

RECORD OF PROCEEDINGS
VILLAGE OF FORT RECOVERY REGULAR COUNCIL

Minutes of

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO 10148

Held

May 15 20 2017

CALL TO ORDER: Mayor Dave Kaup called to order the Regular Council Meeting on May 15, 2017 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, Roberta Staugler, Erin Minor, PG Jellison, Sydney Albert, Rose Skelly, Neal Spencer and Jared Laux.

The Mayor led with prayer and the Pledge of Allegiance.

Reports to Council: Village Administrators Report, April Income Tax, Finance & Police Reports.

Minutes: Wendel made a motion to approve the May 1, 2017 minutes which was seconded by Fiely. Vote all yes.

RESOLUTION/ORDINANCES

RESOLUTION 2017-14 A RESOLUTION TO AMEND APPROPRIATIONS. Pearson made a motion to suspend the rules seconded by Garman. Vote all yes. Post made a motion to pass the resolution seconded by Wendel. Vote all yes.

RESOLUTION 2017-15 A RESOLUTION TO TRANSFER \$51,000 FROM GENERAL FUND TO WATER CAPITAL FUND. 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 2017-16 A RESOLUTION TO TRANSFER \$35,000 FROM GENERAL FUND TO SEWER IMPROVEMENT FUND. 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.

Staugler presented the April Bank Reconciliation and discussed the YTD Income Tax report. Our revenue is down as we knew it would be due in part to the change in due dates for payments. We will continue to monitor the situation.

Laux: Asked for questions on the April report. Council asked about speed limit on Sharpsburg Road. We will continue to give warnings for speeding. If circumstances warrant, we will issue tickets. **Diller:** Cooper Farms has purchased the Les Wenning Motors Building. They will be converting it to their maintenance and hog service building. They are reviewing options for changing the entrance to the property. **Minor:** ODOT will be coming in June to install new speed limit signs on SR 49. They will also be moving the corporation limit signs. **Laux:** We will park the speed trailer on SR 49 when the speed is changed.

Minor: Rec Trail: Jerry is working on installing the park benches and trash receptacles. Landscaping will be done around the entrance sign. He will be digging out the soil and placing benches and landscaping around the benches, lighting and signs. The grass is starting to come in. Council should have received invitations to the Trail Dedication to be held on June 11th at 2:00pm. It will be a short ceremony with a few speakers. Randy, Dave Kaup, Jim Zehringer and Kathy will be speaking. There will be some refreshments served.

Courts Project: We received one bid from Tom's Construction. The bid was 10% more than the engineer's estimate, so the bid was not accepted. Randy will be meeting with Choice One to see where revisions can be made to the project to lower the cost. Ryan has also talked to other contractors that have indicated they will bid on the project when we open it up for re-bid.

Nature Works Grant: Jerry has begun to work on the play area. We will be pouring a concrete barrier and installing rubber surfacing soon.

Fort Recovery Foundation: In March, we submitted an application on behalf of the Three Season Shelter House Committee. We were notified last week that \$45,250 was awarded toward the project. They now have approximately \$120,000 which is half way to funding the cost of the

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project. They are working on other fund raising ideas. Garmann Miller is working on finalizing the plans and specs. Sara Post is completing renderings to be used as visual aids for fundraising efforts. The plan is to sell naming rights and also sell engraved pavers. **Bretz:** How big will the shelter house be? **Diller:** 80' X 40' and with a cost estimate of \$240,000. It will include restrooms and a kitchen. Roger will be contacting local contractors for quotes once we have the final plans and specs. **Minor:** The Village will not be funding the construction of the shelter house. **Diller:** We will assist with the purchase of the picnic tables if needed. **Minor:** Randy and I along with Roger Broerman, Tom Siegrist, Don Lennartz, Bill Bechtol, Jacque Leverette and Michelle Dues are the members of the committee.

Jutte annexation: The annexation will become effective on May 17th.

OEPA: We are working on the conservation easement. When OEPA inspected the water plant, they stated that we needed to get a conservation easement over the portion of Buzz Hull's property that lies within 300 feet of the well located at Community Park. We will meet with Buzz soon to complete this agreement.

Ethics: The Village is required by Ohio law to provide council with certain ethics statutory provisions. Not all of the provisions provided are applicable to council members. Council was asked to review the information ask Erin any questions they may have. The acknowledgement forms should be filled out once the provisions are read and all questions have been answered.

