

VILLAGE OF FORT RECOVERY REGULAR COUNCIL

SEPTEMBER 19,

16

CALL TO ORDER: Mayor Dave Kaup called to order the Regular Council Meeting on September 19, 2016 at 7:30 pm at the Village of Fort Recovery Council Meeting Room to conduct regular business.

Roll call was conducted with the following Council members **Present:** Erik Fiely, Dave Garman, Scott Pearson and Dave Bretz. **Absent:** Cliff Wendel, Al Post.

Also Present: Randy Diller, Roberta Staugler, Erin Minor, Jared Laux, Neal Spencer, PG Jellison, Ed Gebert, and Nathan Rubbelke. **The Mayor led with Prayer and the Pledge of Allegiance.**

Reports to Council: Village Administrators report, August Income Tax Report, FINX and Police Stats.

Minutes: Fiely made a motion to approve the August 29, 2016, minutes seconded by Pearson. Vote all yes.

Poll Visitors: Jared Laux: Jared reported that he recently attended 40 hours of training by the Sheriff's Office and the Tri-County Board on dealing with people with mental distress.

Roberta Staugler reported the Income Tax YTD is at 90% of the 2016 estimate. Bank Reconciliation was also presented for approval. Resolutions will be held until we have a quorum.

Erin Minor: Recreation Trail: Tom's Construction is cutting in the trail and clearing the area. They plan to have the trail completed this fall. **Randy:** They poured some concrete today and plan to finish it tomorrow. They hope to have it down to grade and put stone in the walkway area.

Nature Works: We applied for the grant in May. We should find out in October if we got the grant.

Courts Project: We are trying to finalize plans with Choice One. We received a \$125,000 grant for the project. The project was originally estimated to cost \$250,000. A few weeks ago Randy, Bill Bechtol, Mindy Bubp and Ryan Lefeld took a tour of tennis and basketball courts in other communities. They liked some features that they observed, which were not included in the original estimate for our courts. If we want to make the courts nicer, we will have to pay for it. If we include all the features we would like to have, the project will likely cost around \$325,000. That includes parking and fencing around the playground. We are trying to get it down to \$300K or \$275K.

Medical Marijuana: The Ohio General Assembly passed a bill legalizing medical marijuana. It became effective on September 8, 2016. The bill was passed to prevent a less restrictive ballot measure. The new law regulates marijuana growers, processors, laboratories (that perform testing), and retailers. The new law provides the framework for how the "Medical Marijuana Control Program" will operate. However, the regulations (which must be adopted by the implementing agencies, the Department of Commerce, Board of Pharmacy, and Medical Board) will provide the "meat" for the program. None of the regulations have been put in place yet. A six month moratorium on the establishment and operation of medical marijuana-related businesses would allow us to review the proposed rules and make a decision on whether to prohibit these types of businesses. Coldwater and Versailles have already passed legislation imposing a six month moratorium. St. Henry is planning to do the same. I recommend we do a six month moratorium.

Bretz: Don't you think it is overkill? **Randy:** The State allows us to ban sales. We are not saying we want to ban, we want to see the rules. This would stop someone from buying a building for the purpose of opening a store until we get more information. **Minor:** It would give us a chance to look at the regulations. **Diller:** It protects us; so it won't start in the next six months. **Fiely:** It makes sense to me. **Minor:** The Medical Marijuana Control Program must be fully implemented within two years. **Mayor:** Don't stop sale in existing pharmacy? **Minor:** I recommend a straight ban for six months. Council approved Minor drafting legislation imposing a six month moratorium.

Minor ended by requesting an executive session to discuss litigation and possible village purchase of real estate.

Bretz: I have a question about the tennis courts. I have had some people ask me why we need tennis courts. If they found out we spent \$300K they will go crazy. **Diller:** We get requests continually, and it has been on our 5 year plan. **Minor:** We are receiving a \$125,000 grant. People have requested tennis courts on our surveys. **Diller:** Coldwater and St Henry have put in Pickle Ball Courts. **Bretz:** Are we putting in new restrooms? **Diller:** Construction will be started shortly. We hope to have them closed in before winter.

