

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

October 1,

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Mayor Conley called the regular meeting of Council to order at 7:00 pm with the Pledge of Allegiance. Roll call was requested with the following members present: Don Douglas, Bill Eberle, Jon Fickert, Jim Seaman and Donna Wendt-Elliott, Angela Petersen-excused.

Minutes of the September 17, 2012 meeting stand approved with the correction under Privileges of the Floor, Mayor asked about us not having a distribution system for the energy to go into, should read substation. Barry Reau commented that whatever we would generate from the solar panels we would take to our substation, this should read distribution system.

**Privileges of the Floor:**

Ottawa County Housing Authority – Stephanie Lowe came to talk about Moving Ohio Forward Grant. The village asked to participate in the grant. The County received \$222,000.00 to do demolition throughout the entire for vacant and abandonment properties. Stephanie gave an overview of how the process works. Applications are due in July the Ottawa County Housing Authority puts the application in on behalf of the County. The \$222, 000 that was granted to Ottawa County out of that 5% is admin money the rest of the grant money goes directly to demolition. On an average the anticipated cost of demolition will be \$10,000 per demo. That will give the Ottawa County Housing Authority 20 to 23 demolitions to do county wide by December, 2013. The goal is to do two demos a month. There are three demos ready to go countywide. One of the three demos is located in Oak Harbor. It is not one of them that are on the list that the Village submitted. Stephanie sent out to each Village, Township, municipality that asked to participate for them to identify the properties that they wanted put in the application. A letter was then sent back to each community that wanted to participate to confirm the properties that they had in the applications. There was an evaluation sheet sent with the letter for the communities to provide pictures, documentation, etc. if not previously provided and to confirm the date to the Ottawa County Housing Authority. Stephanie noted that two of the Villages properties were sold at auction. Stephanie is working with Habitat one of the owners to get it taken care of. Stephanie will be in contact the owner of the other property that was sold at auction. As the process goes once Stephanie confirms the addresses. She will work with the owners and send them an owner’s waiver to sign. Once the owners waiver is signed that gives the permission to take down that structure. The Housing Authority will pull a title search on the property and make sure there are no mortgages or liens against the property. Once that is determined, if there is a mortgage or lien the Housing Authority will contact the agency holding the mortgage or lien to see if they will consent to taking out the structure. There will still be the lien against the property but the structure will be removed. Then the building inspector for the County will do a determination on the specifications of what will need to happen for the demolition of the structure. There will be an inspection then go out to bid for the demolition. The property stays in the name of the original owner. The addresses that have been determined with the Village of Oak Harbor are 733 N. Locust, 521 N. Locust, those were the two that were auctioned off, Rob Pauley stated that 733 N. Locust is the Habitat House, 250 W. Main St., 140 E. Main St., and 227 Park. Stephanie is working with St Boniface on 210 W. Ottawa St. The Housing Authority board met last Friday and they determined how they want this process to work determining what properties they are going to use and the process. Stephanie then takes that to the Commissioners and gives their recommendation. The Commissioners determine the process. The recommendation from the Housing Authority board is that they do not put liens against the property. The grant does allow a lien for the cost of the demolition to be put against the property if the Commissioners would choose to do that. The Housing Authority board has chosen to recommend to the Commission that they do not think that is a good idea. The selection process is a first come first serve in getting the structures down. When properties are ready and owners are ready we will be working to get those structures down. When it gets down to the final time period and most of the money has been used up the Housing Authority will take back to the Commission, which one has been blighted the longest, what is the value of the property, which one will bring more value to the community for the next selection of houses to be demoed. Stephanie handed out notes regarding the process. Mayor asked about the number of houses listed, that there are more listed than the grant covers. Stephanie said the ones that are listed and ready the Housing Authority would like to get those taken down. The Housing Authority would like to hit every community that asked for something. They would take down at least one structure per request. When it gets towards the end of the timeline of the grant is a community has a structure ready and another community does not, the community that is ready would be selected to get the demolition. Rob asked what we could do to help the process for the Village. Stephanie will need to confirm the addresses and if there have been any changes in the properties since the original application in July. Rob said that with exception of 733 and 521 N. Locust they are still all the same property owners. Stephanie will work with Rob Pauley to get owners waivers signed on the properties within the Village. Once the waivers are received the Housing Authority will pull a title search and then get

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working on the properties. Jon Fickert asked if any of the three that are ready to go will they be done this month. Stephanie said that 210 W. Ottawa Street and one in Faye Township and one in Portage Township. The one located at 210 W. Ottawa Street is located in the Village.

