monthly court report as follows: For the month of September, Mayor's Court had \$130 computer fund, \$379 court costs, \$203 additional costs, \$500 city revenue from Niles, \$645 Niles Municipal Court Fines, and \$140 parking tickets for a total of \$1,997.00.

Mayor Puckett stated that he would like to appoint Matt Rozhon as a part-time volunteer EMT. He stated that Mr. DeZee will address this during his report as well as the times for trick-or-treat.

6. Report of Village Officials:

Village Administrator Thomas Domitrovich no report.

Police Chief Bill Woodley no report.

Fire Chief Todd Stitt no report.

Solicitor Ross stated that Trumbull County Common Pleas Court has reviewed the Summary Judgment in favor of the Village on Mr. Dugan's public records case. Basically, the judge found Mr. Dugan did not have a factual issue that merited the trial so he dismissed the case. As far as Solicitor Ross is aware, there are no actions, claims, or anything filed by Mr. Dugan pending against the Village. Hopefully it stays that way. Mr. Dugan stated that he did not hear Solicitor Ross's last comment. Solicitor Ross stated that hopefully it stays that way and Mr. Dugan does not sue the Village anymore.

7. Committee reports:

President Pro Tem Mr. Lewis stated that caucus met this evening and the following was discussed: agenda, fiscal officer's report, council minutes, and legislation. The agenda was amended to add executive session, trick-or-treat, and addition of volunteer EMT/Firefighter Matt Rozhon.

7. Committee reports cont'd:

Park & Buildings Mr. Harvey stated that the Fall Festival will be held on October 26. The Girl Scouts will be hosting this event. More details to follow. Trick-or-Treat will be held 5:30-7:30 p.m. on October 31 with costume judging and bonfire to follow. The plans for the demolition of the Scarbrough house are moving forward. The schools are doing tours of the fire department. There will be a meeting for Christmas In The Village next week. There is one more week of fall baseball.

Safety Committee Mr. DeZee stated that he would like council's approval to appoint Matthew Rozhon as a volunteer part-time Firefighter/EMT.

Mr. DeZee motioned to approve the Mayor's appointment of Matt Rozhon as a part-time volunteer Firefighter/EMT.

Roll call:

Mr. DeZee – aye
Mr. Lewis – aye
Mr. Bradley – aye

Mr. Harvey – aye
Mr. Fisher – aye

Motion carried.

Mr. DeZee stated that the Fire Department received a \$47,053.33 Safety and Equipment grant. The Village's contribution to this was \$2,352.67. We will update some of our equipment with that grant.

Finance & Capital Improvement Mr. Lewis stated that the temporary 2020 budget is prepared. Some of the highlights include: 2020 capital improvement paving project, money set aside for the MARCs radios for the Police and Fire departments. The grant for the fire department will take care of a majority of this. Mr. Lewis commended Chief Stitt on applying for and receiving grants that are well over \$250,000. Also discussed was preparation for funding for 2021. In 2018-19, we purchased two police cruisers and a new ambulance. We are going to have extra funds set aside in preparation for the future. This way, we will be more prepared. Also, the healthcare numbers will not be available to us until November-December. These numbers will be put into the budget before the final reading of the 2020 budget. Mr. Lewis stated that they discussed adding in raises for the Water and Street departments. Mr. Domitrovich will look into this.

Mr. Bradley stated that we have done everything we can to maintain our quality safety forces. He said that we need to acknowledge the employees in the Street and Water Departments.

7. Committee reports cont'd.

Service Committee Mr. Bradley stated that we are looking into Medi-Count versus Quest for ambulance billing. He asked the Village Administrator, Chief Stitt, and Solicitor Ross if Quest billed the Village \$395 per month, annually or was it a one-time fee. Chief Stitt stated that it was a one-time fee for set-up. He stated that Quest sends a monthly bill and they charge 6.5%. Mr. Bradley stated that if it were a \$395 per month fee plus 6.5%, the cost to the Village would be \$6000 worth of claims that they have processed for us. He said if it's one time at the beginning of the contract, he understands this. After the initial \$6000 plus the 6.5% the amount would be \$785 for that first fee. If Medi-Count does this without the \$395 fee, the first \$6,000 that they do for us at 8.5% is \$510 which means we pay \$275 beyond what Medi-Count is willing to start this program with. Mr. Bradley would like to make a motion to move forward with putting Medi-Count in place to run our billing effective January 1 and delete Quest as of December 31.

