

VILLAGE OF GLENDALE
80 E. Sharon Road
Glendale, OH 45246

Minutes –Regular Council Meeting December 2, 2019

Attendees:

Don Lofty	Mayor	Present
Mike Besl	Council	Present
Alan Hoeweler	Council	Present
Marilyn Duke	Council	Present
Nancy Macenko	Council	Present
Joan Verchot	Council	Present
Geoff Base-Smith	Council	Present
Mike Beaugrand	Treasurer	Present
Becky Terrell	Clerk	Present
Wally Cordes	Village Administrator	Present
Dave Warman	Police Chief	Present
Kevin Hardwick	Fire Chief	Present
Laura Abrams	Solicitor	Present

I. Call to Order, Establishment of Quorum, and Approval of Agenda

Call to Order: Mayor Lofty called the Council to order at 7:00 pm and led all assembled in the Pledge of Allegiance.

Quorum: The Mayor determined that a Quorum of the Council was present and the Clerk confirmed the presence of a Quorum.

Approval of Agenda: Mayor Lofty presented the Council Agenda with no amendments.

II. Minutes from the Council's 4 November Regular Council Meetings

Motion to approve the minutes of the 4 November Regular Council Meeting was made by Ms. Macenko and seconded by Ms. Verchot. Mayor Lofty requested a change from 'buy' to 'by' on page 4. The motion was approved by unanimous Council voice vote.

III. Public Presentations / Public Comment

Ms. Tammy Simendinger – 2020 Census Report. Ms. Simendinger are recruiting people to participate in the taking of the 2020 Census. They provided information about the Census, including its local funding implications, collection process, general timeline and employment opportunities were presented to Council. No action was required of Council as this was an informational presentation. Mayor Lofty thanked them for coming to Council and providing background information and the importance of the Census. Chief Warman asked if the census takers will be identified and it was indicated that they will have a badge and will be during daylight hours.

Mr. Kevin Parrish, 176 Washington Avenue. Mr. Parrish asked about the conflict of interest regarding Councilwoman Kilgore and how many issues were involved during the period. He further stated the Village owns the Eckstein building unless the Auditor is incorrect. He stated that he has not received any documentation regarding his complaint against Mr. Kevin Bell, and this is Mr. Parrish's third request for information. His initial complaint was made in March of 2017 and was submitted to former Village Administrator Rokey.

Solicitor Abrams stated clarified the differences between Public Presentation and Public Comment. Presentations are at the invitation by Council and may require interaction; Public Comment is for members of the public to address Council and is not for Council interaction.

Mr. Besl asked to speak to Council as a resident at 160 E. Fountain Ave. Different people have different concerns and they have a right to bring forward issues that are important to them. Making judgements about people's character, integrity and racism is what he wants to address and he talked about his family's experience, his as a coach and the impact various interactions have had on him and his family.

IV. Old Business:

Ordinance 2019-39: An Ordinance Amending Chapters 70 and 76 of the Village of Glendale Code of Ordinances to Provide Additional Parking Restrictions Within the Village of Glendale (third reading).

Motion for Ordinance 2019-39 was moved by Mr. Hoeweler and seconded by Mr. Besl in the 7 October Regular Council meeting. The Ordinance was read as a second read at the November 4 Council meeting.

A new Motion to adopt Ordinance 2019-39 on its third read was required and made by Mr. Hoeweler and seconded by Mr. Besl.

There was no further discussion of this ordinance.

Motion to adopt Ordinance 2019-39 was passed unanimously by Council roll-call vote.

Ordinance 2019-42: An Ordinance Authorizing Increases in the Water Utility Rates, As Determined to be Necessary to Maintain Sufficient Funds for Operational, Repair, Capital Improvement and Debt Service Expenses, over a Three-Year Period and Declaring an Emergency.

Motion for Ordinance 2019-42 was moved by Ms. Macenko and seconded by Mr. Base-Smith for its first read in the 4 November meeting.

Mayor Lofty requested a motion to dispense with three reads so rates are in effect the first quarter of 2020. Ms. Duke asked if the emergency language is required if the vote happens on dispensing with three reads. Ms. Duke motioned for a friendly amendment to add the 'Emergency' language to the title of the Ordinance and Mr. Hoeweler seconded the motion.