Mayor would like under Business of the meeting wants to add Oak Harbor Library board appointment.

Jim Kelly with Kelly & Sons, addressed the council on the progress of the CSO repair. They started back in the fall doing the remediation work to try and get the sludge and smell straightened out. Through the winter when they got the finalized plan when the weather broke in February and March they started doing their bypass. The south side is within about three feet of final grade. They ran into a lot of soft material below where they anticipated from what the original design criteria was. Ken from EDP passed out a sheet that showed some of the issues. Along the South side it was quite a bit softer underneath than they originally planned what the grade was. If it is soft the wall ware won't work and they can't build on top of it. So they have to dig down the ground and mix the soil with lime to get it back up within specifications. So that is taking a lot longer due to where the red hashed area is a total approximate of volume what they have done in addition to what was originally planned on. They put an internal drainage in on the South side under drain run to help pick up some moisture. The initial way they had planned to build it has changed the production has not been what was anticipated from the start of the project. The combination of what is out there today is stronger than what was there before. When first started on the South wall push rod and push it straight into the soil it wouldn't take anything for it to go all the way in. Today you can only push it in about two inches. Most of what the problem was as the material got wet the weight of it when the water drained off the saturated clay falling on itself. They have been excavating back in going further back in on the South wall and mixing it with clay and bringing it back in. They are getting substantial results from what EDP's field reports show. Allan, the chief engineer for EDP did an interim report to check the test results and he was very satisfied. There was flex man material brought up this past week and put in. That will be a sufficient improvement to what we had on that before. It should allow the debris to roll off of that a little better, plus there will be a breathable membrane that will let the water drain off and irate back out and contain any moisture that seeps in. Mayor asked if that was a nylon mesh and if it would hold up to the sewage that would be put in there. It is used in landfills on rock slides and use primarily for this type of application. When they discussed using other membranes or something else across the face of it. Allan liked the idea of the mesh as it has a combination of weight that hold everything down and has the fabric that helps knit everything together, but it is breathable. So it will vortex a little of the moisture out of the wall with any moisture that we have in there. Before the moisture was staying in there soaking in then it didn't have any strength that was part of the problem. It works as a dual purpose. The mesh is tucked in under the storm path and the weight of it will not allow it to slide down, it would not need pins to keep it down. Mayor asked if they were going to go all the way across the road about 10 feet of the mesh. Mr. Kelly said they would be going about five feet, it could be right at the edge. It will be laid down a couple of feet down by the modified material and lay the modified material over it. Loaders are being run over it and the mesh is holding up. Mayor asked if there was a completion date. Their production was based upon mixing down in the hole and then mixing on top. They are getting to the point that the material on top is less material that they have, they need to go get more material mix. Thinking about having a Sub basin come in with a bigger rototiller and knock it out. Kelly & Sons will then just be doing watering and filling. The operation that they are doing now is when the excavate the material they pile out 150 to 250 of the basin, 100 to 150 yards up top and then mix in the lime. Then when it is dried out they have to water it to get the moisture back up and then re-compact it. They could not use the Sub basin machine due to all the rocks. They would like to get another material source that they can use, get them in to mix it all, so it is all premixed then they will need to just watering and placing it. It is difficult to calculate where they are at due to all the issues with how much material they are moving. Until they get feel to what that is and how fast they are moving, it has been difficult. They have sped up within the last three week. There is about three feet of fill to go on the South side. There is about seven feet on average on the West side and still a lot of material to fill on the North side. The North side material is much better, they don't have as extensive an over pile on the North side. Jon asked are we looking at end of the month for completion. Mr. Kelly said that until he can get confirmation of the volume of the dirt that they need to get in and where they are at timing wise, he is having a hard time getting that basis of where they are at today with what they have with material stored. The initial material that was pulled out was full of rock and clay that was hauled out and put up on the far North end of the property, anticipating that they would not use it at all. That material has grown significantly that has led them to that the volume of material is fairly large and now they have to replace that material. There should have been a no nap, if they could

