

PLEASANT HILL VILLAGE COUNCIL REGULAR
MINUTES

November 10, 2008

Mayor Gary Johnston called the regular meeting to order at 7:00 p.m. Roll call: Melinda Clark – absent; Donna Favorite – present; Rick Baker – present; John Schultz – present; Robert “Bob” Sollmann – present; Ronald “Bud” Perry – absent, notified at the workshop meeting that he would be unable to attend. Others present were Ron Jackson; Susie Jackson; Pat McBride, Newton Schools Superintendent; Rex Strong; Kathy Strong; Pam Stower; Ryan Christman; Becky Christman; Deputy Edmondson, Miami County Sheriff’s Department; Stan Fessler, President of the Board of Public Affairs; Brian May from Fanning/Howey Engineering; Paul Wager, Village Solicitor; Jeff Derksen, Service Superintendent; Gary Johnston, Mayor; Debbie Cress, Fiscal Officer.

Rick requested that Dave Benedict, Premier Paver, Inc be corrected to Dale Benedict, Premier Paver, Inc in the October 27, 2008 workshop meeting minutes. Donna made a motion to approve the minutes of the October 13, 2008 regular meeting, the October 27 workshop meeting as corrected, and the October 28, 2008 special meetings; seconded by John. Roll Call: Donna – yes; John – yes; Rick – yes; Bob – yes. Motion carried.

Miami County Sheriff’s Department Report: Deputy Edmondson reported that there have been reports of kids getting into unlocked vehicles and stealing items; he requested that residents lock their cars and report such activity to the Sheriff’s Department. He, Council, Gary, and the citizens discussed problems with motorists using the part of E SR718 that is closed. He requested that persons observing this illegal activity attempt to obtain a vehicle description, license number, and direction of travel, and notify 911.

Citizens’ Comments:

Pat McBride, Newton Schools Superintendent, reported that the Miami County Commission had approved the annexation of Newton School property into the Village of Pleasant Hill. The next steps and timetable were discussed. Mr. McBride also reported that the sample bores had been obtained from Locust St, but he does not have the results.

Gary reported to the citizens that the delay in the E SR718 project is due to the Vectren gas lines not being as deep as Vectren had stated; this resulted in Vectren having to relocate the gas lines from the street to under the sidewalks. The timetable that is currently expected is that in about a month E SR718 will be re-opened until spring, when it will be

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closed again to allow the project to be completed. There will be no concrete (curbs, gutters, sidewalks) poured until spring. Jeff reported that Vectren had started testing lines today, November 10. Sue Jackson asked if the Village would be responsible if anyone were injured because of the lack of sidewalks; Paul Wagner stated that liability would depend on the situation, and that property owners should consult their attorneys in case of an incident. Mayor Johnston stated that it's obvious to everyone walking through there that there are no sidewalks; Becky Christman stated that she thinks that cones should be put up and it needs to be marked that there are no sidewalks. Gary explained the traffic and congestion problems that had led to the closure of the road to all traffic.

Rex Strong stated that he had a questionnaire that he will give Brian May to respond to.

Stan Fessler, Village Council, Jeff, and Gary discussed the appearance that sanitary sewer is being installed on Dawn Spitler's property. It was agreed that no one from the Village had approved a tie-in. Gary, Stan, and Council discussed the procedures that should have been followed. It was agreed that the Village could require that the connection be dug up so Jeff could inspect it. Council discussed who has the authority to require the connection to be uncovered and inspected; it was agreed that this is the BPA's responsibility. Gary stated that he wants to have squared away: this is a BPA issue; this tap-in is between Larry Farno (Dawn Spitler's father) and the BPA; that Stan was inquiring if someone other than the BPA had given Mr. Farno permission to tap-in to the Village's sanitary sewer system, and no one had. Brian May questioned Jeff about this installation's lack of air test and inspections for infiltration and other issues. Debbie reported that no tap-in fee had been paid; Stan instructed Debbie not to accept a payment until authorized by the BPA.

Stan provided a park update: He, Melinda, and Nikki Reese, Miami County Department of Economic Development Community Development Program Manager are scheduled to meet on November 11 to clarify the allowed uses of the Neighborhood Revitalization Grant Funds.

Fanning/Howey:

Project: W SR718 - Brian May presented Finrock Construction's final payment application for the retainage of \$35,360. Brian reported that the cracked sidewalk on the

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east corner of Williams had been repaired. Brian reported that he has received from Finrock Construction all the paperwork that he had requested: the Contractor's Affidavit for the final estimate; the consent of their surety to the final payment saying that they've paid all their subcontractors; the maintenance guarantee bond for a little under \$100,000 which is good for one year. Bob made a motion to approve payment application number 7 by Finrock Construction for the retainage of \$35,360; John seconded. Roll call: Bob - yes; John - yes; Rick - yes; Donna - yes. Motion carried.