Mayor Puckett stated that he wishes Mr. Bradley would have brought this up at committee meetings so everyone could have all the numbers. He stated that he would like to look at the numbers. Mayor Puckett stated that he believes that Medi-Count is the direction that we are going. Before we enter into a contract, he cautions every councilmen to make sure these are completely accurate numbers that we're dealing with. We still have plenty of time to do this before the first of the year. Mayor Puckett doesn't feel this necessitates council doing this instantly. He stated that this is council's decision and these are his thoughts. Mr. Bradley stated that he is not a mathematical wizard but he looked at these numbers and all the councilmen can sit down and pull out their own computer and pull up their numbers. Mayor Puckett stated that he thinks that would be a great idea but he would like to see every councilmen do this before a decision is made. Mr. Fisher reminded everyone that this was a properly moved motion. He asked Mayor Puckett if we are in the discussion phase to which Mayor Puckett stated yes. Mayor Puckett stated that he is just cautioning. Solicitor Ross told Mr. Bradley that the Quest contract said "healthcare provider shall pay billing center for the services described above the setup fee of \$395". Solicitor Ross stated that he assumes this is a one-time setup fee. Mr. Bradley stated that we are looking at a possible win-win. Mayor Puckett stated that this is on the floor. Solicitor Ross said that he is alright with whatever council decides. He has read both contracts and whatever council wants to do, he's ready to serve.

Mr. Fisher stated that he agrees that, right now, this looks like the right decision to make. At the last meeting, he made some comments that he would like to see some things in

7. Committee reports cont'd.

writing. The reason for this is he remembers an instance about four to five years ago, where he adamantly disagreed with a movement that council made to move into a healthcare consortium. We never got anything in writing and, now we are still in court for that. Mr. Fisher stated that he would feel much more comfortable seeing hard, factual numbers that are provided for us before making a decision. He stated that, tonight, he would vote no but just for that reason. Mr. Bradley stated that he agreed that two weeks ago, Mr. Fisher asked to see something in writing. If he hasn't seen something in writing by now, it wasn't that Mr. Fisher didn't request it. Mayor Puckett stated that we do have to vote. He also stated that Mr. Bradley gets two back and forths. Mr. Bradley continued to talk. Mayor Puckett again told him that he gets two back and forths to which Mr. Bradley responded with "is that three?". Mayor Puckett stated that Mr. Bradley won't stop. He stated that Mr. Bradley got to speak his mind. He then told Mr. Bradley that he should have put this on the agenda so the Mayor would have ensured at committees that all councilmen would have had the numbers that Mr. Bradley is talking about so it could be voted on today. To bring it up today, is wrong. The Mayor also reminded Mr. Bradley that we have Rules of Council. Mr. Bradley is permitted to state his case and reply once so this isn't a circus. We are here to do business. We are going to respect your vote. Everyone gave their opinion. This is not who can get the last word in. There are rules to this and Mr. Bradley was given them.

Mr. Harvey stated that he was never asked about this as a member of the Service Committee. He then asked Mr. Lewis as the other Service committee member, if he was aware of this. Mr. Lewis stated that his vote tonight is a no. Mr. Harvey stated that he is not comfortable until he sees all the figures. He stated that a committee needs to interact with each other. They should be sharing this information with each other.

It was moved by Mr. Bradley to enter into an agreement as of January 1, 2020 with Medi-Count and to terminate the agreement with Quest.

Roll call:

Mr. Bradley – aye
Mr. Lewis – nay
Mr. DeZee – nay

Mr. Harvey – nay
Mr. Fisher – nay

Motion failed.

7. Committee reports cont'd.

Mr. Bradley stated that we are looking into the Sidewalk grant for the northeast corner of the Village. This isn't something that needs to be addressed at this time. It is something that we need to decide that we're going to apply for.

Mr. Bradley asked Mr. Domitrovich if he left anything out. Mr. Domitrovich stated that there has been a lot of research to get the City of Niles their payment for the wastewater plant upgrade. Solicitor Ross and Mr. Domitrovich have gone to great lengths this last month to get documentation to verify figures that they are requesting the Village to pay. Mr. Domitrovich and Solicitor Ross are still working on this. He hopes to have all the figures, possibly at the next council meeting. Mr. Bradley stated that he appreciates this information. He stated that we have been saving and allocating toward the time when we have to do this.