Mr. Hoeweler motioned to dispense with three reads for the Ordinance as

amended. Mr. Besl seconded the motion. Motion to dispense with three reads was passed unanimously by Council roll-call vote.

Mr. Hoeweler stated that the second read was to allow public time to review and comment and there have been no comments received to date.

Motion for Ordinance 2019-42 was passed unanimously by Council roll-call vote.

Ordinance 2019-43: An Ordinance Authorizing Increases in the Waste Water Utility Rates, As Determined to be Necessary to Maintain Sufficient Funds for Operational, Repair, Capital Improvement and Debt Service Expenses, Over a Three-Year Period.

Motion for Ordinance 2019-43 was moved by Mr. Besl and seconded by Mr. Base-Smith in the 4 November Regular meeting.

Ms. Duke motioned for a friendly amendment to add the 'Emergency' language to the title of the Ordinance and to dispense with the three reads and Mr. Base-Smith seconded the motion. Motion to dispense with three reads was passed unanimously by Council roll-call vote.

Ms. Duke reiterated Mr. Hoeweler's statement that the second read was to allow public time to review and asked if there were any public comments. Village Administrator Cordes stated that one resident on Fountain inquired about the effect on his bill, but made no comment after being told the amount by which his bill would be increased, and there have been no comments received following the estimate.

Motion for Ordinance 2019-43 was passed unanimously by Council roll-call vote.

VI. New Business

Ordinances:

Ordinance 2019-45: An Ordinance Providing Supplementary Appropriations Giving the Clerk and Treasurer the Authority to Draw Certain Warrants Until the Annual Appropriations Ordinance is Adopted and Declaring an Emergency.

Motion for Ordinance 2019-45 was moved by Mr. Besl and seconded by Ms. Duke.

Ms. Duke noted that a similar ordinance was adopted last year and Village Administrator Cordes confirmed. Mayor Lofty stated that this is a stop gap to get the Village through the first few days of January and the first Council meeting.

Mr. Hoeweler motioned to dispense with three reads with the amendment to the Ordinance. Ms. Duke seconded the motion. Motion to dispense with three reads was passed unanimously by Council roll-call vote.

Motion for Ordinance 2019-45 was passed unanimously by Council roll-call vote.

Ordinance 2019-46: An Ordinance Authorizing the appropriations of a Drainage and Construction Easement on the Property Located at 470 E. Sharon Road Pursuant to Section 729-05 of the Ohio Revised Code by Quick Take Procedure Authorized by Article. I, section 19 of the Ohio Constitution and Declaring an Emergency.

Motion for Ordinance 2019-46 was moved by Ms. Macenko and seconded by Ms. Verchot.

Mayor Lofty stated that this is related to the bridge repairs on Sharon Road and the need for an easement to enter private property to make the repairs. Ms. Duke asked how the owners have responded to Village request for access.

Village Administrator Cordes provided a summary of the contacts starting in July. Due to the project urgency the ordinance is needed in order to go to Court to get the necessary easement for March repairs. Solicitor Abrams states that this is for a temporary and maintenance easement and not taking anyone's property. The Village has received an appraisal from an experienced professional appraiser that fair market value is approximately \$1,000, but that a court will eventually determine the value of the easement. Ms. Duke stated that the latest action listed is 4 November and asked if any further action was taken and Solicitor Abrams clarified a response was received 2 December asking \$10,000 for the easement with no evidence supporting that valuation and the Village cannot pay that as it is not fair market value. There is no further negotiation, because the response was received well past the original deadline of 17 Oct, which had been extended to 24 October. She further noted that the Village is legally required to give only 30 days and this has been pending since July. Ms. Duke stated she has concerns regarding the status of an ordinance with current action not reflected in the ordinance. Ms. Duke asked if this is the same project announced as indefinitely postponed and Village Administrator Cordes stated that there are 2 obstacles: 1. Lack of easement and 2. Engineered concrete required. Work is targeted to begin 1 March and has not been communicated as the final project plan is in progress. Ms. Duke said she is struggling to see this as an emergency with owners pending feedback and technical items still pending. Mr. Hoeweler stated that a dangerous situation exists with the bridge and the homeowners have purposely stalled the repairs and the only way to get them to move is to pass the ordinance for the higher priority of safety. The request is for a construction easement (temporary) and maintenance easement (permanent). Mr. Beaugrand stated that there is a \$400,000 grant that will expire if the work is not started in March and delay in action could put that at risk. Ms. Duke stated that her intent is not to cause funding issues, but she wished to reconsider whether the ordinance was an emergency to allow time for the latest communication to continue.

