

**RECORD OF PROCEEDINGS**  
**VILLAGE OF FORT RECOVERY REGULAR COUNCIL**

Minutes of

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held February 4, 20 19

**CALL TO ORDER:** Mayor Dave Kaup called to order the Regular Council Meeting on February 4, 2019 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, Luke Knapke, Greg Schmitz, Scott Pearson and Al Post. **Also Present:** Randy Diller, Erin Minor, Roberta Staugler, PG Jellison, Neal Spencer and Leslie Gartrell.

The Mayor led with prayer and the Pledge of Allegiance.

**Reports to Council:** VA Report.

**Minutes:** Wendel made the motion to approve the January 21, 2019 minutes which was seconded by Fiely. Vote all yes.

**2019 Appointments: Mayor:** I would like to appoint Paul McDaniel for a two year term to the Design Review Board. Council was asked to approve all appointments made at the January 7<sup>th</sup>, January 21<sup>st</sup> and February 4<sup>th</sup> meetings by the mayor for 2019. Wendel made a motion to accept the appointments to the Village Boards and Committees as presented by the mayor at the 2019 meetings with the effective date of 1/1/19, this was seconded by Fiely. Vote all yes.

**Mayor:** Randy and I attended the County CIC meeting on January 29<sup>th</sup>. The economy is going well in Mercer County. Jared and Brandon are in training today. The mayor did talk to Ledgen at a recent ball game; he seems to be happy with how it is going thus far.

**RESOLUTION/ORDINANCES**

**ORDINANCE 2019-01 AN ORDINANCE ENACTING A WRITTEN CREDIT CARD POLICY FOR THE VILLAGE.** Pearson made a motion to suspend the rules seconded by Schmitz. Vote all yes by roll call vote. Post made a motion to pass the resolution seconded by Knapke. Vote all yes by roll call vote.

**Diller:** We received notification from the Arbor Day Foundation that the Village, along with Wright Pat Air Force Base, are eligible for funds for the purchase of trees. We plan to request funds for the purchase of 50 trees to be placed in the parks. We will also be applying for the Right Tree Right Place Grant from D&L. Our application for the DP&L grant will focus on trees, plants, and planters for the downtown area. **Mayor:** Jill Hull and Steve Stone had expressed an interest in helping with improvements with trees in the downtown area. **Diller:** I will contact them.

**Minor: Duhamel Land Swap:** The closing was held on Thursday, and the documents were recorded on Friday.

**Bertke Property:** We are waiting on a deed from Clint's legal counsel.

**Pavilion:** We are still accepting paver orders. We will do one last Facebook posting giving everyone a final date for accepting donations.

**Annexation:** Cooper Farms and J & M Mfg will be filing a petition to annex their real estate. We hope to file the petition this week and will send required notifications to the neighboring properties.

**Business Net Profit Tax Filings:** We received word this week that the 10<sup>th</sup> Circuit Court of Appeals has rendered a decision in the centralized collection lawsuit that's been ongoing for about a year. Over 160 Villages and Cities challenged state legislation permitting businesses to file their municipal net profit tax filings with the state, as opposed to the municipalities to which the tax is owed. In a 2-1 ruling, the court held, among other things, that the legislation did not violate the Home Rule nor did it violate the one subject

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rule. It's unclear at this point whether the decision will be appealed to the Supreme Court. If it is appealed, the Supreme Court does not have to hear the appeal, as the appeal is discretionary. We will keep you posted on what happens in this case.

**Diller:** With the Duhamel land swap, we will now own the whole ditch area. We will get someone in with equipment to clean up and peel back the bank so it can be mowed instead of weed whipped.

**Centralized Collections:** The ruling is concerning. The state keeps digging into our powers. We are concerned that their goal is to collect all of our taxes and withholding. We would not be able to audit any returns, only the state would be able to conduct audits.