Outdoor refreshment area: Recently, some businesses in Celina requested their city government to establish an "outdoor refreshment area." Ohio's law changed on April 30, 2017. The change allows smaller towns to establish outdoor refreshment areas if certain requirements are met. We currently have four businesses with D liquor permits. This means we could establish an outdoor refreshment area, which is an area where people can walk around with a plastic bottle of beer or a plastic glass of wine/mixed drink without violating the open container laws. The alcohol consumed in the area must be purchased from a permit holder in the area, which, in our case, would be Trusty Woods, the Brick Street Tavern, North End Bar and Grill, or Wayne Street Market. Creating this area is an option for us. The Village will not pursue this without Council and merchant support. **Diller:** The merchants have discussed a "First Friday" event in the downtown area; as part of that event, folks could walk around with a drink in their hands. The change in the law has made this idea possible. I am not saying we would agree to have the outdoor refreshment area "open" all the time – only during special events. We would need to create an area closed off to traffic that would be easy to manage. **Minor:** We will discuss it at the Merchant Meeting tomorrow. One thing to note is that if we were to establish an outdoor refreshment area, organizations would no longer be permitted to obtain an F permit and sell alcohol on the brick street. If organizations wanted to have an event and raise money off liquor sales, they would have to work something out with the permit holders located in the outdoor refreshment area, because all alcohol consumed in the area must be purchased from one of those permit holders. **Diller:** I would prefer that council requires its approval prior to any outdoor refreshment area event. **Fiely:** I think as long as each outdoor refreshment area event has to be approved by council, its ok. **Minor:** Permit holders would not have to pay an additional fee to be able to sell alcohol to patrons for consumption outside their businesses. **Mayor:** Would there be specific hours? **Minor:** We can set the hours. **Spencer:** If a group wants to sponsor an event would they be allowed? **Minor:** Yes. However, they could no longer obtain an F permit and sell their own alcohol. The alcohol would have to be purchased from the D permit holders. **Wendel:** Two of the businesses would require crossing the highway, would there be liability from our point? **Diller:** That would be a concern. We would take steps to ensure that folks have safe passage across the streets. **Pearson:** If we would allow it, can the outdoor refreshment area be eliminated? **Minor:** Yes. It could be eliminated at any time. Also, every five years council would have to pass legislation continuing the area or eliminating it. As far as the process is concerned, the Mayor would have to initiate the process by filing an application with council. If council approves the application, information would have to be sent to the state for their approval.

Diller: Lagoon Curtain Project: Randy has not heard from Dan Jutte recently.

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Park Rec Trail: The cross walk was painted today. Pleimans will return this fall to do touch-up work on the seeding. We have a final draw request from Tom's Construction. **Wendel made a motion to authorize payment of \$18,944.00 to Tom's Construction seconded by Fiely. Vote all yes.**

Sharpsburg Road Utility Extension: All work is complete. We have a final pay request from Shinn Brothers. This project was completed under the bid amount. **Fiely made a motion to authorize payment of \$22,397.80 to Shinn Brothers seconded by Wendel. All vote yes.**

Williams Street: Randy will meet with Ryan from Choice One and Jerry to make final adjustments. This project will be sent out for bid in June and awarded in July. With our help, the school will begin to tear down their fence, remove some trees, and a telephone pole.

First Street Project: We will have our preconstruction meeting May 16th to approve the plans and specs. Shinn Bros. will get started shortly thereafter with a boring contractor in early June with plans to have the project completed by July 1st.

Utility Dept: We received an email from Ohio EPA on Friday. With respect to our sanitary inspection, Ohio EPA said they will issue us a partial resolution to their NOV letter if we provide them dates when we will have certain action items completed. We plan to set up a meeting with them to discuss. With regard to our water inspection, we will be finalizing the conservation easement soon. The CO₂ tank replacement, valve repairs, and filter replacement items are moving forward.

Diller: Community Park Restroom: Warnock's have put on the block filler and will be painting soon. The restrooms have been in use for three weeks. We have received compliments. We still have concrete approaches to pour. It should all be completed soon.

Cooper Farms is holding an Emergency Awareness meeting May 18th which Randy and Erin plan to attend. Council is also invited to attend.

State Budget Bill: They have removed the provision in the bill concerning centralized collection of municipal income tax. If businesses want to use the Ohio Business Gateway to file their taxes, they may but are not required to. The state will charge the businesses for use of the OBG and not municipalities.

Prevailing Wages: Matt Huffman has sponsored a bill that would make the payment of prevailing wage by municipalities optional as opposed to mandatory. A very similar bill was also proposed in the House. This could save the Village a lot of money.

Regional Water Study: The study was done to see whether a regional well would be feasible. Fort Recovery has the best water supply of any community in southern Mercer County. The study concluded that it would be cost prohibitive to use Fort Recovery as a drinking water source for all such communities. It would cost too much to transport the water.

DP&L Rebate: I have been researching the costs associated with changing the halide bulbs in our street lights to LED bulbs. The cost for an LED bulb was \$165 about a year ago, and it is now \$52 per bulb. DP&L previously offered a \$50 rebate per bulb to switch to LED bulbs. I'm going to look into whether that rebate, or a similar one, is still available and we will take action accordingly. I have also been approached about placing street lights on State Route 49. I am looking into this.

Important Dates: The next council meeting will be June 5th. Jubilee will be next month. The Rec Trail Dedication will be June 11th at 2pm.

Poll Council: Bretz: Do we need to replace the pool fence, can't we paint it? **Diller:** It has been painted several times. The fence is in bad shape. The current fencing is 30+ years old. The new fencing would be decorative vertical black aluminum fencing. **Minor:** We will find out in October if we got the NatureWorks grant to replace the fence.

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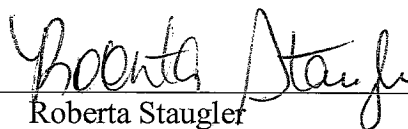
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Council reviewed invoices #026810 to #0269 including then and now certificates, inter-departmental transfers and memo expenses #201726-#20172. Pearson made a motion to approve as presented seconded by Wendel. Vote all yes.

Wendel made a motion to adjourn the meeting seconded by Pearson. Meeting adjourned at 8:31 PM.



Mayor Dave Kaup



Roberta Staugler