

June 9, 2022
Regular Council Meeting
7:00 p.m.
Meeting in Council Chambers

Harry Brumbaugh, William Garner, Don Gephart, Reilly Hopkins, Tyler McCollister and Josh Parks were present. Councilman Tyler McCollister was absent. Mayor Carman presided over the meeting.

PARKS/GEPHART: Motion to excuse Mr. McCollister. All voted yea.

APPROVAL OF AGENDA

Agenda was presented to Council with addition of approval of minutes for the May 19, 2022 special council meeting.

HOPKINS/GEPHART: Motion to approve the agenda as presented. Councilmen Brumbaugh, Gephart and Hopkins voted yea. Councilmen Garner and Parks voted no.

Mr. Garner stated that there was no public comment on the agenda. Mr. Parks said he thought people needed to be heard. Mayor Carman explained that the former public comment policy did not permit bashing village employees and elected officials. The new public comment policy does not address that issue. Employees should not be subjected to being bashed in public meetings. The law does not require council to permit the public to speak at its meetings. The public is permitted to attend and observe. Solicitor Barbieri explained that it is not a constitutional right to speak at a public meeting. If public comment is allowed, what is said is protected under constitutional rights. James Constable disrupted the meeting by standing and speaking. Mayor Carman told Mr. Constable to sit down. Mr. Hopkins stated that people could request to be on the agenda at the mayor's discretion. Mayor Carman repeated that it is not a constitutional right for the public to speak at council's meeting. Mr. Gephart stated that council holds meetings to do the business of the municipality.

PARKS/GARNER: Motion to add public comment on the agenda. Councilmen Brumbaugh, Gephart and Hopkins voted no. Councilmen Garner and Parks voted yes.

HOPKINS/GEPHART: Motion to suspend public comment for a minimum of 3 months. Councilmen Brumbaugh, Gephart and Hopkins voted yea. Councilmen Garner and Parks voted no.

APPROVAL OF MINUTES

Minutes from May 19, 2022 and May 26, 2022 were presented to Council.

HOPKINS/GEPHART: Motion to approve minutes. All voted yea.

APPROVAL OF BILLS & REALLOCATIONS

HOPKINS/PARKS: Motion to approve bills with addition of a Sunrise bill for \$414.12 (fuel for street department) and reallocations. All voted yea.

COMMITTEE REPORTS

Finance Committee – Mr. Gephart reported the committee met prior to the council meeting. Mr. Daniels brought quotes for the streets to be blacktopped in the Fairground Acres area and recommended Gradeco. The committee recommends approval for the paving, utilizing up to 60% of the permissive tax dollars from the county engineer's office. Also, Mayor Carman spoke on behalf of Chief Houghton to request a step increase for Sergeant Helton now and another step raise in 2 months when he is removed from probation. Mr. Hopkins stated that one of the bids for paving was just increased by \$45,000 due to rising costs. Mr. Parks asked about the bids. Mr. Daniels read off the numerous companies from which bids were solicited for numerous streets in Fairground Acres. Bids are broken down by street, with a total cost from Gradeco of \$195,404.00. Mayor Carman explained the process that the department head obtains bids/quotes and brings the information to the finance committee, then it is brought to council on the committee recommendation. Mr. Hopkins requested Mr. Daniels to provide the quotes to all of council in the future.

HOPKINS/GEPHART: Motion to approve quote from Gradeco and to obtain up to 60% from the county permissive tax. Councilmen Brumbaugh, Garner, Gephart and Hopkins voted yea. Mr. Parks voted no.

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HOPKINS/BRUMBAUGH: Motion to approve a 1 step raise from 1st Year to After 1 Year for Sergeant Jeremy Helton now and to review for an additional step at the end of probation. All voted yea.

OLD BUSINESS

Ordinance 2022.017 – Income Tax to support the Police Department – Third Reading
Mayor Carman said he had discussed the income tax with several businesses. The businesses agreed that if it helps to improve the village, they were onboard.

HOPKINS/BRUMBAUGH: Motion to place the ordinance on the third and final reading. The vote was as follows: Councilmen Brumbaugh, Gephart, Hopkins and McCollister voted yea. Mr. Garner and Mr. Parks voted no.

Ordinance 2022.019 – Supplemental Appropriations for Cemetery and Police Operating Funds

	Account Code	Description	Amount
CEMETERY FUND	2031-240-300	Contractual Services	\$ 7,027.81
POLICE OP FUND	2906-110-520	Equipment	\$ 12,000.00
	2906-110-300	Contractual Services	\$ <u>15,022.18</u>
			\$ 34,049.99

PARKS/BRUMBAUGH: Motion to approve supplemental appropriations. All voted yea.

SOLICITOR'S REPORT

Mr. Barbieri followed up on a question from Mr. Parks regarding authority to issue zoning violations/citations. The only person authorized is the code enforcement official. Also, Mr. Barbieri clarified that a newspaper with a general circulation as well as a legal newspaper would qualify for notices of resolutions and ordinances. The Wilmington News Journal would qualify. Notice in the newspaper could be done in lieu of posting in 5 different locations within the village. According to statute, notices on social media and online are not considered proper notice.

DEPARTMENT REPORTS

Parks – Paul Jackson stated they are working on the ballfields.

Police – Sergeant Helton said there was nothing to report.

Street – None

Zoning – None

Fiscal – Tammy May reviewed projected budgets for the police department for years 2023 – 2025. The salary line included a request from Chief Houghton to add two more officers on night patrol. OP&F projections are based on the current employer contribution rate of 19%. There is legislation being considered to increase the employer contribution rate to 26.5%. Also included was principal and interest should the village receive the USDA grant/loan. The next projection showed the General Fund without an income tax. The numbers are very concerning as it shows a deficit in the General Fund. There would need to be budget cuts. Mrs. May reminded everyone that these are estimates. She stated she hoped the revenue received was higher than the estimates. The village needs a fully staffed police department with current technology and equipment. Mrs. May stated she and the Chief discussed reviewing numbers this fall to possibly reduce the amount being transferred from the General Fund to the Police Operating Fund if all expenses through the end of the year would be covered. The second projection shown was with an income tax. Though the numbers are better, they are still concerning. Also addressed was the rumor that the money from the income tax was not going to the police department. The ordinance that was passed was specifically written for the revenue to go to the police department. The only difference between the two projections was a reduction of \$500,000.00 (anticipated revenue from the income tax). Also included in the projections were dollars to care for the cemetery. The second tranche of the American Rescue Plan Act funding will be coming early in July. She shared she had attended a conference and received some good information from the Ohio Office of Budget and Management regarding available grants and grant writing assistance.

Mayor – Mayor Carman reported on the Safe Routes to School project. The error made with the sidewalks is being corrected at the cost of the contractor. He spoke with ODOT about a possible change order to allocate dollars for other sidewalks since there was a reduction in the project. Due to the project involving federal

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dollars, the request was not considered. Mayor Carman publicly thanked Paul Daniels and utility employees for working late on repairs from an accident the day before. Mr. Hopkins asked for a Taco Bell update. The mayor reported it is the same. UDF is working on clearing the old property and will reach out to McDonald's to expedite the issue. Taco Bell is scheduled to start in the fall. The planning committee approved McDonald's request for remodeling. It is hoped that the changes will reduce traffic on Main Street. Mr. Parks asked about zoning issues for Taco Bell with the drive-thru. The mayor explained that the action for the zoning update was never completed due to a transition with the village solicitor. Council will need to act to reach completion.

Motion to adjourn. Meeting adjourned at 7:59 p.m.

Approved: July 14, 2022
Mayor: John M. Carman
Attest: John A. May