

Held

November 5,

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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, Angela Petersen, Jon Fickert, Jim Seaman, Donna Wendt-Elliott. Bill Eberle was excused.

Minutes of the October 15, 2012 meeting stand approved with the following corrections: Reading or Ordinance headings should be changed Reading of Ordinances. Under Ordinance No. 15-2012, change the spelling of verses to versus. Under comments regarding the proposal solar agreement should be changed to proposal of the solar agreement. Under utility committee graded to a tower AMI in the future should be upgraded to a tower AMI in the future. Also, utility committee report, under and idea of usage should be changed to an idea of usage. It was stated that Mr. Douglas said he was in favor of it as that is the way the consultant wants to go. Mr. Eberle made the statement not Mr. Douglas. Under Other Business personal should read personnel. There was also a correction on the spelling of Angela Petersen.

Privileges of the Floor:

Oak Harbor Chamber of Commerce, Valerie Winterfield reported the Chamber had a good Apple Festival despite the weather. The Chamber appreciated all the help from the Villages' Street, Electric and Police Departments. Ms. Winterfield also stated there was a full season of the Farmer's Market this year. The Farmer's Market started in June, with the last one being in October. Although they were fairly successful the Chamber would like to see a little more public participation in the future. There was great vendor participation with approximately 20 vendors. She also stated that The Olde Fashion Christmas will be on December 1, 2012 at the Portage Fire Station. The Chamber will also host their annual dinner February 1, 2013. As a gold sponsor with the Chamber the Village will receive 12 tickets for this event.

Downtown Revitalization, Mike Shadoan, Chairman of the Downtown Revitalization Implementation Committee. The committee was formed as a group of local residents and business owners that are trying to help with the improvement of the downtown. The committee reviewed the layout of the Village and buildings in the Village to determine what they could do first, what would be the quick hits things and what the long term things would be. They are going to start off with the quick things that can financially be obtained and the time resources in completing the projects. Mr. Shadoan explained the area that would be focused on for the revitalization. They will be starting with flower planters, trash receptacles and benches. Their goal is to come up with the ideas and present them to council. They also looked at pedestrian walking patterns, vehicle traffic and parking patterns and the aesthetics of the entire town as people approach the Village and go through the Village. They also looked at the cost, quantities, colors, sizes, life span, maintenance and aesthetics of the flower planters, trash receptacles and benches. In summary they came up with a plan of 13 benches with a budget of \$600 per bench. The budget for the flower planters is a quantity of 30 at a cost of \$660 per planter. The budget for the trash receptacles is a quantity of 17 at a cost of \$920 per receptacle. The total investment of all the items would be \$43,240. The goal would be to receive many of the items as a donation with using a plaque recognition program. If they could obtain the finances for the items they would like to have everything installed by spring of 2013 or by the July 4th celebration at the latest. Mr. Shadoan also reviewed pictures of the flower planters, benches and trash receptacles. Mr. Shadoan is seeking approval from council on the idea and the styles. Mrs. Wendt-Elliott moved, seconded by Don Douglas to allow the Downtown Revitalization Implementation Committee to proceed with the purchases of the flower planters, benches and trash receptacles. On roll call Donna Wendt-Elliott voted yes, Don Douglas voted yes, Jon Fickert voted yes, Angela Petersen voted yes, and Jim Seaman voted yes. The motion carried.

Adam Snyder requested to be removed from the agenda.

Mayor's Report: Mayor reported that he swore in John Liske for the Library Board. The Mayor read a thank you note from Dave and Kathy Eldred pertaining to the new home construction and permits.

The Village received a letter from Time Warner Cable regarding an internal restructuring to streamline their organization. The change should not have any effect on their customers.

The Mayor Also read a letter from the Mayor of the City of Port Clinton making a challenge to participate in the bell ringing for 6 hours at the Salvation Army Red Kettle Station on December 22, 2012. The Mayor was thinking from 3:00 p.m. to 9:00 p.m. at The Community Market in the Village. The Mayor asked for council to help in this challenge.

