

PLEASANT HILL VILLAGE COUNCIL REGULAR

July 14, 2008

Mayor Gary Johnston called the regular meeting to order at 7:00 p.m. Roll call: Melinda Clark – present; Donna Favorite – present; John Schultz – present; Robert “Bob” Sollmann – present; Rick Baker – present; Ronald “Bud” Perry – present. Others present were Bart Denlinger, Keystone Homes; Ron Jackson; Donna Hormell; Newton Local Schools Superintendent Pat McBride and Construction Managers Julie Taggart from Bovis Lend Lease and Rochel Wolfe from Wolgast Corporation; Andy Schmackers; Dustin and Amy Bresher; Lolita Schultz; Sheriff’s Deputy Sarah Fraley; Brian May from Fanning/Howey Engineering; Jeff Derksen, Service Superintendent; Gary Johnston, Mayor; Paul Wagner, Solicitor; Debbie Cress, Fiscal Officer.

Melinda questioned why council members were not paid for the June 23 special meeting; it was clarified that they were, that Melinda was paid for three meetings instead of four because she had missed one.

Donna made a motion to approve the minutes of the June 9, 2008 regular meeting and the June 23, 2008 special and workshop meetings; seconded by Bud. Roll Call: Donna – yes; Bud – yes; Rick – yes; Bob – yes; John – yes; Melinda – yes. Motion carried.

Citizens’ Comments:

Bart Denlinger, Keystone Homes, provided pictures and explained to Council the history of the drainage problem at 609 E High St, Lot 7 in Ash Knoll. He reported that he has a bill from Miller Brothers for about \$9,500 to correct the problem, and is requesting that Council consider payment toward this invoice. He also stated that his attorney and Paul Wagner have previously discussed the situation, and have not reached a conclusion that satisfies Keystone. Donna asked Paul if the Council has a legal obligation to pay any portion of this bill. Paul stated that if Council is asking for his opinion as to their liability as a litigation matter, he can answer that, but Council may want to consider going into executive session because that is an appropriate place for him to provide his legal advice. Paul stated that Council’s obligation is to follow their agreements, but if there isn’t an agreement, then they don’t have an obligation; the only other way they would become liable is if there is some obligation by law, which they may be liable in a legal sense otherwise. Paul stated that in his assessment of the situation, Council did not make an agreement to pay for this. Paul stated that if Council wants him to answer this in depth otherwise, that might be something they would talk about, but he wants to make sure he understands the question. Mr. Denlinger stated that there was no written contract, but that Gary felt pretty confident that if he presented this, it would go through. He again requested that Council split the cost. He summarized the work that had been done to correct the problem, and stated that it has rectified the problem for the most part. Council agreed to table this until they could have an executive session to talk with their attorney or talk among themselves. Gary reported that the storm sewer plans in the E SR718 project should improve the Ash Knoll drainage situation. Gary suggested, and Council agreed, to call a special meeting to consider this.

Andy Schmackers expressed his concerns about weeds on vacant properties in Ash Knoll, and especially one property that has a mosquito problem. Dustin Bresher reiterated those concerns. Council instructed Jeff to investigate these situations, and noted that mosquito fogging is scheduled for July 16. Andy also asked about the status of the E SR718 project, the requirement for sidewalks, and whether he could install his own sidewalk. Council noted that the E SR718 project will be discussed later in the meeting, sidewalks are required, and a resident does not have the option of installing his own sidewalk.

Pat McBride introduced Julie Taggart and Rochelle Wolfe, representatives from the two companies that are construction managers for building the new school. He stated that they are interested in communication, and want to work together with the Village and the Township, and get concerns and suggestions. Preliminary plans were presented. Designation of an access road for construction and for delivery access after construction was discussed. Potential conflict between the school’s construction traffic and the E SR718 project was discussed. Council requested that Brian May determine if using the alley from SR48 along the north side of the school’s property is feasible.

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Council expressed their support for the new school and recognition of the value it will add to the community.