Planning Commission Mr. Bradley stated that Planning Commission is scheduled to meet at 6:00 p.m. the second Wednesday of November in the Community Room unless something comes up prior to this.

Community Chest Mr. DeZee no report.

8. Remarks from persons or groups present: Joseph A. Ryan, 715 Connecticut Avenue. Mr. Ryan stated that he spoke with Mr. Domitrovich and was told that the Village employees were working on things. Some of the things have been accomplished expeditiously. He appreciates that. He understands that some of the other projects that were discussed take time and resources. The other issue was Mr. Ryan's public records request. He stated that he was thoroughly pleased with the timeliness and how accurate Solicitor Ross's response was, even though he was informed that he was way out of his league. Solicitor Ross stated that it wasn't meant that way at all. He said there were no records to answer his specific questions so he answered them for Mr. Ryan. Mr. Ryan handed Solicitor Ross a thank you note. Mr. Ryan stated that he noticed at the last meeting and again, tonight, there is a councilman missing. The meeting was called to order by the Mayor, roll call, but no mention was given for the absent councilman. Mr. Ryan stated that, per the Rules of Council, the Mayor is supposed to state the absence and reason, per council's own rules, to avoid controversy. None was given. The committee reports were given, and, at that point, Mr. Lewis announced he was leaving. Again, nothing was said. At the last meeting, Mr. Ryan made his presentation to council, and was asked by the Mayor if he would meet with him after council. Mr. Fisher also joined them. Mr. Ryan told the Mayor how upset he was that he took the time to make the presentation and he was down two councilmen. They talked about it and agreed to disagree. But Mr. Ryan was not satisfied. Imagine that. So

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

he went back through the council minutes starting back in January 3, 2018 to present. Council had 21 regular scheduled meetings in 2018 and 16 in 2019, including tonight. One councilman in particular has missed 11 regular council meetings out of 21 in 2018 and five out of 16 this year, including this evening for a total of 15 missed meetings. In 2018, this amounts to over a 50% absentee rate. This year, we're up over 25%. This isn't an occurrence, this is a pattern. When a council member is absent, the Mayor shall state their absence and the reason shall be entered on the official minutes excusing such person for that meeting. This was done by the Mayor on January 3, 2018, March 20, 2019, by acting Mayor Lewis. Again, on June 19, 2019 by the Mayor. Out of all those meetings, only four of them are officially entered into the minutes. Out of 15 missed meetings, only three were official. Under council's own rules, section 7, it states "council shall declare a member seat vacant for absence from three council meetings within a calendar year". The reason for absence, per council's own rules, has to be put in the minutes. He then listed several dates that a councilman was absent and no reason was given. Not only did the councilman miss three meetings, which qualifies him for Section 7, he missed four. He stated that he can't tell anyone on council what to do. He stated that the Rules of Council are clear and easy to understand. Failure to follow council rules sets a precedence. He stated that he doesn't care what council has done for the last 17 years since he was a councilman. If he did, he would have been there. It is clearly up to council to do whatever they want to do, if they want to live with this or put a stop to it. Mr. Ryan stated that he asked if anyone had ever had their pay docked. Solicitor Ross politely told him that "there is no councilman that has had a reduction in salary". Mr. Ryan stated that if you come to all your council meetings, you get paid. If you decide to go off 15 of them, you still get paid. He stated that bugs the crap out of him. That is his tax dollars to provide council's salary. Some earn them and some, not so much. Mr. Ryan asked council what they are going to do under their own rules. Are they going to vote Section 7 and put a stop to this?

Ginger Evans, 805 New Jersey, Avenue. Mrs. Evans thanked council for the Community Room. She thanked them also for Millie Ritz and Christine Ellks. They do a wonderful job. She stated also that Lori Canada and Amy Cunningham were excellent choices. She is so glad these girls chose to accept these challenges. Mrs. Evans wanted to respond to minutes from the September 18 meeting. At that meeting, Mr. Ryan had a list of things that he thought should be done around the Village. She stated that she worked for the Village in the administration building. She worked 24 years and for four or five Mayors. There was one Mayor that had a vision for the Village as far as cosmetics. He put together the Progress Committee. This committee worked on the landscaping and labor. This Mayor let people know that help was needed in beautifying the Village. Residents also donated money. Everyone knows there is just so much money to do things. At

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

the end of the budget, if there's no money left, the last thing that is going to be done is beautify the Village. She feels the Village was more beautiful those four years than any time she has lived here.