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have used all the material taken out they should have a net of equal amounts of dirt. They brought in a screen to get rid of the rocks but that became an issue with the volume of rocks. Ken's company was concerned with trying to put too much of that back on that hill and throwing things off. So they brought in a grizzly screen to get out the big rocks. Hopefully at the end of the week they can have Sub basin come in do that other mixing, then it is just a matter of moving earth and compacting it. It will go much quicker that is the goal. After that they set the irrigators back up then pour the floor. Ken with EDP reported that what they ran into on the South side was heavy organic zone layer they pulled out that caused volume loss. When they were pulling out initial cuts the material was anticipated to be slightly over optimum 5-6%. They had material that was up to 8% optimum which caused further failures from the starting point. More cracks were forming behind it, more water was getting behind there. A very large portion of that reed failed before they had a chance to remove it excavating it. Mr. Kelly said back in the fall before they started working on it the changes of the wall failing was getting closer and closer. They had the bypass set up with no water going into the station and the wall kept moving. Jon Fickert asked if there was a plan for the excess material. Mr. Kelly will haul it off and has some places that are interested in the material. There has been time included for trucking the material off. Mr. Fickert asked if the sewage was an issue, Mr. Kelly said it should not be since it has been setting outside for eight months. Jerry Neff said that ego matter doesn't stay active too long outside the weather. Jerry Neff said he could do some ego testing on it to double check it. Mr. Fickert stated that we still don't have a completion date. Mr. Kelly would like to make sure he is right on the completion date so he would like to see where they are at with production and where they are at with material sources and what it is going to take to get it in then he can give a completion date. Mr. Fickert asked how this would affect the cost. Mr. Kelly has to pay his people overtime and per month on the equipment and would need to pass that cost on to the Village. Bill Eberle asked if there were any EPA deadlines that the Village will have to meet on this. The EPA deadline is December 1<sup>st</sup>. If it goes past December 1<sup>st</sup> the Village would need to get an extension.

**Mayor's Report:** Mayor read a Proclamation for Arbor Day proclaiming October 13<sup>th</sup> as Arbor Day.

Report on the Downtown Revalidations Committee the previous meeting was cancelled. The next meeting is planned for October 2<sup>nd</sup>. They are still plotting out where benches and garbage cans and trash receptacles are going.

Mayor instructed Mr. Pauley to send a letter of intent to Solar Planet. So the council can get more information and make a decision on it.

Mayor mentioned that the last meeting in December is usually cancelled and suggested that if anyone had something they needed on the agenda that they should consider that.

**Police Report** – Chief Weirich handed out his monthly report. With the monthly report he put a sample of the new police package. Each category or line item can be broken down into different specifics for types of offensives and crashes, etc. Wednesday is the dance and bon fire for the homecoming football. Wednesday the police will be up at US Bank with the football team and cheerleaders and they will parade through town. The medication/drug box was installed by the police department. Several residents have come in and deposited expired drugs. The County will empty it. The department is set up for Apple Festival. One of the part time employees has resigned. There has been an ad placed in the Exponent for the position.

**Fiscal Officer's Report:** Mrs. Carpenter reported the next Records Commission meeting will be October 15<sup>th</sup>. at 6:15 p.m. Month end reports have been distributed. Mr. Fickert asked about the graph on the expenses it appears down. Mrs. Carpenter will look into it.

**Income Tax Administrator's Report:** September 2012 Income Tax Report was distributed.

**Village Administrator's Report:** Mr. Pauley met with Efficiency Smart representative, met with personnel from St. Boniface School regarding potential energy efficiency projects. Attended State and Federal Surplus Program overview presented by Representative Kaptur's office with Ohio DAS/GSA. Not a lot of new material, but a lot of the material is slightly used and well-conditioned. Ottawa Regional Water Board the focus was results of TriHaloMethane which is a disinfection by-product. They EPA have new rules coming out on that. Apple Festival preparations continue. There are suggested wordings as far as the water supply cost adjustment what we call the water adder the same thing on the power cost supply adjust factor. One is a three month rolling average one is a 12 month rolling average reflects the cost of water or power as well as the actual expenses. Mayor

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asked if we could put both water and power on the bill. Mr. Pauley said we will try as we have other things on the billings. Mayor asked if the EPA changed the rules on our water is it contaminated or more contaminated. Mr. Pauley said the disinfected by products are changing. Mr. Neff said that there was a study done about four years ago and as a result the local levels have to do something about the disinfection by products.

