

# COUNCIL MEETING

*April 8, 2014*

Vice Mayor Tinnerman led Council and the public in the Pledge of Allegiance.

The invocation was given by Vice Mayor Tinnerman.

Vice Mayor Tinnerman called the meeting to order.

*Present were:* Vice Mayor Tinnerman; *Councilmembers:* Fred Francis, Susan Willis, Scott Fogle, Ora Ashley, and Anthony Miller. *Also present were:* Manager Kline, Law Director Brosh, and Clerk Cantrell. *Absent:* Mayor Coate.

The following Certificate of the Clerk of the Council to the presiding Officer of the Council of the Municipality of West Milton was read: The undersigned certified that all requirements to notice and notification has been done or attempted to be done in compliance with Council Rule III.

*Dated:* April 8, 2014

*Signed:* Linda L. Cantrell CAP-OM  
Clerk of Council

## MOTION TO EXCUSE ABSENT COUNCILMEMBERS

Fred Francis made a motion, seconded by Scott Fogle to excuse Mayor Coate from the April 8, 2014, Council Meeting. After a roll call vote, the motion passed unanimously. *Abstain:* None. *Absent:* Mayor Coate.

## MINUTES

Fred Francis made a motion, seconded Susan Willis to adopt the March 11, 2014, Council Meeting Minutes. After a roll call vote, the motion passed unanimously. *Abstain:* None. *Absent:* Mayor Coate. *Minutes adopted.*

Scott Fogle made a motion, seconded by Fred Francis to adopt the March 25, 2014, Council Workshop Meeting Minutes. After a roll call vote, the motion passed unanimously. *Abstain:* None. *Absent:* Mayor Coate. *Minutes adopted.*

### OTHER MINUTES

There were no other minutes at this time.

### CORRESPONDENCE TO COUNCIL

Manager Kline stated there was no correspondence at this time.

### COMMENTS FROM CITIZENS

Cindy Bach from the Miami County Solid Waste District gave an annual report. She stated they have been told there would be legislative changes to HB592 – regarding Solid Waste Districts. Ms. Back stated these changes have not currently been made. Ms. Back stated they would be going ahead with the five (5) year Solid Waste Program. She gave each Councilmember a flyer giving the ballot issue summary and the pros and cons for State Issue 1 that will appear on the May 2014 primary ballot, to be included in the local Voters' Guide for their review. Ms. Bach went over the information listed on the flyer. She also gave each Councilmember a flyer showing Miami County Sanitary Engineering Events for 2014 for their review.

Jeanine Pratt, Assistant County Prosecutor, stated she is running for Common Pleas Court Judge. She gave information regarding her background.

David R. Snyder, Chairman/Founder, of Falling Waters LLC stated two (2) megawatts of power per hour could be produced by hydroelectric power that could serve approximately two thousand (2,000) customers from the current low head dam in West Milton. He referenced HB267 that addresses hydropower and provides for green energy. Mr. Snyder stated if Council saved the dam they would be preserving an asset for the community. He spoke about Duke Energy in North Carolina producing coal and the environmental issues with using coal for power. He stated the dam could bring in more tourists. Mr. Snyder stated people would come to see the hydropower. He talked about plans they have for the dam. Mr. Snyder stated in 2012 he made an offer to purchase the dam. He stated ODNR is willing to help with the dam. Mr. Snyder talked about the banks of the Englewood dam not being restored and the negative effects of the Englewood low head dam being removed. He suggested the Law Director review the River Foundation contract regarding the dam; because he stated the Municipality would be liable for any overages. Mr. Snyder stated if they purchased the dam it would remove all the worries for the Municipality. He gave the following reasons for saving the dam: better fishing, more tourism, business growth, educational benefits, and no responsibility for the Municipality. Mark Bamburger, legal counsel for Falling Waters LLC, also spoke on behalf of

saving the dam. He stated he believes it would cause great damage to the environment if the dam is removed. He stated the water quality here is excellent. He also questioned since the dam is so old what is the natural course of the river now. Scott Fogle asked if there are other companies in the United States trying to save low head dams, like Falling Waters LLC, and what is the success with this venture. Mr. Snyder stated there is a company starting in Oregon, but to his knowledge Falling Waters LLC is the only established company working to save low head dams in the United States. He also stated Falling Waters LLC has signed an agreement with Goshen, IN, to try and generate electricity at a powerhouse property on a canal that travels through the town. Fred Francis discussed his concerns about selling the property to a company without a proven track record. He asked what would happen if Falling Waters LLC failed in this proposed venture and the company went bankrupt. Mr. Snyder stated it would not be any of your concern. Vice Mayor Tinnerman stated he would like to see what effect this would have on the community. He stated the dam is suppose to be taken out starting in October 2014. To stop the dam from being removed he would have to see real evidence that it would not cost the Municipality any expense. Mr. Bamburger asked to speak to the Law Director regarding the contract. Ora Ashley stated he feels there should be a meeting first.