**Minor:** The state tax commissioner has the sole authority to administer municipal net profit tax filings run through the state; we can only request an audit, which might not happen. The fee they would charge would be 0.50% for administration fees and some pretty serious fines if we fail to comply with deadlines, such as failing to notify the state of rate changes. **Diller:** The state's website for processing tax filings is down all the time, and they process filings late. The week of the 15<sup>th</sup> they were down for a week.

**Ball Diamond Project:** The weather has slowed down construction. The lights were delivered this past week; we will install them as weather allows.

**Pavilion:** The construction was shut down last week due to the weather. It looks like they are about ready to call for inspections. **Pearson:** Do we have a completion date? **Minor:** We had hoped it would be complete by Easter weekend, but our contractors didn't start until October. **Diller:** We have no specific date; we have some that would like to rent it in May, but we aren't committing rentals to anyone as we are unsure of the completion date.

**Utility Dept:** We are still working with Steve Harris on the aerators. He is reviewing our options and will be giving us some feedback.

**Caustic Soda Tank:** Next month when we run out of caustic soda we will take it out of service and replace the old tank.

**Storm Water:** We completed the storm water line project near Metzger Oil. With the installation of the effluent meter at the lagoons we now know how much water is going out to the lagoons. This was a large area where storm water was going into our sanitary line. These improvements will cut down on the storm water going to our lagoons.

**Cooper Farms:** The annexation map petition was signed by J & M Mfg. Tonight Carl Link took the petition to a Cooper Farms meeting to be signed. We will have it back by Wednesday which will allow us to take it to the Commissioners for their signatures. Coopers is working on a narrative of the plans and job increases which will give us the information we need to apply for funding to pay for the utilities to go to their property. We will report when we know more. We will also be working on a utility easement with J & M Mfg.

**Center Street Sidewalk:** Randy is in the process of obtaining pricing on equipment. We hope to utilize neighbors to take care of cleaning the sidewalk. The equipment could be something we would also use to clean off the trail. The concern is if we blow it off and it gets slick it may make it worse. We will not be able to salt the walking trail; we will play it by ear.

**Planning Commission:** We will meet next Wednesday at 6:30pm to review the Cooper / J & M Mfg annexation request.

**Zoning Board:** Scott Zehringer informed Randy that he will be resigning from his position. We will need to appoint someone to fill his term.

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**Research Committee:** Greg, Luke, Eric and Randy will take a tour of the town to look at the roads to see what potential projects we want to take on this year.

**Cemetery Board:** The board will meet this week. Mike Walter is now on the board; we will select a manager.

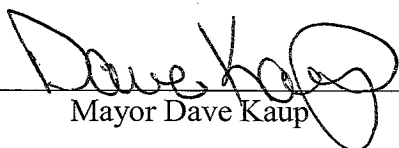
**Important Dates:** CDBG Public Hearing 2/12/19, Planning Commission 2/13/19 and the Community Club Fish Fry will be 3/2/19.

**OEPA Letter:** We received a letter from OEPA today from the recent limited scope inspection. We had three violations. 1. Caustic soda tank (This will be replaced soon) 2. Homeowner Inspection Program (We have a notice which will be provided to all homeowners) 3. Lime Tank (It is getting gold and creates dust). None of the violations are hurting the quality of our water. Randy placed the letter with recommendations in dropbox for council to review.

**Poll Council: Post:** Did our mirror get hit? **Diller:** I was not aware it was. **Staugler:** I'm sorry I forgot to tell you, Jared picked it up; it broke last week from the wind. **Diller:** I will have it replaced.

**Council reviewed invoices #28381 to #28432 including then and now certificates, inter-departmental transfers and memo expense #190008 to #190012. Wendel made a motion to approve as presented, this was seconded by Fiely. Vote all yes.**

**Fiely made a motion to adjourn the meeting seconded by Pearson. Meeting adjourned at 8:03 PM.**

  
 Mayor Dave Kaup

  
 Roberta Staugler