Joe Dugan, 501 W. Marshall Road. Mr. Dugan was speaking in reference to Solicitor Ross's statement about the case decision. Mr. Dugan stated that the Tribune is here and since they refused to contact him per his request to take a statement, he would like to make that statement now. Mr. Dugan feels that the decision in this case is very disturbing since the Village has been in violation of two state laws for 11 of the 12 months of 2016 and appears to go back to 2006. Based on that decision, all legal avenues will be pursued in petitioning those appropriate oversight investigating agencies underway.

9. Old Business: None.

10. New Business: None.

11. Legislation:

A. Third reading of Ordinance No. 3238-19 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 Ordinance 3238-19 pass third reading as read.

Roll call:

Mr. Lewis – aye
Mr. Fisher – aye
Mr. DeZee – aye

Mr. Harvey – aye
Mr. Bradley – aye

Motion carried.

B. First 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 first reading as read.

11. Legislation cont'd.

Roll call:

Mr. Lewis – aye
Mr. Fisher – aye
Mr. DeZee – aye

Mr. Harvey – aye
Mr. Bradley – aye

Motion carried.

C. First 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 first reading as read.

Roll call:

Mr. Lewis – aye
Mr. Fisher – aye
Mr. DeZee – aye

Mr. Harvey – aye
Mr. Bradley – aye

Motion carried.

D. Emergency Reading Of Resolution No. 1813-19 Authorizing The Mayor, Fiscal Officer, And/Or Village Administrator To Engage The Services Of The Local Government Services Section Of The State Of Ohio Auditor's Office To Provide Consultation Services To The Fiscal Officer.

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

Discussion: Solicitor Ross stated that although this is worded differently, this is for additional reconciliation in the books carrying on to what they did before. This is not much work at all and the Fiscal Officer is doing a great job.

Roll call:

Mr. Lewis – aye
Mr. Fisher – aye
Mr. DeZee – aye

Mr. Harvey – aye
Mr. Bradley – aye

Motion carried.

11. Legislation cont'd.

It was moved by Mr. Lewis that Resolution No. 1813-19 be passed as read.

Roll call:

Mr. Lewis – aye

Mr. Harvey – aye

Mr. Fisher – aye

Mr. Bradley – aye

Mr. DeZee – aye

Motion carried.

12. Fiscal Officer's report:

Mr. Lewis stated that the bills for the Fiscal Officer's report total \$19,935.65.

Mr. Lewis, Chairman of the Finance and Capital Improvement Committee, do hereby declare that the bills are true and correct.

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

Roll call:

Mr. Bradley – aye

Mr. Harvey – aye

Mr. Lewis – aye

Mr. Fisher – aye

Mr. DeZee – aye

Motion carried.

13. Miscellaneous:

Mr. Fisher acknowledged that there was a large crowd for the council meeting. He welcomed everyone and stated that it is nice to have residents visit from time to time. He stated that he feels that a lot of that is contributed to the fact that the community feels that there must be some animosity going on. He understands that it does look that way. The only animosity that Mr. Fisher has had is over procedure, which we are correcting. The record states that our auditors believe we are doing a fantastic job. Over the last few years, they have given us no blemishes whatsoever which proves that we are doing the right work for the Village. Mr. Fisher commends the Village on this. He doesn't believe that anything in the community that is being talked about is warranted because, at the end of the day, we are all working for the better of the

13. Miscellaneous cont'd.

Village regardless of a few meetings that may have had some unkind words.

It was moved by Mr. Fisher to enter into executive session for pending litigation with no action to follow at 7:48 p.m.

Roll call:

Mr. Fisher – aye
Mr. Lewis – aye
Mr. DeZee – aye

Mr. Harvey – aye
Mr. Bradley – aye

Motion carried.

It was moved by Mr. Fisher to exit executive session at 8:02 p.m.

Roll call:

Mr. Fisher – aye
Mr. Lewis – aye
Mr. DeZee – aye

Mr. Harvey – aye
Mr. Bradley – aye

Motion carried.

14. Adjournment

The meeting was adjourned on a motion by Mr. Harvey at 8:03 p.m. All voted aye.

Mayor

Attest to:

Fiscal Officer