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The Mayor read a letter from Jon Husted, Ohio Secretary of State the letter expresses concern that people voting on November 6th are not up to speed on State Issue 1, Constitutional Convention and State Issue 2, State-Funded Commission to Draw Legislative and Congressional Districts. The letter lists a phone number and internet site to get information on the two issues.

Another letter was read from the Holiday Bureau for donations.

Mayor Conley then read a letter from Oak Harbor Chamber of Commerce expressing a sincere thank you for the Village's donation for the use of the Village's property at the annual Apple Festival.

Next he read a letter from the Ottawa County CASA to announce that the Ottawa County Stars Dance for CASA will be held on November 17, 2012 at 7:00 p.m. at the Camp Perry Conference Center. The cost is \$30 per person. Mr. Barney explained that CASA are volunteers who are trained to advocate for kids in court. The kids are usually in court because they have been taken from their parents due to abuse or a neglect situation. The parents have a lawyer, the state has a lawyer and the kids have no one to advocate for their position in the court. The volunteers interact with the kids, they talk to the kids to see what they want out of the situation and what the kids feel is best for them. The CASA advocates goes to the courts and advocate that position for the kids.

Police Report – Chief Weirich handed out his monthly report. Trick or Treat was changed from Friday to the following Wednesday. There were 279 kids that visited the police station. Wednesday is the yearly Davis - Besse training in the council chambers for one hour training. The department has a new part time employee, Nicholas Gardner he is from Oak Harbor. Sue Rahm submitted her retirement papers; she is retiring the end of December. Dispatch contracts are up with Carroll Police Fire and EMS, Portage Fire and Mid County. There has been no change in the cost and the contracts have been renewed.

Fiscal Officer's Report: Mrs. Carpenter reported that the October financial reports have been distributed.

Income Tax Administrator's Report: No report.

Village Administrator's Report: Mr. Pauley reported that various crews are continuing to pick up debris cleanup from super-storm-Sandy. Leaf pickup continues. Residents are asked to not rake leaves into the roadway, gutters or on top of the drainage basins. CSO basin repairs continue. An updated status will be discussed in the Finance Committee work session. Mr. Pauley attended the AMP annual conference. The village did receive the Safety Award for 2012 for zero loss time and zero reportable injuries. There should be two projects from AMP coming within the next 45 days to review. Mayor Conley received correspondence from Ohio Rail Development Commission regarding the crossing closures at W. Oak and W. Walnut streets. At their request the Village will be posting "Sidewalk Closed" signs. Mr. Pauley is awaiting council comment on the draft RFP (request for proposal) for the AMR/AMI system. There was discussion on coal prices that was mentioned at the last meeting. Mr. Pauley explained the cost and how it is arrived at for energy prices. Mr. Fickert is waiting for the three different plans for the water meters. Mr. Fickert would like a water meter report every month. Mr. Fickert said that the Village needs to move on the water meters. Mr. Pauley also discussed the solar panels that were mentioned in the prior meeting minutes of being free if they were free or if there is a charge for them. Mr. Fickert pointed out that Mrs. Wendt-Elliott had requested information from Solar Planet and did not receive it. Mr. Fickert stated that a consultant that the Village hired had said the water meters need to be replaced. Mayor Conley will meet with Mr. Pauley to discuss the matters. Mr. Seaman asked Mr. Pauley what he needed from council for the RFP. Mr. Pauley discussed different options that were presented in the RFP. Mr. Pauley wanted to clarify the rates that are being charged to the Village. Also the process of how the rates are calculated was discussed.

A letter was received from Ohio Rail Commission they were concerned about the number of pedestrians crossing on Oak and Walnut Streets signs are ordered and will be posted. Mayor Conley called the school and asked them if they would let their students know.