**Solicitor's Report:** None

**Business of the Meeting:**

Library Board appointment was addressed regarding Senate bill 321 which requires the Village to add an additional person to the Library Board which is an appointment by Council. The organizational meeting for the Library is in December, they would like Council to appoint a person before December. Mayor asked for the council to get some name together to discuss at the next meeting. There was question regarding the residency within the Village. Mr. Barney thought it would be better to appoint someone within the village. Mrs. Wendt-Elliott asked if there should be a person from Council on the board. Mr. Barney said that the person could be from council, but did not have to be from council.

**First reading or Ordinances and Resolutions:**

**Ordinance No. 15-2012** A Ordinance providing for a pay increase for the Village Council, and the Mayor of the Village of Oak Harbor.

Mr. Fickert wanted the press to know that the raises on Ordinance No. 15-2012 is not for current Council, but would be for the incoming Council.

Resolution No. 11-2012, a Resolution accepting the amounts and rates as determined by the budget commission and authorizing the necessary tax levies and certifying them to the county auditor. First reading of Resolution No. 11-2012.

Mr. Eberle motioned that the three readings be waived on Resolution No. 11-2012, seconded by Mrs. Wendt-Elliott. On roll call, Mr. Douglas voted yes, Mr. Eberle voted yes, Mr. Fickert voted yes, Mr. Seaman voted yes motion carried.

Motion to pass Resolution 11-2012, Mr. Eberle motioned to adopt Resolution No. 11-2012, seconded by Mrs. Wendt-Elliott. On roll call, Mr. Eberle votes yes, Mrs. Wendt-Elliott voted yes, Mr. Douglas voted yes, Mr. Fickert voted yes, Mr. Seaman voted yes, motion carried.

Mayor Conley asked if any action was required on the tabled legislation. Mr. Pauley asked that it remained tabled.

Mid County EMS – Mr. Douglas reported there is a levy renewal on the ballot would like to ask for support on the levy. Squads are being equipped with new heart monitors. Next meeting will be October 10<sup>th</sup>. at 7:30 p.m.

Portage Fire District – Mr. Fickert reported the next meeting is next Monday, October 8<sup>th</sup> at 7:30 p.m.

Planning Commission/BZA – Mr. Pauley next Monday will be the next meeting October 8<sup>th</sup>. There will be a conditional use hearing for apartments within the central business district.

Regional Water Policy Board Representative – Mr. Pauley report was distributed.

Mayor Conley started the work session at 7:55 p.m.

WORK SESSION

**Council Committee Reports:**

**Finance Committee** – Mr. Douglas will get with Mrs. Carpenter to look at getting together a couple of budget meetings. Mr. Fickert asked if health insurance is being renewed at the beginning of the year. Mr. Douglas confirmed the renewal is January 1, 2013 and will start looking at it.

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**Parks Committee** – Ms. Wendt-Elliott toured all the parks with Randy on September 10<sup>th</sup>. to be brought up to speed on all the projects and hopeful projects to come. Ms. Wendt-Elliott reported on what they toured. Veterans Park, Earl Graham retired and was not replaced, now Gary Harlow is retiring the park is not as pristine as it used to be. It used to be edged and mulched and there needs to be a lot of tree trimming. It has been ten years since the roads have been paved, Randy is hoping to seal coat it yet this fall. The picnic tables in the big shelter house that were built in the mid-fifties are in need of modification. The North shelter house was built by Jim and Tim Piercefield it was free labor and supplies were donated by the Rotary Club, it is in need of refurbishing. Randy and Barry are in process of lighting for the walk way for the safety of the users at night. The skate boards are ten years old and needs to be checked for safety and upgrade. The tennis court need works, the high school recently spent approximately \$150,000 on their courts for lights and etc. Do we want to continue upgrading ours or utilize the tennis courts for batting cages for little league. The ice rink is high maintenance and the curbing around keeps cracking and it doesn't hold water, so Randy is looking into sand pits for beach volley ball. Carroll Township has two and they are always busy. Maybe that would work out good for the Village and draw more people into the Village for tournaments. The Cot Lot is now twenty years old, it needs a lot of work, and Randy is working on some options with that. Flag Football is going great on the acquired land north of the park, the fencing was paid for by the Village out of the park fund. There was a need for safety to keep the children in and cars, snow mobiles and tractors out. Randy is working on a grant for new restrooms as the ones there are not handicap accessible and are not in good condition. The concession stands are operated by the little league, they are owned and maintained by the village, however the liability insurance is covered by the little league association. The cameras are doing their job as there is less vandalism. Adolphus Kraemer Park, the log cabin committee continues to make improvements they need to be recognized for the fine job they are doing. The employees keep the park mowed with the nice flowers around the flag pole and the tree commission is keeping the trees up great. Flat Iron Park, notice the refurbishing of the gazebo, Jim Piercefield and the Lyons Club donated have donated all the labor. Jim made scrolls and put them up on all the post and has been painting. The Village paid for some of the material such as paints and Lowes donated the shingles for the roof. Please thank all who were involved for caring and their hard work. They are the heart of our town, it takes everyone working together to keep our little town going. Take a look around and you can see what the employees are doing, thank the employees.