VILLAGE OF FORT RECOVERY REGULAR COUNCIL

SEPTEMBER 19,

16

Randy Diller: Elm Street Reconstruction: Elm Street is pretty much complete. They are finishing the seeding. We will have the manhole adjusted this week. We have an application for payment approved by the engineer in the amount of \$64,754.50. **Fiely made a motion to authorize payment seconded by Garman of the invoice presented for Tom's Construction in the amount of \$64,754.50. Vote all yes.** We should have the final draw at the end of the month, less the retainage.

Lagoon: We have a guy coming in tomorrow. He will agitate the lagoons with a crawler to take down the sludge. We will bypass the lagoon for two days. He will come in tomorrow and complete it within the next week if he can. We will be putting the final touches on the curtain program. We are also working with EPA; our discharge permit is up at the end of June. There are a lot of changes we need to work through. We have some post-construction monitoring to work through with CW Egg. I noticed a PTI was published this week.

Lester Street: We had talked about plans on Lester Street. There are only a couple of lots now that will be affected. We still have some work to do with that.

Aggregation: The gas contract is up this November. AGE has put it out for bid. There were no bids submitted. Anyone in the program will revert back to the standard rate with Dominion. There is not much we can do. They will continue to try to obtain bids.

Three Season Shelter: The 225 Committee made a decent profit. They decided to donate \$75,000 to the Community Foundation to fund a shelter. Roger Broerman has been working on this for a couple of years. He will continue to lead the group. He will put together a plan to bring to the Park Board and to Council. We are looking at this as a 2018 project. The Jubilee made a \$64,000 profit. Half of the profit (\$32,000) is earmarked for park maintenance and operation.

Zoning: Terry Hummel was granted a variance for an accessory building behind his house.

William St: Our application to OPWC for the William Street Project is due on October 3, 2016. We have a resolution we need to pass to authorize this. The project will be \$410,000 without contingency. We will not be able to award the bid until after July 2017. It will take 6-8 weeks to complete the project.

ODOT Bridge Inspection: We have two bridges ODOT will inspect; one on First Street and the other in an alley behind Hastings. We have a resolution we need to pass to authorize contracting with ODOT for the inspections.

Poll Council: Fiely: The Fire Department sold their pumper truck.

Mayor: "Do I have a motion to enter executive session to discuss litigation involving the Village that is currently pending before the Mercer County Court of Common Pleas, in accordance with Ohio Rev. Code § 121.22(G)(3), and the Village's purchase of property for public purposes, in accordance with Ohio Rev. Code § 121.22(G)(2)."

Fiely made a motion to go into Executive Session to discuss litigation and possible real estate purchase seconded by Pearson. Vote all yes by roll call vote with the exception of Post and Wendel who were absent. Post arrived at 8:30pm

Pearson made a motion to exit Executive Session seconded by Garman. Vote all yes by roll call vote. No action was taken from Executive Session.

****2016-25 RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT APPLICATION AND PARTICIPATE IN OPWC CAPITAL IMPROVEMENT PROGRAM.** Pearson made the motion to suspend the rules seconded by Bretz. Vote all yes. Post made a motion to pass the ordinance seconded by Fiely. Vote all yes.

****2016-27 RESOLUTION AUTHORIZING VILLAGE TO ENTER INTO AN AGREEMENT WITH ODOT FOR BRIDGE INSPECTIONS.** Pearson made the motion to suspend the rules seconded by Bretz. Vote all yes. Post made a motion to pass the resolution seconded by Fiely. Vote all yes.

****2016-28 RESOLUTION ACCEPTING AMOUNTS AND RATES SET BY THE BUDGET COMMISSION.** Pearson made the motion to suspend the rules seconded by Bretz. Post made a motion to pass the resolution seconded by Fiely. Vote all yes.

****2016-29 RESOLUTION ACCEPTING LOCAL GOVERNMENT FUNDS.** Pearson made the motion to suspend the rules seconded by Bretz. Post made a motion to pass the resolution seconded by Fiely. Vote all yes.

VILLAGE OF FORT RECOVERY REGULAR COUNCIL

SEPTEMBER 19,

16

Council Reviewed Invoices #26345 thru #26393 including then and now certificates, memo expenses and interdepartmental transfers. Pearson made a motion to approve as presented with a second by Fiely. Vote all yes.

Pearson made a motion to adjourn the meeting seconded by Garman. Meeting adjourned at 8:57 pm

Mayor Dave Kaup

Roberta Staugler