Solicitor Abrams address the unequal negotiation issue stating that the initial contact stated that they could hire an attorney. The process for eminent domain is explicitly stated and has been followed. The fair market value was appraised at \$1,000 and tax payer money beyond that cannot be paid to the homeowner without a court order. Mr. Besl stated that best effort was taken to come to an amicable conclusion so it is time to take the next step.

Motion to dispense with three reads was moved by Mr. Hoeweler, seconded by Ms. Macenko and passed by roll-call vote with the following results: Mr. Base-Smith – yes, Ms. Verchot – yes, Ms. Macenko – yes, Ms. Duke – no, Mr. Hoeweler – yes, Mr. Besl – yes.

Motion for Ordinance 2019-46 was passed by roll-cal vote with the following results: Mr. Base-Smith – yes, Ms. Verchot – yes, Ms. Macenko – yes, Ms. Duke – no, Mr. Hoeweler – yes, Mr. Besl – yes.

Ordinance 2019-47: An Ordinance Authorizing the Increase of 2019 Appropriations of the Glendale Water Works Fund and the Sanitary Sewer & Disposal Fund and Declaring an Emergency.

Motion for Ordinance 2019-47 was moved by Mr. Base-Smith and seconded by Mr. Hoeweler.

Village Administrator Cordes stated that this appropriation is for emergency repairs that exceeded the previous appropriation and this would transfer funding within the budget to offset the overrun. An increase of \$10,000 in water appropriation. Section 2 is to increase the sanitary appropriation by \$20,000 to address the sewer collapse on Albion. Expenses for repairs were budgeted but the actual expense exceeded budget. Mayor Lofty stated that this is likely not a trend given the new capability to identify leaks and the effort to address ongoing issues. Ms. Duke asked if the appropriations should be 2 separate ordinances or

a single ordinance since it is two separate accounts. Village Administrator Cordes stated that this was a template from past ordinances but this could be split into two ordinances or a part A and B. Solicitor Abrams stated that since both funds are in the ordinance title that having them in a single ordinance was sufficient and it is likely the auditor would not have an issue. That said, in the future breaking it out would make it clearer.

Motion to dispense with three reads was moved by Mr. Base-Smith, seconded by Ms. Macenko and passed unanimously by Council roll-call vote.

Motion for Ordinance 2019-47 was passed unanimously by Council roll-call vote.

Ordinance 2019-48: An Ordinance Amending 2019 Appropriations Within the General Fund and Declaring an Emergency.

Motion for Ordinance 2019-48 was moved by Ms. Duke and seconded by Mr. Besl.

Village Administrator Cordes stated that there are three elements to the appropriations: Section 1 is for Police purchase of a drone and to replace a fire damaged police uniform. Section 2 additional repairs needed to the Fire Department, increase drug screens and vehicle repairs. Appropriations would happen from the contingency fund.

Motion to dispense with three reads was moved by Mr. Hoeweler, seconded by Ms. Duke and passed unanimously by Council roll-call vote.

Motion for Ordinance 2019-48 was passed unanimously by Council roll-call vote.

Resolutions:

Resolution 2019-25: A Resolution Authorizing Council to Approve the Payment of Goods or Services Exceeding \$3,000 Issued on Purchase Orders with “Then and Now’ Certificates, and Declaring an Emergency.

Motion for Resolution 2019-25 was moved by Ms. Macenko and seconded by Ms. Verchot.

It was clarified that the Quiet Zone funding would be reimbursed by the State and that no tax payer money was being used to fund the Quiet Zone.

Motion to dispense with the three reads was moved by Mr. Hoeweler and seconded by Mr. Besl.

Motion for Resolution 2019-25 was passed unanimously by Council roll-call vote.