Miami County Sheriff's Department Report: Deputy Sarah Fraley agreed to check into vehicles with no license plates parked on the street.

Brian May, Fanning/Howey Engineering, presented and explained Change Order number 3 to the W SR718 project: additional \$14,820.68 for removal of 180.74 cu yd of limestone in excess of the contract quantity, BPA approved items totaling \$12,519 and other items \$3,839 for a total of \$31,178.68. Jeff and Brian agreed that this amount of limestone was removed. Melinda made a motion to approve Change Order number 3; John seconded. Roll call: Melinda – yes; John – yes; Donna – yes; Bob – yes; Rick – yes; Bud – yes. Motion carried.

Brian presented Finrock Construction's payment application number 4 for \$121,402.65 (invoice 08-14204-4 for \$131,959.40 minus retainage of \$10,556.75) with OPWC paying \$95017.96 and CDBG paying \$26,384.69 and Fanning/Howey's invoice for \$7,000 (to be paid from Village funds). Brian confirmed that the work being invoiced has been completed. Melinda made a motion to approve Finrock Construction's payment application number 4 (OPWC disbursement request number 5); Donna seconded. Roll call: Melinda – yes; Donna – yes; John – yes; Bob – yes; Rick – yes; Bud – yes. Motion carried. Brian presented for Gary's and Debbie's signatures the OPWC payment application, disbursement request number 5. Gary also signed documents 00518 Application for Payment – estimate number 4 and 00516 Change Order Number 3.

Village Council, Brian, and Jeff discussed concerns about drainage from the Kenworthy property.

Brian and Council discussed the bids received for the E SR718 project. Paul outlined the procedures to be followed. Donna questioned, and Brian assured her that Council has sixty days to award the contract. Village Council agreed to Brian's request for more time to investigate the low bidder's experience in road projects and water line installation. Brian agreed to make a recommendation on which bid to accept at the next regular Council meeting.

Brian presented plans for the Main St building demolition and parking lot/green space design. He noted that the thirteen street lights are part of this plan. He also noted that this property's south side sidewalk installation is being deleted from the W SR718 project and added to this project. Council and Brian discussed specific elements of the design and plans, e.g. flag pole, fence, water access, street lights, etc. Donna Hormell asked questions and expressed concerns about these plans. Donna Favorite stated that location of the fence has not been decided. Council further discussed the plans. Donna made a motion to accept the plan presented by Brian, with changes (amended by taking one foot out of the parking area (reducing it from 43 feet to 42 feet) and adding a foot to the buffer zone along the west property line and by taking out the stamped concrete) and advertise on July 24 and 31, 2008, with the bid opening on August 7, 2008 at 10:00 a.m.; Bud seconded. Roll call: Donna – yes; Bud – yes; Rick – yes; Bob – no; John – yes; Melinda – yes. Motion carried 5 – 1.

Ordinances and Resolutions:

Ordinance 1036 Restricted Parking on Monument Street. Paul addressed the Council question of how specific a restricted parking ordinance needs to be: it needs to be specific enough to provide constructive notice. Ron Jackson and Council discussed this ordinance. Melinda made a motion for the second reading of Ordinance 1036 as revised to add the provision for 2 hour parking at 1 S Main St on the east side of S Main St (SR48) - (Ordinance 1036 Restricted Parking on Monument and Main Streets); John seconded. Roll call: Melinda – yes; John – yes; Donna – yes; Bob – yes; Rick – yes; Bud – yes. Motion carried.

Donna requested that Village personnel check the measurements of the yellow striped intersections on state routes because of visibility concerns.

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Department reports:

Service Superintendent: W SR718 project update, including curb installation to be started on July 16.

Council, Gary, and Jeff discussed maintenance of Tommy Lewis Park, and agreed this would be a topic for the next workshop meeting. Also discussed was the use of the street sweeper and the street sweeping program. Council acknowledged receipt of an e-mail from Amy Speer expressing concerns.

