

PLEASANT HILL VILLAGE COUNCIL REGULAR MEETING
NOVEMBER 14, 2011

Mayor Gary Johnston called the regular meeting to order at 6:58pm.

Roll Call: Angela Roeth-present; Paul Laughman-present; John Schultz-present; John Weaver-present; Donna Favorite-absent; and Kreg Hollenbacher-absent. However, Kreg Hollenbacher entered the meeting at 8:06pm. Others in attendance were Brian May, Fanning/Howey Associates, Jeff Derksen, Service Superintendent, and Karl Marko, Fiscal Officer. In addition residents Theresa Hittle, 116 N. Main Street and Leonard and Donna Wirz, 720 N. St. Rt. 48 were in attendance.

John Schultz moved to accept the minutes of the October 3, 2011 special and October 10, 2011 regular council meetings as written. John Weaver seconded the motion. Roll Call: John Weaver-yea; John Schultz-yea; Angela-yea and Paul-yea. All yeas. Motion carried.

Sheriff's Department Reports

None

Citizens' Comments

Ms. Hittle wished to address council on the condition of North Street between Main and Church. She stated that it was her belief that when N. Church Street was going to be paved that the holes on North Street would be patched. Their driveway from their garage is the alley that empties out into North Street. The holes are so bad that they are afraid that they will damage their vehicles. The Mayor told her that there was never any discussion of paving North Street at the same time as North Church St. The only street project that is beyond the planning stage is S. Main Street and after that we might have to wait a few years to build up funds to do some additional streets in the Village. He will have the Village employees look at the potholes and see what can be done for a temporary fix. Ms. Hittle was not happy with the Mayor's answer but understood.

In response to the letters sent to all S. Main Street residences, Mr. and Mrs. Wirz were at the meeting to discuss the S. Main Street project and see what impact the new extended sidewalk and curb would have on their property. Currently on the west side of S. Main the sidewalk and curb only goes to the property adjoining theirs but will go all the way to the drive on the former Farno property. When the sidewalk and curb is extended some of their driveway and property will be replaced with the new sidewalk and curb. However, the Mayor did explain to them that the curb line will be moving in three feet from the current curb. Therefore, they will not be losing as much of their drive and yard if we would just extend the current curb line and sidewalk. The Mayor explained to them that all past and future street reconstruction projects have and will include new sidewalk and curbs. Council has been reluctant to waive the requirement for new sidewalks and curbs on most recent projects. The Mayor and Mr. Marko explained to Mr. and Mrs. Wirz that they would be receiving an estimate of what it will cost for their share of the sidewalk and curb and then when the project is complete they will get an actual cost. They can pay all of it up front or have it spread over a period of 5 years and pay it with their property taxes. The Mayor further explained that the project will also include storm sewers and new water laterals. The current water laterals are old and if we leave them in there, eventually we will have to replace them. It makes sense to that when the street is open.

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Reports

Brian May submitted change order 2 for the N. Church St. Project. The net change order is for \$6,454.05. There were \$20,922.07 in credits and \$27,376.12 in additional costs on the project. Mayor Johnston, Tim Byrd, Assistant Service Superintendent and Fiscal Officer Marko discussed in detail the change order with Mr. May.

John Schultz moved to approve Change Order No. 2 in the amount of \$6,454.05 for the North Church St. Project. Paul seconded the motion. Roll Call: Paul-yea; Angela-yea; John Schultz-yea; and John Weaver-yea. All yeas. Motion carried.

Brian then submitted Tom's Construction, Inc. Final Pay Application No. 5 for the N. Church St. project in the amount of \$216,350.00. The Village's share of the pay application is \$121,674.17 and Ohio Publics Works Commission will pay \$94,675.83. John Weaver moved to approve Pay Application No. 5 in the amount of \$216,350.00. Angela seconded the motion. Roll Call: John Schultz-yea; Angela-yea; Paul-yea; and John Weaver-yea. All yeas. Motion carried.

Because the North Church Street Project is complete, Brian submitted Tom's Construction Inc. Certificate of Substantial Completion. Council was concerned about the seeding of the curb lawn being done so late that the grass might not come up. Brian explained that there is a "Maintenance Guarantee Bond" with the certificate and that Tom's will come back in the spring of 2012 if necessary to reseed the curb lawns. He asked that Council accept the certificate by motion. With the assurance that Tom's will come back to reseed if necessary, John Schultz moved to accept the Certificate of Substantial Completion for the N. Church St. Project. Angela seconded the motion. Roll Call: Angela-yea; John Schultz-yea; Paul-yea; and John Weaver-yea. All yeas. Motion carried.

Mr. May presented Change Order No. 1 to the Walnut St. /Lauver Rd. Sewer Extension project contract. The change order was for a credit of \$5,488.03. Thus, the actual cost for this project was less than what the contract called for. John Weaver moved to approve Change Order No. 1 to the Walnut St. /Lauver Rd. Sewer Extension Contract in the amount of (\$5,488.03). John Schultz seconded the motion. Roll Call: Paul-yea; Angela-yea; John Schultz-yea; and John Weaver-yea. All yeas. Motion carried.