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Solicitor's Report: Mr. Barney updated counsel that himself, Kim Mehlow, Kim Galway and Mr. Pauley have met on the Village's late utility bills and how they are being paid for. This past week was the Village's first small claims case against a landlord because of not being able to find the tenant. The tenant owed \$350 and the Village couldn't find them so a law suit was brought against both the landlord and the tenant. The court heard the case against the landlord. The landlord got a lawyer, and the Village compromised by \$50 and it was paid that day. The landlord had concerns that the electric and utilities were not being shut off quick enough. While the landlord understood what the ordinance states in that he had to pay a certain amount he also felt that he should not be responsible for all of it because they were not being turned off quick enough. As part of the discussion before April or May the Village's rules and policies were different. Some of this landlord's utilities were prior to April and May, some of the charges were large ones. They reviewed the charges to see how they could be paid. Going forward the Village is turning services off as quickly as possible. Also going forward when the tenant doesn't pay the landlord will have to pay and the landlord. There is progress being made.

Business of the Meeting:

Third reading of 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. Douglas motioned to bring Ordinance No. 15-2012 to the floor. The motion was seconded by Jim Seaman. There was discussion on the ordinance regarding the PERS changes and how that would affect the credit hours. Mrs. Carpenter reported that PERS will be changing in 2014. As of right now the full credit for PERS is \$250 per month. Starting January 1, 2014 the amount for full credit hours will go to \$600 per month. As the current ordinance stands there would be full credit for the mayor's position, however in 2014 when they raise the amount to \$600 that position would not receive full credit hours for PERS. Mr. Douglas stated that the rates for the mayor's spot will not take effect until 3 years out. Mr. Douglas read section 4 of the ordinance, saying that any ordinance or resolution that is in conflict with this ordinance is hereby repealed. Mr. Douglas asked for clarification on this section. Mr. Barney explained that there is an ordinance setting the mayor and councils' pay raises this ordinance would supersede that ordinance. Mr. Barney said the ordinance setting the pay range was not in conflict it doesn't set the salary it just sets the range. There is a state statute that says this is how you set your ordinance for council. This ordinance actually sets the amount whereas the other ordinance sets the range. If this ordinance is passed it doesn't change the other ordinance. Mr. Seaman clarified that in 2014 the full credit amount is \$600 per month, then the range ordinance would need to be modified. Mr. Barney said that both ordinances would need to be changed. There was discussion on the change for the full credit for mayor and half credit for council. Mr. Seaman asked if the amount of pay could be amended, Mr. Barney said they could amend the amount of pay. If the amount of pay is outside the range council would need to amend the salary range ordinance as well. It was suggested that the mayor's amount of pay should be two times council and receive full credit hours with PERS. On roll call Mr. Douglas voted no, Mr. Fickert voted yes, Mrs. Petersen voted no, Mr. Seaman voted no, Mrs. Wendt-Elliott voted no. Motion failed, Ordinance No. 15-2012 is not adopted.

First Reading of Ordinances and Resolutions:

Resolution No. 12-2012, A resolution to make temporary appropriations for current expenses and other expenditures of the Village of Oak Harbor, State of Ohio, for the period January 1, 2013 through March 31, 2013.

Tabled legislation Ordinance No. 11-2012

Council Board Representatives:

Mid County EMS – Mr. Douglas reported the next meeting is November 14th at 7:30 p.m.

Portage Fire District – Mr. Fickert reported the next meeting is next Monday at 7:30 p.m.

Planning Commission/BZA – Mr. Pauley reported the next meeting as it is the 12th which is a holiday it will be held on the 13th.

Regional Water Policy Board Representative – Mr. Pauley no report.

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WORK SESSION

Mayor Conley started the work session at 8:09 p.m.