Mr. Michaels with the log cabin reported that there are a couple of more things they would like to do with the park. Within the next couple of weeks they would like to seal the log house. It hasn't been sealed since it has been put in. The Lyons club will purchase the sealer, Mr. Michaels and Ron Buehler will seal it. Mr. Michaels thanked the Village for putting in the hand pump. They would like the Village to dig a hole so they can bury a plastic fifty gallon drum with a wooden deck on it to stick an old fashion hand pump on top. When the schools go out there they can show them how people lived back in the 1800's. They are in the process of trying to purchase an antique watering trough. They would like to install a hitching post for a horse, they would like to keep everything nestled back along the pine trees. They would like to get some dirt in the park. The Mayor asked if Mr. Buehler could present a drawing on the park changes. Ms. Wendt-Elliott said Randy is in the process of working on a drawing.

**Rules of Council & Personnel Policies Committee** – Mr. Seaman had no report.

**Other Business:** Schedule Trick-Or-Treat night. Chief Weirich would like to have it held on October 31 from 6:00 p.m. to 7:30 p.m. Motioned made that Trick-Or-Treat be held on October 31<sup>st</sup>. from 6:00 p.m. to 7:30 p.m. Ms. Wendt-Elliott moved, seconded by Mr. Seaman, on roll call vote Mr. Douglas voted yes, Mr. Eberle voted yes, Mr. Fickert voted yes, Mr. Seaman voted yes, Ms. Wendt-Elliott voted yes. Motion carried.

Mr. Pauley reported that the Village is looking at another LED light to put on the bridge. The light will be a retro fit and we are looking at a different wattage.

Ms. Wendt-Elliott asked if mileage and turnpike fare could be reimbursed for the trip for training for the forgiveness grant. Mayor said that they could be reimbursed for the turnpike fare and mileage if the village vehicle was available. If the village vehicle is available the Village does not reimburse for mileage. She asked if it was subject to change on the village vehicle, she would like to know if the policy can be changed. Discussion on if just fuel cost could be reimbursed. Mayor Conley suggested that maybe the finance committee should look at if the Village should replace the vehicle or not, to see if the Village would want to have a vehicle or not. Mr. Fickert asked if Mr. Douglas had any conversations with Jenny Busche in the past regarding the Village vehicle. Mr. Douglas said they had looked at it in the past and can look into it again. Mr. Fickert asked if the

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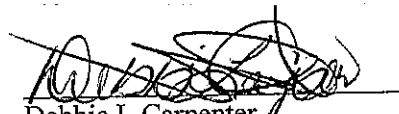
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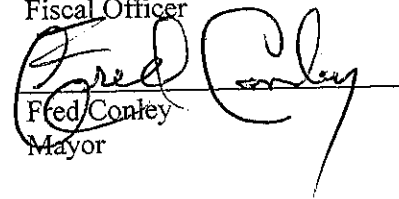
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Fiscal Officer could look at the expenses for the past twelve months to see if employees have been reimbursed for mileage. To make sure that if the employee was reimbursed for mileage to check to see if the Village vehicle was available for use. Discussion followed on travel for the Village and reimbursement of mileage. Mr. Douglas asked if this is a Rules of Council task and if it needs to be revisited.

Mr. Eberle moved, seconded by MrsWendt-Elliott to adjourn. With all members of Council present answering in the affirmative, meeting adjourned 8:37 p.m.

  
Debbie L. Carpenter  
Fiscal Officer

  
Fred Conley  
Mayor