Brian also submitted the Final Pay Application No. 5 for the Walnut St. /Lauver Rd. Sewer Extension for Tumbusch Construction, Inc. in the amount of \$4,659.67. John Schultz moved to approve Final Pay Application No. 5 in the amount of \$4,659.67. The motion was seconded by Angela. Roll Call: John Weaver-yea; Paul-yea; Angela-yea; and John Schultz-yea. All yeas. Motion carried.

Brian presented Fanning/Howey Invoice Number 1814041 in the amount of \$1,200.00 for professional services on the Walnut Street Sewer Extension for approval. Angela moved to approve payment of Fanning/Howey invoice number 1814041 in the amount of \$1,200.00. John Weaver seconded the motion. Roll Call: John Schultz-yea; John Weaver-yea; Paul-yea; and Angela-yea. All yeas. Motion carried.

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Brian then presented Fanning/Howey Invoice Number 1814040 in the amount of \$6,000.00 for professional services on N. Church St. Project. Paul moved to authorize payment of Fanning/Howey invoice number 1814040 in the amount of \$6,000.00. Motion was seconded by John Schultz. Roll Call: John Weaver-yea; Angela-yea; Paul-yea; and John Schultz-yea. All yeas. Motion carried.

Mr. May stated that with tonight's approvals, two Village construction projects are complete. If it would not have been for the additional rock removal the N. Church St. project would have come in very close to the contract price. Mr. Schultz asked about the amount of rock removal he anticipates on the S. Main Street project. The Mayor stated that if you check and see the number of basements on the street, it will give you a pretty good idea of what can be expected when it comes to rock. He does not believe that it will be as bad as the north end of Church St. However, the last house on S. Main St. when you go into the basement you can see rock on the south side of the house.

Department Reports

Jeff Derksen-Village Superintendent stated that he and Tim have winterized the restroom at the Park. They are getting ready to place the Christmas Decorations on the light poles. John Schultz asked if we should keep the snowflakes up longer. Jeff stated that the clips are plastic and if we have a lot of ice in January and February, it could damage or break the clips.

The Mayor and Jeff reported on how great the new sewer plant is running. We probably are producing the best product in the State of Ohio. We no longer are contributing to the pollution of the Stillwater River. The Mayor is pretty high on the plant and encouraged all Council Members to go back and see how it operates. The days of EPA violations are behind us. John Schultz interjected that the Council as a whole should go down to the plant and see how it works. He has lived here all his life and this is the first time that he ever visited the plant. It is impressive and we should be proud of what we have.

John Weaver asked Jeff what has been removed from the Tommy Lewis Park. The VFW removed the flag pole and he and Tim have removed the benches and picnic table. They are planning to clean them up and repaint them during the winter months when they are unable to work outside.

The Mayor then explained to our visitors what we are planning to do with the Tommy Lewis Park.

The Mayor informed Mr. Derksen that the roof at the fire house was leaking. Jeff stated that he would look at it tomorrow.

Mayor Report

None

Village Solicitor

No report.

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Village Fiscal Officer

Fiscal Officer Marko provided to council a copy of the estimated 2012 revenues and appropriations. He would like for Council to review them and provide any feedback or questions that they have at the December meeting.

Committee Reports

Park Advisory Board

Mr. Weaver told Council that the plan is to still install the split rail fence this year. Further, he informed Council that SAY is planning to hold a 24 team soccer tournament in the park sometime in March 2012. Along with this, the Park Board is trying to establish rules and regulations for renting the park for such activities. There were several questions by Council about the fees and who was going to pay for potential damages to the fields and maintenance for the park. These are some of the items the Park Board has to decide on and John will report back to Council when these decisions are made.

Mr. Kreg Hollenbacher entered the meeting prior to action taken on the Resolutions presented below.

Ordinances and Resolutions

Fiscal Officer Marko presented to Council Resolution 2011-20, 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, 2012 Through December 31, 2012.

John Schultz moved to suspend the rules for three readings of Resolution 2011-20, 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, 2012 Through December 31, 2012. Kreg seconded the motions. Roll Call: John Weaver-yea; John Schultz-yea; Angela-yea; Paul-yea; and Kreg-yea. All yeas. Motion carried.

John Schultz moved to adopt Resolution 2011-20, 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, 2012 Through December 31, 2012. Angela seconded the motion. Roll Call: Kreg-yea; John Weaver-yea; Paul-yea; Angela-yea; John Schultz-yea. All yeas. Motion carried.

