

VILLAGE OF FORT RECOVERY REGULAR COUNCIL

December 19,

2016

CALL TO ORDER: Mayor Dave Kaup called to order the Regular Council Meeting on December 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, Cliff Wendel, Al Post, Dave Garman, Scott Pearson and Dave Bretz. **Also Present:** Randy Diller, Erin Minor, Amanda Weyerick, Jerry Guggenbiller, Bonnie Kaiser, Dusty Kaiser, Neal Spencer, PG Jellison, Ed Gebert, Jared Laux, and Nathan Rubbelke.

The Mayor led with Prayer and the Pledge of Allegiance.

Reports to Council: Village Administrators Report

Minutes: Wendel made a motion to approve the December 5, 2016 minutes seconded by Fiely. Vote all yes.

Amanda Weyerick: I am issuing a departmental notice regarding changes to the Village's Income Tax Ordinance. Taxes will be due next year on April 18, 2017. Some of the major changes include the following: Unsigned returns will be returned to the taxpayer as incomplete. Next year, IRS 1040 forms must be submitted to the Village Income Tax Department. Taxpayers seeking credit for taxes paid in Indiana must provide sufficient documentation of such taxes paid. Taxpayers that owe \$10 or less will be exempt from payment. The Village is exempt from paying refunds totaling \$10 or less.

Jared Laux: Grand Lake Task Force Donation: I am recommending that we donate \$500 to the Grand Lake Task Force, which primarily handles drug investigations. **Garman made a motion to make that donation in 2017 and Wendel seconded. Vote all yes.** **Drones:** A representative from the Ambassadors contacted me (Jared Laux) about concerns they have with drones. The Ambassadors think that drones could create safety concerns during the tractor pulls (for drivers and spectators). I will work with Erin to research the problem and consider possible legislation. **Bretz:** I question whether it's something we need to act on right now, because we are not currently having any problems. **Diller:** Erin and I have been discussing and researching this issue for the past month or so. We will continue to work on it.

Resolutions:

RESOLUTION 2016-40 A RESOLUTION TO MAKE APPROPRIATIONS FOR 2017.

Diller: We provided Council with a budgetary plan, 5 year plan, and equipment plan for review. The budgetary plan covers what we are planning on doing during 2017. We included a used street sweeper in the plan. The box on the street sweep we currently have is rotting out, and we question how much longer it is going to last. Other than the street sweeper, most of the equipment purchases are things we have already talked about. We will purchase a hydro excavator if we get grant funding from the Ohio Bureau of Workers Compensation. For the Police Department, we will only buy a cruiser if we get grant funding. The William Street Reconstruction Project is our big street project for next year. We will also be doing some work on the lagoons. We did not include any street overlay projects in the plan for next year.

Pearson made a motion to suspend the rules seconded by Garman. Vote all yes. Wendel made a motion to pass the resolution seconded by Post. Vote all yes.

RESOLUTION 2016-41 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH ODNR FOR GRANT FUNDS UNDER THE NATUREWORKS PROGRAM. Pearson made a motion to suspend the rules seconded by Garman. Vote all yes. Post made a motion to pass the resolution seconded by Fiely. Vote all yes.

RESOLUTION 2016-42 A RESOLUTION TO AMEND APPROPRIATIONS FOR 2016.

Bretz made a motion to suspend the rules seconded by Pearson. Vote all yes. Fiely made a motion to pass the resolution seconded by Wendel. Vote all yes.

Ordinances:

ORDINANCE 2016-17 AN ORDINANCE TO RE-APPOINT ERIN MINOR AS VILLAGE SOLICITOR FOR A TWO YEAR TERM. Wendel made a motion to pass the ordinance by emergency seconded by Fiely. Vote all yes by roll call vote.

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ORDINANCE 2016-18 AN ORDINANCE FIXING PAY SCHEDULES OF ALL SALARIED AND HOURLY EMPLOYEES. Pearson made a motion to pass the ordinance by emergency seconded by Post. Vote all yes by roll call vote.

ORDINANCE 2016-20 AN ORDINANCE AMENDING THE VILLAGE'S INCOME TAX ORDINANCE. **Minor:** By way of background, the General Assembly passed Substituted Senate Bill 172 earlier this year. It made a few revisions to the municipal taxation laws, effective September 14, 2016. We need to revise our tax ordinance 2015-20 to incorporate the changes mandated by Substituted Senate Bill 172. To briefly summarize the changes: (1) the bill extends the date by which an employer must remit withholding taxes on a quarterly basis from the 15th day after the end of each calendar quarter to the last day of the month following the end of each calendar quarter; (2) the bill modifies the rule for when withholding payments are considered to have been made. Under prior law, a payment was considered to have been made on the date the payment was received by the tax administrator. Now, a payment is considered to have been made on the date of the payment's postmark or, for electronic payments, the date of the timestamp assigned by the first system receiving the payment; and (3) the bill modifies the rule for when a tax payment remitted electronically is considered to have been made. Under prior law, a payment was generally considered to have been made on the date the payment was credited to an account designated by the tax administrator to receive such payments. Now, a payment is considered to have been made on the date of the timestamp assigned by the first electronic system receiving the payment. **Bretz:** Can we reduce the 50% penalty that we charge? **Wyerick:** The 50% penalty is mandated by the Ohio Revised Code. I do have the authority to abate the penalty; however, consistency is important. **Diller:** We are going to work with employers regarding the imposition of penalties. **Pearson made a motion to suspend the rules seconded by Bretz. Vote all yes. Fiely made a motion to pass the ordinance seconded by Post. Vote all yes by roll call vote.**