Project: Building Demolition, Parking Lot, and Lighting Project - Brian May presented VTF Excavation's payment application number 2 for \$9,442.88 (invoice 1251 for \$10,264.00 minus \$821.12 retainage) with CDBG paying \$9,442.88 and the Village paying \$0. Brian confirmed that the work being invoiced has been completed. Rick made a motion to approve VTF Excavation's payment application number 2; Donna seconded. Roll call: Rick - yes; Donna - yes; John - yes; Bob - yes. Motion carried. Gary signed document 00518 Application for Payment - estimate number 2.

Project: E SR718 - Brian May presented VTF Excavation's Change Order Number 1, for \$4,325.23 and explained the changes. It was noted that the BPA had approved \$4,054.75 at their October 20 meeting. Donna made a motion to approve VTF Excavation's Change Order Number 1 in the amount of \$4,325.23; John seconded. Roll call: Donna - yes; John - yes; Rick - yes; Bob - yes. Brian present VTF Excavation's payment application number 2 for \$62,181.29 (invoice 1250 for \$63,263.13 minus \$5,407.07 retainage plus Change Order Number 1 \$4,325.23) with OPWC paying \$46,014.15, ODOT paying \$0, and the Village paying \$16,167.14. Brian confirmed that the work being invoiced has been completed. Bob made a motion to approve VTF Excavation's payment application number 2 (OPWC disbursement request number 2); Rick seconded. Roll call: Bob - yes; Rick - yes; John - yes; Donna - yes. Motion carried. Brian presented for Gary's and Debbie's signatures the OPWC payment application, disbursement request number 2. Gary also signed document 00518 Application for Payment - estimate number 2. Brian, Council, and Gary discussed the status of this project. Brian reported that ODOT requires for the road to be re-opened over the winter if no work is being done.

Stan reported on the BPA's N SR48 project.

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Committee Reports:

Stan had previously provided the Park report.

Department reports:

Service Superintendent: Jeff reported that they have not had an opportunity to work on the tree removal project at Tommy Lewis Park.

Ordinances and Resolutions:

Resolution 2008-23 2008 Appropriation Line Item Changes by Fund. Debbie explained the reasons these line items changes are needed. John made a motion to adopt Resolution 2008-23 2008 Appropriation Line Item Changes by Fund; seconded by Rick. Roll call: John - yes; Rick - yes; Donna - yes; Bob - yes. Motion carried.

Resolution 2008-24 A Resolution Authorizing the Village Mayor to Enter into a Contract for Sheriff's Department Services for the Village of Pleasant Hill, Miami County, State of Ohio, for a Period of Twelve (12) Months Commencing January 1, 2009 through December 31, 2009. It was noted that the cost of \$25,000 is the same as for 2008. Donna made a motion to adopt Resolution 2008-24 A Resolution Authorizing the Village Mayor to Enter into a Contract for Sheriff's Department Services for the Village of Pleasant Hill, Miami County, State of Ohio, for a Period of Twelve (12) Months Commencing January 1, 2009 through December 31, 2009; Rick seconded. Roll call: Donna - yes; Rick - yes; John - yes; Bob - yes. Motion carried.

Old Business

Workshop Items:

Tommy Lewis Park - Donna made a motion to accept Premier Paver's proposal for repairs and changes for Tommy Lewis Park for \$3,825 (\$4,250 less 10% reduction for having the work done in January and February); John seconded. Roll call: Donna - yes; John - yes; Bob - yes; Rick - yes. Motion carried.

2 N Main parking lot. Gary and Council discussed the appearance of the sidewalk on the east side of the parking lot. Donna made a motion to replace the curb and sidewalk on the east side of Main St in front of the Library; Rick seconded. Roll

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call: Donna – yes; Rick – yes; John – yes; Bob – yes. Motion carried. It was noted that this will be accounted for as a change order to the project. Gary provided the information that Council had requested on handicap parking: no requirement because this is not new construction.

Gary and Council discussed the request from John Hammond for permission to tie in to the Village's storm sewer on the east side of the Village. Concern about capacity and the lack of an engineering study were voiced. Bob made a motion to deny John Hammond's request to tie in to the storm sewer; Rick seconded. Roll call: Bob – yes; Rick – yes; John – yes; Donna – yes. Motion carried.

Library Air Conditioning Replacement Project – Gary reported on the status of this project. Jeff reported that Tim is going to get estimates for storm windows and screens. Donna asked if this window work would be deducted from the project price with Grilliot's; Gary agreed to check into this.

New Business:

Items for the next workshop meeting: Gary stated that if there are no items for the workshop agenda, the meeting will be cancelled.

Donna made a motion to approve payment of the October bills and acknowledge presentation and review of the October Primary Bank Reconciliation, Payment Summary, and Payroll Register Summary and October year to date Fund Summary, Appropriation Summary, and Revenue Summary; John seconded. Roll call: Donna – yes; John – yes; Bob – yes; Rick – yes. Motion carried.

John made a motion to adjourn, seconded by Bob. Roll call: John – yes; Bob – yes; Rick – yes; Donna – yes. Motion carried. Meeting adjourned at 8:42 p.m.

Mayor / Gary Johnston

Fiscal Officer / Debbie Cress