Don Martin and Don Conley from West Milton gave their opinions regarding saving the dam and the positive effects it could have on the community.

## ORDINANCES AND RESOLUTIONS

### Resolution CM-14-07

*Resolution CM-14-07* was introduced by Council and read by Law Director Brosh, A RESOLUTION AUTHORIZING THE PURCHASE OF A BRUSH CHIPPER. Scott Fogle made a motion, seconded by Ora Ashley to adopt *Resolution CM-14-07*. After a roll call vote, the motion passed unanimously. *Abstain: None. Absent: Mayor Coate. Resolution CM-14-07 adopted.*

### Resolution CM-14-08

*Resolution CM-14-08* was introduced by Council and read by Law Director Brosh, A RESOLUTION AUTHORIZING THE MANAGER TO EXECUTE A CONTRACT FOR THE STABLIZATION AND RESURFACING OF MARKET STREET. Fred Francis made a motion, seconded by Susan Willis to adopt *Resolution CM-14-08*. After a roll call vote, the motion passed unanimously. *Abstain: None. Absent: Mayor Coate. Resolution CM-14-08 adopted.*

Manager Kline stated the Market Street improvements came in under the budget amount. He stated the Resolution authorizes two (2) contracts; one (1) for removal and reclamation of the current surface; the second for new pavement. Manager Kline stated the two (2) contracts total seventy-seven thousand five hundred eighty-seven (\$77,587) dollars. He stated there would be come additional costs for new copper replacements of water connections and engineering/topo survey; but the total project would be well under the one hundred fifty thousand (\$150,000) dollars budgeted amount.

#### Resolution CM-14-09

*Resolution CM-14-09* was introduced by Council and read by Law Director Brosh, A RESOLUTION SUPPORTING STATE ISSUE 1, RENEWAL OF THE STATE CAPITAL IMPROVEMENTS PROGRAM, ON THE MAY 6, 2014, BALLOT. Scott Fogle made a motion, seconded by Ora Ashley to adopt *Resolution CM-14-09*. After a roll call vote, the motion passed unanimously. *Abstain: None. Absent: Mayor Coate. Resolution CM-14-09 adopted.*

Manager Kline stated this Resolution is in support of State Issue 1 which will be on the May ballot. He stated State Issue 1 is a renewal for the financing mechanism for the State Capital Improvement Program. Manager Kline stated the renewal of the ballot issue will provide over \$1.875 billion dollars over the next ten (10) years for capital improvements throughout the state of Ohio. He stated local governments are being asked to show support for this program by passing resolutions of support.

#### MUNICIPAL MANAGER

##### 1) Water Meter Update –

Manager Kline stated approximately two hundred (200) meters have been installed. He stated they are hoping the installation process will pick up over the next week as more postcards would be mailed out. Manager Kline encouraged everyone to call immediately to schedule an installation appointment as soon as they receive the postcard.

##### 2) Old School Park Plan -

Manager Kline stated the Park Board moved their monthly meeting for April to next Wednesday, April 16, 2014, at 6:30 p.m. He stated the Board would be going over the final concepts and making any further adjustments they believe necessary. Manager Kline stated the Park Board intends to present the final product to Council and the public at the May 13, 2014, Council Meeting.

- 3) Basketball Hoops Installation –  
Manager Kline stated the Park Board would be changing the two (2) northern tennis courts near the stadium into basketball courts. He stated Ben Herron and his crew would be doing this work soon. Manager Kline stated he and Ben met with the school and stated some of the chain link fence near the sidewalk would be removed. He stated they hope this would give a more open visual and inviting feeling to the area. Manager Kline stated they would be contacting a couple of companies for a price for painting the courts and changing them from tennis to basketball. He stated they want to use the Municipal emblem on these areas.
- 4) Street Lighting Contract –  
Manager Kline stated the contract with Miami Valley Lighting would be concluding at the end of May 2014. He stated Bob Stallman would like to talk to Council at the April 22, 2014, Council Workshop Meeting and bring a renewed proposal at that time.
- 5) Workshop Meeting –  
A Council Workshop Meeting will be held on Tuesday, April 22, 2014, at 7:30 p.m. in Council Chambers.

Manager Kline read the obituary for Arlene Clifton. Mrs. Clifton passed away March 18, 2014.

#### COMMENTS FROM CITIZENS

There were no comments from citizens at this time.

#### COMMENTS FROM COUNCIL

There were no comments from Council at this time.

#### ADJOURNMENT

Fred Francis made a motion, seconded by Scott Fogle to adjourn the meeting. The meeting adjourned at 8:50 p.m.

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Linda L. Cantrell CAP-OM  
Clerk of Council

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Jason Tinnerman  
Vice Mayor