

PLEASANT HILL VILLAGE COUNCIL REGULAR

September 8, 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 Ron Jackson; Pam Stower; Linda Brown; Dan Delcamp; Angela Hockett; Nikki Reese, Community Development Program Manager for the Miami County Department of Economic Development; Brian May from Fanning/Howey Engineering; Jeff Derksen, Service Superintendent; Gary Johnston, Mayor; Paul Wagner, Solicitor; Debbie Cress, Fiscal Officer.

Melinda made a motion to approve the minutes of the August 11, 2008 regular meeting and the August 25, 2008 special and workshop meetings; seconded by John. Roll Call: Melinda - yes; John – yes; Donna – yes; Bob – yes; Rick – yes; Bud – yes. Motion carried.

Miami County Sheriff’s Department Report: No representative was present.

Citizens’ Comments:

With reference to the E SR718 project: Ron Jackson stated that he wants the width of the curbs/approaches at his properties to stay as they are currently; he also stated that he currently does not have water service at his property on the north side of E Monument, but he wants it. Jeff stated that there will be a curb stop at his property, and Mr. Jackson will need to have a plumber replace the line before the sidewalk is replaced.

Village Council, Brian, and Gary, noting that the Stowers installed a curb drain for their downspouts at their W SR718 property, discussed this subject. Gary reported that they had checked with ODOT about the discharge of water onto a state route, and ODOT says it is up to the Village. John made a motion to allow E SR718 property owners at their own expense (to be assessed) to drain gutter water to curb drains installed prior to curb and sidewalk being poured; Melinda seconded. Roll call: John – yes; Melinda – yes; Donna – yes; Bob – yes; Rick – yes; Bud – yes. Motion carried. Gary agreed to distribute this information in a letter hand delivered to the E SR718 residents. Bob made a motion not to allow installation of any more curb drains on W SR718; Melinda seconded. Roll call: Bob – yes; Melinda – yes; Bud – no; Rick – yes; John – yes; Donna – yes. Motion carried 5 – 1.

Dan Delcamp, Head Trustee of the Church of the Brethren, stated that he wants to discuss the sidewalk the church is being assessed for and would like to know the reason Council in putting in sidewalks along E SR718. This was discussed by Mr. Delcamp and the Council. Gary declared an end to this discussion and noted that this was a decision made by Council after due consideration; he asked Council if they want to reconsider this issue, the consensus was no.

Linda Brown asked about the status of requiring sidewalks east of her property; Gary stated that the plans were in error, and would be corrected to show sidewalk for hers and the additional two lots east of her.

Nikki Reese presented minutes from the bid opening meeting and quotes for the Library Air Conditioning Unit Replacement project: Grilliot: Quote 1 \$11,480 Alternate 1 \$7,470 Total \$18,950; Keeran: Quote 1 \$12,639.33 Alternate 1 \$6,987.34 Total \$19,626.67. Quote 1 is for the 36,000 BTU units for the south side; Alternate 1 is the north side. Nikki noted that the CDBG grant will contribute \$10,000 toward this project. Council, Gary, and Nikki discussed this project. Donna made a motion to accept Quote 1 from Grilliot Heating and Cooling for \$11,480; seconded by John. Roll call: Donna – yes; John – yes; Melinda – yes; Bob – yes; Rick – yes; Bud – yes. Motion carried.

Council and Nikki discussed the park, and that the state has a narrow definition of general park improvements for which, in addition to playground equipment, the \$60,000 park monies available from the Neighborhood Revitalization CDBG can be used. Melinda reported that the Park Committee has not completed a design because they are waiting for the school’s decision on the road location.

Brian May, Fanning/Howey Engineering, presented Change Order number 5-FINAL to the W SR718 project: additional \$35,622.74, and attributed most of the change to

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price indexing on asphalt. Melinda made a motion to approve Change Order number 5 \$35,622.74; Donna seconded. Roll call: Melinda – yes; Donna – yes; John – yes; Bob – yes; Rick – yes; Bud – yes. Motion carried. The total amount of the construction, including change orders, ODOT, and retainage is \$998,521.02 plus \$78,000 in engineering fees, for a total project cost of \$1,076,521.02.