Committee Reports:

Community Recreation Board: Gary encouraged the Council members to attend the 7:30 p.m. July 29, 2008 Special meeting with the Newton Township trustees and the Newton School Board to discuss the framework for working together in the layout and future development of the park land.

Joint Fire District: Bud reported that John Wackler is the new at large member; the pagers have been received; they are continuing to investigate purchase of a new ambulance and additional air packs for the firefighters. Bud reported that he had discussed with Brian May the fire department's request to conduct training at the 1 N Main St property prior to demolition, and Brian has no concerns. Bud agreed to provide to Paul, for his review and approval, a copy of the release that would hold the Village harmless in case of injury to a fire fighter. Bud made a motion to let the fire department use the 1 N Main St building for training purposes; Rick seconded. Roll call: Bud – yes; Rick – yes; Bob – yes; John – yes; Donna – yes; Melinda – no. Motion carried 5 – 1.

Ordinances and Resolutions:

Ordinance 1037 Fence Ordinance: Council acknowledged receipt of the Ordinance as reviewed by Paul and agreed to his suggested changes. Debbie reported that Nick Skinner had contacted the Village Office and requested that Council include dog control in the fencing ordinance. John made a motion for the third reading Ordinance 1037 Fence Ordinance; seconded by Donna. Roll call: John – yes; Donna – yes; Melinda – no; Bob – yes; Rick – yes; Bud – yes. Motion carried 5 – 1. John made a motion to adopt Ordinance 1037 Fence Ordinance; seconded by Bud. Roll call: John – yes; Bud – yes; Rick – yes; Bob – yes; Donna – yes; Melinda – no. Motion carried 5 – 1.

Ordinance 1039 An Ordinance for Public Improvement – E SR718: Donna made a motion for the second reading of Ordinance 1039 An Ordinance for Public Improvement – E SR718; John seconded. Roll call: Donna – yes; John – yes; Bob – yes; Rick – yes; Bud – yes; Melinda – yes. Motion carried.

Donna made a motion to approve Resolution 2008-08 2008 Appropriation Line Item Changes by Fund; John seconded. Debbie explained that there was not enough money appropriated for mowing of properties (Ordinance 1009 violations) when appropriations were adopted. Roll call: Donna – yes; John – yes; Melinda – yes; Bud – yes; Rick – yes; Bob – yes. Motion carried.

Rick made a motion to approve Resolution 2008-09 Adopt the 2009 Budget; seconded by John. Roll call: Rick – yes; John – yes; Bud – yes; Bob – yes; Donna – yes; Melinda – no. Motion carried 5 – 1.

Resolutions 2008-10 for street lighting assessments and 2008-11 awarding a contract for the Monument St Phase II project and authorizing the Mayor to sign contract documents were not acted upon.

Old Business:

Workshop Items:

Gary proposed that Council increase the Village contribution to the employees' insurance to \$625 per month. Council discussed the insurance situation. Melinda made a motion to increase the Village contribution to the employees' insurance to \$575 per month. This motion died for lack of a second. Council declined to take action on any increase

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New Business:

Items for the next workshop meeting: Tommy Lewis Park and reevaluation of a back up for Debbie.

Gary provided an update on the status of Ordinance 990 violations: the Rick Miller and John Marchal properties now meet the standards, Tom Bohlander still has time before his deadline. Gary intends to initiate action on some other properties, and asked Council to bring any to his attention.

Bud made a motion to approve payment of the June bills; Rick seconded. Roll call: Bud – yes; Rick – yes; Melinda – yes; Donna – yes; John – yes; Bob – yes. Motion carried.

Debbie informed Council that the 2006/2007 State audit is scheduled to begin Wednesday, July 16.

Melinda made a motion to adjourn, seconded by Rick. Roll call: Melinda – yes; Rick – yes; Donna – yes; John – yes; Bob – yes; Bud - yes. Motion carried. Meeting adjourned at 10:35 p.m.

Mayor / Gary Johnston

Fiscal Officer / Debbie Cress