The next resolution presented was Resolution 2011-21, A Resolution to Employ a Village Solicitor. Mr. Wagner is requesting a 5 percent increase for his annual salary and hourly wage. Paul moved to suspend the rules for three readings of Resolution 2011-21, A Resolution to Employ a Village Solicitor. The motion was seconded by John Schultz. Roll Call: John Weaver-yea; John Schultz-yea; Angela-yea; Kreg-yea; and Paul-yea. All yeas. Motion carried.

John Weaver moved to adopt Resolution 2011-21, A Resolution to Employ a Village Solicitor. Kreg seconded the motion. Roll Call: Paul-yea; John Weaver-yea; John Schultz-yea; Angela-yea; and Kreg-yea. All yeas. Motion carried.

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Karl then presented Resolution 2011-22, A Resolution Amending 2011 Appropriations with Line Item Changes by Fund. The changes were for the Sewer Operating Fund only. John Weaver moved to suspend the rules for three readings of Resolution 2011-22, A Resolution Amending 2011 Appropriations with Line Item Changes by Fund. John Schultz seconded the motion. Roll Call: John Schultz-yea; Kreg-yea; John Weaver-yea; Angela-yea; and Paul-yea. All yeas. Motion carried.

Kreg moved to adopt Resolution 2011-22, A Resolution Amending 2011 Appropriations with Line Item Changes by Fund. The motion was seconded by Paul. Roll Call: Kreg-yea; John Weaver-yea; Paul-yea; Angela-yea; and John Schultz-yea. All yeas. Motion carried.

Mr. Marko then presented Resolution 2011-23, A Resolution Opposing the State of Ohio or Any Other Third Party Central Collection Entity from Seeking to Take Control of Municipal Income Tax Collection and Declaring an Emergency. Karl provided some background on this matter and reminded Council that he had provided them an email with attachments on this subject.

John Schultz moved to suspend the rules for three reading of Resolution 2011-23, A Resolution Opposing the State of Ohio or Any Other Third Party Central Collection Entity from Seeking to Take Control of Municipal Income Tax Collection and Declaring an Emergency. John Weaver seconded the motion. Roll Call: John Schultz-yea; Kreg-yea; John Weaver-yea; Angela-yea; and Paul-yea. All yeas. Motion carried.

Kreg moved to adopt as an emergency, Resolution 2011-23, A Resolution Opposing the State of Ohio or Any Other Third Party Central Collection Entity from Seeking to Take Control of Municipal Income Tax Collection and Declaring an Emergency. Angela seconded the motion. Roll Call: Angela-yea; Paul-yea; John Weaver-yea; Kreg-yea; and John Schultz-yea. All yeas. Motion carried.

Karl told Council that he would mail a letter and Resolution 2011-23 to the Governor of the State of Ohio and our State Representative and Senator and tell them that we are opposed to the pending legislation.

Old Business

Mr. Marko stated to Council that he and the Mayor wrote a letter for the residents on S. Main Street for the upcoming construction project and how it would impact each of the property owners. Mayor Johnston delivered the letter to each property and Mr. Marko mailed copies to the individuals that owned the homes but did not live in them.

New Business

Fiscal Officer Marko stated that our mowing contract with Dustin Trost expires at the end of the year. He asked Council if they wish to have him advertise for bids or talk to Mr. Trost to see if he would be willing to continue to provide the service at the same cost as 2011. Council wanted Mr. Marko to check with Mr. Trost to see if he is willing to continue at the same rate as 2011 and also if he is interested for 2012 and 2013.

The Mayor then brought up under new business the old Farmers Elevator located at 214 W. High Street. The property is in poor condition and becoming an eye sore and a hazard to children that play around the buildings. The property owner is in question right now.

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He does not know if Mr. Adams still owns it or whether it is in possession of the Internal Revenue Service. He believes that one of these days, it could very well become the property of the Village and then we are going to have to decide what to do with it. The Mayor does not want to buy the property nor take possession of it prior to when we have to. There is much risk and potential liability to whoever takes possession of the buildings. He just wanted to bring this to Council's attention and caution them on what might be coming in the future. If we are forced to take control of the property then we should pursue Federal or State money to help us get rid of these buildings.

Financial Reports

Paul moved to approve payment of October 2011 bills, and acknowledged presentation and review of the September Primary Bank Reconciliation, Payment Summary, Payroll Register Summary, Fund Summary, Appropriation Summary, and Revenue Summary. Angela seconded the motion. Roll Call: John Schultz-yea; Angela-yea; Kreg-yea; John Weaver-yea; Paul-yea. All yeas. Motion carried.

Adjourn

There being no other business to be brought forth to Council, the Mayor stated that he would entertain a motion to adjourn. John Weaver moved to adjourn the meeting; seconded by John Schultz. Roll Call: Kreg-yea; Paul-yea; John Weaver-yea; Angela-yea; John Schultz-yea. All yeas. Motion carried. Meeting was adjourned at 8:37pm.

Gary L. Johnston, Mayor

Karl Marko, Jr., Fiscal Officer