ORDINANCE 2016-21 AN ORDINANCE SETTING FORTH SERVICES AND CONSENTING TO THE STATE ROUTE 49 ANNEXATION. Pearson made a motion to suspend the rules seconded by Garman. Vote all yes. Post made a motion to pass the ordinance seconded by Fiely. Vote all yes by roll call vote.

Bank Reconciliation: The bank reconciliation statement was presented to Council for review and approval. Same was approved.

Records Commission: Diller: We had a Records Commission meeting tonight. No new business to report.

Erin Minor:

Capital Budget Bill Grant: Randy and I will be attending the boys' basketball game on December 30, 2016 to get input on the color of the tennis and basketball courts, as well as other park projects.

Local Government Safety Capital Grant: We are preparing three grant applications: (1) a cruiser for the FRPD; (2) equipment for the Southwest Mercer Fire District; and (3) an ambulance for the St. Henry EMS Squad.

OBWC Grant: We submitted an application last week for funds to purchase a hydro excavator. We should find out next spring if our application was approved.

Cooper Family Foundation: We were notified that we will be receiving \$4,000 next spring to purchase new picnic tables for shelter house #4 at Community Park.

OPWC: Our grant application for the William Street Reconstruction Project was approved. We will be receiving \$268,465. The estimated cost of the project is \$450,655.50 (with just about \$41,000 of that being contingency). The project is planned for next summer/fall.

NatureWorks: We authorized the Mayor to sign the project agreement tonight. Randy and I met with a vendor a few days ago to get additional pricing on playground equipment and rubber safety surfacing.

Sharpsburg Road Annexation: An ordinance to accept the Sharpsburg Road annexation will be presented to Council at the February 6, 2017 Council Meeting. If passed, the annexation would become effective thirty days thereafter.

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State Route 49 Annexation: We filed the petition last Monday. Required notices were mailed or hand-delivered. We passed an ordinance tonight that consents to the annexation and sets forth the services the Village will provide to those living in the territory proposed for annexation. We expect the Commissioners to grant the petition at their January 10, 2017 meeting.

Village Christmas Party: Thanks to all that attended the Village Christmas party at Trusty Woods last Monday.

Mercer Savings Bank: We finalized a license agreement last week with Mercer Savings for their use of our parking lot across from Hastings. As discussed last meeting, Mercer Savings is planning to park a trailer in the lot while their building uptown is being renovated.

Randy Diller: Project Updates:

Lagoons: Jutte Excavating was the low bidder on the curtain project. I got a letter from Choice One today recommending that we approve their bid. I likewise recommend awarding the bid to Jutte Excavating for \$131,180. **Wendel made a motion to approve the bid and Fiely seconded. Vote all yes.**

Park Recreational Trail: Nothing new to report.

Sharpsburg Road Utilities: We had our preconstruction meeting with Shinn Brothers. They plan to start after the first of the year. We will be working with the school on traffic control. **Bretz:** Will we close both ends of Sharpsburg Road? **Diller:** Yes, but we will allow school traffic to get through. We will post a sign letting folks know they can get to school. The road will be open at night.

William Street: We won't get final approval until July 1, so we can't award bid until then. However, we will be working on the plans soon. I need a motion to approve the engineering agreement with Choice One for \$27,965. **Fiely made motion seconded by Wendel. Vote all yes.**

Utility Improvements: EPA is scheduled to come and do their annual review of the water plant tomorrow. Ryan feels good about this visit, because we've addressed all of EPA's concerns from last year. We will be working on our NPDES permit in the next few weeks. I am in the process of reviewing our utility rates. I will be making recommendations on utility rate changes early next year.

Next Council Meeting: Wendel made a motion to change our next Council meeting from January 2, 2017 to January 3, 2017 at 6:00 PM seconded by Fiely. Vote all yes.

Poll Council: Nothing to report.

Mayor: Did the Commissioners take over the grant application for the ambulance? I saw in the paper that they are the Lead Agency for the application. **Minor:** No. We are preparing the application. The Commissioners are the Lead Agency for the grant because they will be purchasing the ambulance.

Council reviewed invoices #026581 to #026606 and memo expense #201661. Wendel made a motion to approve as presented seconded by Wendel. Vote all yes.

Wendel made a motion to adjourn the meeting seconded by Fiely. Meeting adjourned at 8:36 PM.

Mayor Dave Kaup

Solicitor Erin Minor