VI. Reports from the Mayor, Standing Committees and Special Committees

Births: None to report

Deaths: Sheila C. Keys, November 10, Age 77

Jack R. Cook, December 1, Age 86

Mayor Lofty stated that Duke Energy has filed an application for a 0.2% gas rate decrease. Mayor Lofty serves on the Duke Energy Community Insight Committee, chaired by President of Duke’s OH/Ky/IN subsidiary, and including their head of Vegetation Management who said they would be proactive in notifying the Village when trimming would happen.

Glendale Heritage Preservation will host an exhibit on Women of Glendale in 2020.

Committee Reports:

Finance Committee: Committee Chair Mr. Besl reported that the committee did not meet in November. The next meetings will be held 5 and 12 December to finish the 2020 budget.

Fire Committee: Committee Chair Ms. Verchot stated the committee met 7 November and discussed staffing, service demand, capital budget and priorities. Chief Hardwick provided the November Fire report and added the Ohio Fire Chief's association cancer summit that was well attended. The Pancake Breakfast will be 4 April. Ms. Duke asked what a 'good intent' call is and Chief Hardwick stated that it is when people have good intentions when calls are made as emergencies that actually are not.

Laws, Claims & Miscellaneous: Committee Chair Ms. Duke stated that they did not meet in November. The next meeting will be held on 12 December at 7pm following the Finance Committee meeting.

Police Committee: Committee Chair Mr. Hoeweler stated the committee met 21 November regarding 2020 budgeting, capital improvements and staffing. The 2020 budget is within 2% of the 2019 budget. Chief Warman clarified that the staffing request was for 2 part-time officers sharing 1 part-time position with no change in hours and he provided a November summary and reminded residents to keep cars locked and valuables out of sight. Mayor Lofty stated that an incident occurred with an attempted break in and the resident drove the intruder off and the Police spent the next 30-45 minutes pursuing the perpetrator who was ultimately captured. Mayor thanked the officers involved, Hilling and Barber as well as the Chief, for their diligence.

Public Buildings and Historic Preservation: Committee Chair Ms. Macenko stated the committee met 5 November to review capital fund needs for Village Hall, the Administration Building and the Police Station. Solicitor Abrams clarified that the Village does not own Eckstein. The Auditor's office stated that it could take 1 year to make the changes in the system but the official records reflect correct ownership. During the sale, the Auditor's Office switched the two parcel ownerships when the system was updated, and it was updated incorrectly because of the parcel swap error.

Recreation and Playgrounds: Committee Chair Mr. Base-Smith stated no meeting was held in November. A meeting will be held Wednesday 5 December at 1pm.

Streets, Public Improvements & Lights: Committee Chair Mr. Besl reported the committee met 7 November to review the 5-year streets plan and estimated budget required to support the plan.

Utilities Committee: Committee Chair Mr. Base-Smith stated several Utilities meetings were held in October to review current and future rates and ongoing work required. Next meeting will be scheduled shortly.

IX. Miscellaneous Business and Reports

a. Reports from the Clerk and Treasurer

Treasurer – November report distributed and showed that investment income is on track to meet commitments.

Clerk – None.

X. Review of Expenditures

a. 2019-12 General Fund

b. 2019-12 Enterprise Fund

Mayor Lofty stated that the reports are a month behind because there was not enough time to get out month-end reports for November due to the December 2 timing of this meeting. Check Register reports for General and Enterprise Checking and the YTD revenue report through 31 October, Expenditures year to date, November Cash Transactions, Mayor's Court distribution were all provided. Mr. Hoeweler moved to acknowledge report receipt, Ms. Duke seconded the motion and it passed unanimously via Council voice vote.

Mayor Lofty added for the record that the earlier resident reference about an employee complaint about making false statements was answered a number of times, including in a lawsuit. The Village has absolute confidence in the employee and his truthfulness. Councilwoman Kilgore's conflict has been addressed, and while her vote never influenced any results, a complete ratification of any incidents where she made a motion or second was passed by Council.

XI. Adjournment

Motion to adjourn was moved by Mr. Hoeweler. The motion was seconded by Ms. Duke and unanimously passed by Council voice vote.

The meeting adjourned at 8:34 pm.

Next regular meeting January 6, 2020 at 7:00 pm

ATTESTED BY:

Mayor Donald A. Lofty

Rebecca M. Terrell

Clerk