Council Committee Reports:

Finance Committee – Mr. Douglas turned the floor over to Mr. Stalter with Poggemeyer Design Group and Jim Kelly with Edward Kelly & Sons for an update on the CSO project. Mr. Stalter reviewed the original project cost as of November 1st being \$2,269,315. The repair cost estimates Edward Kelly & Sons provided at the start of the project was \$664,671, the projected final estimated cost is at \$1,191,502. Mr. Stalter reviewed the changes in the design that increased the project cost. Mr. Salter reviewed the funding sources of the project with the Village's net cost being \$502,311 the net cost less betterments is \$254,244. Mr. Stalter explained that the reason the cost is where they are is due to the soil being much worse than everyone anticipated. The soil had a lot of organics in it and was very wet. EDP determined that the soil had to be removed and replaced. Mr. Stalter estimated that it is about 53% more work that had to be done. That is why the project is running longer and the cost is increased. There was a lot more dirt out there to move. Mr. Kelly reported that they are working Fridays and Saturdays and that has increased the cost. Mr. Kelly gave an update on the progress of the project. The crew has been working overtime to try to get the project completed and to beat the weather. Mayor Conley asked if Mr. Kelly was firm with the completion date. Mayor Conley was concerned with the increases and inquired about having Mr. Kelly sign a contract as to the final cost of the project. Mr. Kelly stated that it is his goal to complete the project by the end of the month. Mr. Kelly said he feels they will be pretty close to the updated figure. Mr. Kelly said that their contract with the Village is time and material. Mayor Conley commented that there is about a \$200,000 increase and asked Debbie Carpenter to explain how the funds would be covered so the Village would not need to borrow any money. Mrs. Carpenter reported that the shortfall is \$229,717.00. Mrs. Carpenter reported that there is \$216,363.43 left in the CSO Capital Improvement account and that the monies would be taken out of that account first with leaving a shortfall of \$13,353.57 which will be taken out of the Capital Improvement savings account #602.504.5561. Mr. Douglas was concerned about the overage and overtime as to why it hasn't been discussed before now. It was discussed as to why there was an overage. The overage was being discussed in progress meetings. Mr. Fickert expressed concern regarding the original cost compared to the current cost and how it would affect the residents. Discussion continued on the problems with the project and the completion of the project. Mrs. Petersen motioned to increase the cost of \$229,717 for the CSO project, seconded by Mr. Douglas. On roll call Mrs. Petersen voted yes, Mr. Douglas voted yes, Mrs. Wendt-Elliott voted yes, Mr. Fickert voted yes, Mr. Seaman voted no. The motioned carried.

Parks Committee – Mrs. Wendt-Elliott reported that 2012 has been a successful year. Mrs. Wendt-Elliott then passed the floor to the Operations Manager – Public Works Department, Randy Genzman. Mr. Genzman reported that the sports leagues are done. There is still practicing going on at the park, with some tournaments going on. The parks are closed down on the water side. The water is shut off and the restrooms are all closed. Veterans Park had the portables delivered and they will be there until April. There are some repair and maintenance items that need to be done. When the November financials go out there will be a loss there because of the repairs that we need.

Rules of Council & Personnel Policies Committee – Mr. Seaman reported that he included in everyone's packets a copy of the policy and procedures for travel expenses. Mr. Seaman reported that Mrs. Wendt-Elliott and Mr. Fickert went to the training on the forgiveness of the loan grants and that it was brought up for discussion about mileage being paid. Mr. Seaman reviewed the portion of the policy that states if the village car is available that they are to use the village car. It does state that mileage can be paid according to the IRS it also says whenever possible the appropriate administrative official will assign a Village vehicle. Mr. Seaman noted that the Village vehicle is getting up in age and becoming in disrepair. There was other discussion that people don't feel safe driving the Village vehicle out of town. Mr. Seaman discussed how the Village would like to proceed. Mr. Seaman wanted to address the reimbursement to Mrs. Wendt-Elliott and Mr. Fickert on their mileage. Mr. Seaman pointed out that people have been paid mileage for what purpose. Mr. Pauley has been paid for zoning inspections when the vehicle was not in service. The policy specifically says vehicle travel to and from meetings, conferences and conventions. Mr. Seaman pointed out