Brian presented Finrock Construction's payment application number 6 for \$287,203.06 (invoice 08-14204-FINAL for \$287,203.06) with OPWC paying \$123,773.11, CDBG paying \$0, ODOT paying \$146,545.19 and the Village paying \$16,884.76. Brian confirmed that the work being invoiced has been completed. Donna made a motion to approve Finrock Construction's payment application number 6 (OPWC disbursement request number 7); John seconded. Roll call: Donna – yes; John – yes; Melinda – yes; Bob – yes; Rick – yes; Bud - yes. Motion carried. Brian presented Fanning/Howey invoice 1812909 in the amount of \$10,500, their final invoice for this project. Melinda made a motion to approve payment of \$10,500 to Fanning/Howey; Donna seconded. Roll call: Melinda – yes; Donna – yes; Bud – yes; Rick – yes; Bob – yes; John – yes. Motion carried. Brian presented for Gary's and Debbie's signatures the OPWC payment application, disbursement request number 7. Gary also signed documents 00518 Application for Payment – estimate number 6 and 00516 Change Order Number 5-FINAL, ODOT asphalt binder price adjustment for \$18,750.37 (surface course), ODOT asphalt binder price adjustment for \$14,863.65 (Intermediate Course, Local Let Summary and Payable Invoice \$146,545.19. Brian agreed to complete the work needed for calculation of assessments in the next couple of weeks; it was noted that property tax assessments for next year had to be submitted today. Brian and Council discussed substantial completion. Gary signed the Certificate of Substantial Completion dated September 8, 2008. Council requested that Jeff check the intersection of Hill Church streets for damage; if any, it is to be repaired prior to payment of the retainage. Brian requested that Council (Jeff) provide him a list of what was damaged by the contractor and needs to be repaired.

Jeff presented a proposal for a 5 foot curb lawn width on the north side of E SR718 between Locust St and Ash Knoll Dr; Council agreed to consider this, and also for the south side.

Council discussed where the speed limits signs are on E Monument and requested that Jeff contact the State to see about moving the speed limit signs further east.

Ron Jackson stated that he wants concrete, not curb lawn, along his properties; Council agreed that this would be allowed, as it had been on the W SR718 project, with the property owner making his own arrangements, at his own expense, for this.

Department reports:

Service Superintendent: Jeff reported that he had received flash burns to his eyes from the UV bulbs at the sewer plant.

Jeff presented Council with a proposal from Robin Weaver for repairs and maintenance to Tommy Lewis Park; Council agreed to take this subject to the next workshop meeting. Council discussed tree removal along the walkway, and putting up a board in the gazebo with the plaques from those trees. Donna made a motion to authorize the Street Superintendent and his employee to remove the seven designated trees (six crab apples and a Japanese maple); John seconded. Roll call: Donna – yes; John – yes; Bud – yes; Rick – yes; Bob – yes; Melinda – yes. Motion carried.

Brian explained to Council the E SR718 storm water drainage.

Council, Gary, and Brian discussed possible damage to Locust St by the school construction project, and concluded that it is too soon to determine how to handle street damage. Brian reported that the intersection of Locust and SR718 will be improved, and reinforced along the entire radius and slightly north, so the intersection should be able to handle the heavy truck traffic. Gary stated that it is Locust Street that will potentially incur the damage. John reported that the school intends to test to see what kind of damage they might do and to take core samples.

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Jeff reported that VTF has started the E SR718 project.

Council, Gary, and Ron Jackson discussed the possibility of reducing the approach along the north side of E SR718 at his property, in order to add additional parking.

Committee Reports:

Community Recreation Board: Melinda noted that she had provided the Community Recreation Board report above.

Donna reported that Miami County has designated Thursday, October 30 as county wide trick or treat night. Donna made a motion for Pleasant Hill to designate Thursday, October 30, 2008 from 6:00 – 8:00 p.m. for trick or treat; Melinda seconded. Roll call: Donna – yes; Melinda – yes; John – yes; Bob – yes; Rick – yes; Bud – yes. Motion carried. Council requested that Debbie research how much was spent last year, and decided to make arrangements at their October 13 meeting.

JFD – Gary requested that Bud remind the Fire Department that when they feel building repairs are necessary, they need to notify the Service Department. The Service Department will make arrangements for or authorize the repairs and see that the appropriate paperwork is completed.

Bud requested that Council reconsider not allowing the Fire Department to use their Main St building for training purposes. Council discussed that demolition is scheduled, it's too late, and the consensus was not to change their decision,

Ordinances and Resolutions:

Ordinance 1041 An Ordinance to Define the Location and Size of Trees Planted within the Street Right of Way of the Village Limits. Paul recommended not having a list of suggested trees included in the ordinance. Bud made a motion to suspend the rules in the adoption of Ordinance 1041 An Ordinance to Define the Location and Size of Trees Planted within the Street Right of Way of the Village Limits; John seconded. Melinda stated she fully supports this tree ordinance but has a problem with doing it on an emergency basis without seeing anything in writing. Gary stated that the ordinance was presented at the workshop meeting, and Melinda stated that changes had been discussed. Council discussed and stipulated the changes that are to be in the ordinance. In response to a question from Melinda, Paul stated that if passed as an emergency, the ordinance becomes effective immediately, and if upon review of the written document Council wants to make any changes, they will need to amend it. Roll call: Bud – yes; John – yes; Rick – yes; Bob – yes; Donna – yes; Melinda – no. Motion carried 5 – 1. Council and Gary further discussed the copy of this ordinance that they were working from and agreed to incorporate that as defined by this ordinance, only trees may be planted in the curb lawn and to take out the recommended tree list. John made a motion for the final reading and to pass Ordinance 1041 An Ordinance to Define the Location and Size of Trees Planted within the Street Right of Way of the Village Limits as amended as an emergency; Donna seconded. Roll call: John – yes; Donna – yes; Melinda – yes; Bob – yes; Rick – yes; Bud – yes. Motion carried. Gary agreed to distribute copies of this ordinance to the W SR718 residents.

Council discussed sidewalk and curb lawn width on E SR718; Council requested that the plans be reviewed and the Mayor and Jeff report if there are any reductions in residents' lawn area.

Council again discussed that they want the street lighting locations marked along the length of the W SR718 lighting conduit so that property owners do not plant trees that will interfere with the street lights. Council instructed Jeff to contact Brian so that this is done.

Ordinance 1042 Amended Village Annual Appropriations: Donna made a motion to adopt Ordinance 1042 Amended Village Annual Appropriations establishing funds 4905 OPWC Grant for E SR718 and appropriating \$434,452 and 4906 OPWC Loan for E SR718 and appropriating \$289,650, increasing total appropriations to \$3,174,584; Melinda seconded. Roll call: Donna – yes; Melinda – yes; John – yes; Bob – yes; Rick – yes; Bud – yes. Motion carried. Debbie reported that she has

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submitted a request to the Miami County Budget Commission for an increase in the estimated resources in the same amounts.

Resolution 2008-14 2008 Appropriation Line Item Changes by Fund. Debbie explained the reasons these line items changes are needed. Melinda made a motion to adopt Resolution 2008-14 2008 Appropriation Line Item Changes by Fund; seconded by John. Roll call: Melinda – yes; John – yes; Donna – yes; Bob – yes; Rick – yes; Bud - yes. Motion carried.

Resolution 2008-15 Resolution Accepting the Rates of Tax as Determined by the Miami County Budget Commission - Melinda made a motion to adopt Resolution 2008-15 Resolution Accepting the Rates of Tax as Determined by the Miami County Budget Commission; seconded by Donna. Roll call: Melinda – yes; Donna – yes; John – yes; Bob – yes; Rick – yes; Bud - yes. Motion carried.

Old Business:

Workshop Items: Tommy Lewis Park and the Library Air Conditioning Project were handled above.

New Business:

Gary reminded the Council of the Board of Public Affairs September 10 meeting with the Newton Township N SR48 customers.

Council noted that Paul has notified them that he will not be able to attend the October 13th meeting, but decided not to change the meeting date; if something comes up that requires his opinion, it will held over until the next meeting.

Council expressed concern about erosion along the south side of the cemetery, and requested that Jeff address this issue.

Bob Sollmann reported that he has received a complaint about tall grass and trash burning on a property on W Monument, and other complaints about grass mowing not being enforced; Jeff agreed to check the status of this enforcement. Council and Gary discussed the status of enforcement of the property maintenance violations.

Items for the next workshop meeting: Tommy Lewis Park project and E SR718 curb lawns.

Melinda made a motion to approve payment of the August bills, except for warrant 4515, and acknowledge presentation and review of the August Primary Bank Reconciliation, Payment Summary, and Payroll Register Summary and August year to date Fund Summary, Appropriation Summary, and Revenue Summary; Donna seconded. Roll call: Melinda – yes; Donna – yes; John – yes; Bob – yes; Rick – yes; Bud – yes. Motion carried. John made a motion to approve payment of warrant 4515 to Computer Rescue for \$130.94; Bob seconded. Roll call: John – yes; Bob – yes; Rick – yes; Bud – yes; Melinda – abstained; Donna – yes. Motion carried.

Melinda made a motion to adjourn, seconded by John. Roll call: Melinda – yes; John – yes; Donna – yes; Bob – yes; Rick – yes; Bud - yes. Motion carried. Meeting adjourned at 9:35 p.m.

Mayor / Gary Johnston

Fiscal Officer / Debbie Cress