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that it doesn't state for daily business or zoning inspections regardless if the car is in service or not. Mr. Seaman stated that if the Village paid for those expenses that the Village needs to look at the expenses for Mrs. Wendt-Elliott and Mr. Fickert. Mr. Douglas pointed out that under paragraph 3 in the policy and procedure manual that would be a possible conflict that it states that mileage reimbursement is payable to only one of two or more employees traveling on the same trip. Mr. Douglas asked if the Village would be out of compliance since they both went to the same conference. Mr. Fickert asked about zoning inspections mileage being paid. Mayor Conley pointed out that if Mr. Pauley is going to a zoning inspection that it is a meeting. Mr. Fickert reviewed the travel log on the repairs of the Village vehicle and the payments made during that time. Mr. Fickert pointed out that the zoning inspections that were paid seemed high as the inspections are all in the Village. Mr. Fickert is not concerned if he gets paid for the mileage but would like to see a policy in place and a way council people would get paid when they go to a conference. Mr. Fickert pointed out that there are more vehicles that the Village owns that is available for use. Mayor Conley pointed out that the policy is in place. Mr. Fickert inquired about the Village vehicle log. Mr. Douglas stated that the policy needs an out for people to use their own vehicle at a possible reduced mileage rate. Mrs. Wendt-Elliott expressed concern about the Village vehicle breaking down when on the road away from the Village. There was discussion on how the policy should be changed and the Mayor directed Mr. Barney to draft legislation for the next council meeting. It was noted that the Mayor should approve the travel to any meetings, seminars or conferences. Council discussed the Village vehicle and its use and repairs. Mr. Seaman asked Mr. Pauley to comment on the Village vehicle repairs. Mr. Pauley stated that the vehicle is not being used on a regular basis and due to that fact there are a lot of repairs. Mr. Seaman reviewed the mileage that has been traveled with the Village vehicle and the cost related to the vehicle. Mr. Seaman read the breakdown on the expenses related to the Village vehicle and stated that the expenses are minimal. Mr. Seaman reviewed the mileage that would be paid out if the Village did not have a vehicle. Mr. Douglas pointed out that over a period of time the mileage paid out would add up and the Village could buy a new car for \$12,000 to \$20,000. Mr. Fickert pointed out that the issue is not driving around town it is when the car is taken out of town that is a problem. It was discussed that the old police cars are used in some places as a Village vehicle. Mrs. Petersen asked Mr. Barney to add to the policy change Village business. Mayor Conley stated that the first step is to look at the policy and make changes to it. Mayor Conley stated that the Village vehicle should not be taken out of town any more. Mr. Douglas pointed out that the numbers indicate that a Village vehicle is still warranted. Mr. Douglas thinks the policy needs to be changed to reflect that and give someone the option to use their own vehicle but have an incentive to use the Village vehicle. Possibly give a reduced mileage rate if someone uses their own vehicle. Mayor Conley stated that enough information has been given to Mr. Barney to draft the changes in the policy and that the Village vehicle will not be used for out of town trips.

Other Business:

Mr. Fickert motioned to go into Executive Session to discuss the employment of a public employee to include Council members, the Mayor and the Solicitor, seconded by Mr. Douglas. On roll call Mr. Fickert voted yes, Mr. Douglas voted yes, Mrs. Petersen voted no, Mrs. Wendt-Elliott voted yes, Mr. Seaman voted yes. Council went into executive session at 9:14 p.m. Mr. Seaman motioned to exit executive session, seconded by Mrs. Wendt-Elliott. On roll call Mr. Seaman voted yes, Mrs. Wendt-Elliott voted yes, Mr. Douglas voted yes, Mr. Fickert voted yes, Mrs. Petersen voted yes. Council returned to regular session at 9:52 p.m. Mayor Conley announced that no decisions were made and no action was taken as a result of executive session.

Mrs. Petersen moved, seconded by Mr. Seaman to adjourn. With all members of Council present answering in the affirmative, meeting adjourned 9:54 p.m.


Debbie L. Carpenter

Fiscal Officer


Fred Conley

Mayor