

# COUNCIL MEETING

October 13, 2015

Mayor Francis led Council and the public in the Pledge of Allegiance.

The invocation was given by Pastor Chris Horn of the West Milton Baptist Church.

Mayor Francis called the meeting to order.

*Present were:* Mayor Francis; *Councilmembers:* Sarah Copp, Scott Fogle, Jason Tinnerman, Anthony Miller, Don Dohrman, and Karen Grudich. *Also present were:* Manager Kline, Law Director Lenee Brosh, and Clerk Cantrell. *Absent:* None.

## MOTION TO EXCUSE ABSENT COUNCILMEMBERS

There were no Councilmembers absent from the October 13, 2015, Council Meeting.

## MINUTES

Scott Fogle made a motion, seconded by Don Dohrman to adopt the July 28, 2015, Council Workshop and Special Meeting Minutes. After a roll call vote, the motion passed unanimously. *Abstain:* None. *Absent:* None. *Minutes adopted.*

Jason Tinnerman made a motion, seconded by Sarah Copp to adopt the September 8, 2015, Council Meeting Minutes. After a roll call vote, the motion passed unanimously. *Abstain:* None. *Absent:* None. *Minutes adopted.*

Jason Tinnerman made a motion, seconded by Don Dohrman to adopt the September 22, 2015, Council Workshop and Special Meeting Minutes. After a roll call vote, the motion passed unanimously. *Abstain:* None. *Absent:* None. *Minutes adopted.*

## CORRESPONDENCE TO COUNCIL

There was no correspondence to Council at this time.

## COMMENTS FROM CITIZENS

There were no comments from citizens at this time.

## ORDINANCES AND RESOLUTIONS

### Ordinance CM-15-32

*Ordinance CM-15-32* was introduced by Council and read by Law Director Brosh, AN ORDINANCE TO AMEND CHAPTER 96 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WEST MILTON, OHIO, REGARDING MUNICIPAL INCOME TAX. The public hearing for *Ordinance CM-15-32* will be held on Tuesday, November 10, 2015, at 7:30 p.m. in Council Chambers of the Municipal Building.

Mayor Francis stated every city and municipality in the state of Ohio has to do an Ordinance regarding their income tax.

### Resolution CM-15-33

*Resolution CM-15-33* was introduced by Council and read by Law Director Brosh, RESOLUTION IN SUPPORT OF THE MILTON-UNION EV SCHOOL DISTRICT TAX LEVY RENEWAL. Jason Tinnerman made a motion, seconded by Anthony Miller to adopt *Resolution CM-15-33*. After a roll call vote, the motion passed unanimously. *Abstain: None. Absent: None. Resolution CM-15-33 adopted.*

### Resolution CM-15-34

*Resolution CM-15-34* was introduced by Council and read by Law Director Brosh, A RESOLUTION AUTHORIZING THE PURCHASE OF A POLICE VEHICLE FOR THE WEST MILTON POLICE DIVISION. Scott Fogle made a motion, seconded by Jason Tinnerman to adopt *Resolution CM-15-34*. After a roll call vote, the motion passed unanimously. *Abstain: None. Absent: None. Resolution CM-15-34 adopted.*

Manager Kline stated if the vehicle for the Police Department is ordered now the price will be held; but the Municipality of West Milton does not have to pay for the vehicle until January 2016. He stated this is just allowing the Municipality of West Milton to get in line to place an order for a vehicle for the Police Department.

### Ordinance CM-15-35

*Ordinance CM-15-35* was introduced by Council and read by Law Director Brosh, AN ORDINANCE TO AMEND THE 2015 APPROPRIATIONS. The public hearing for *Ordinance CM-15-35* will be held on Tuesday, November 10, 2015, at 7:30 p.m. in Council Chambers of the Municipal Building.

## MUNICIPAL MANAGER

- 1) Hallway Lights in Municipal Building –  
Manager Kline apologized for the lights being out in the hallway of the Municipal Building. He stated he would have them repaired tomorrow, October 14, 2015.
- 2) Halloween Activities –  
Manager Kline stated Rotary would be having their annual costume event and parade on Thursday, October 29, 2015. He stated trick-or-treat would be afterwards.
- 3) Thanked Neighbors for Their Patience –  
Manager Kline thanked the resident neighbors in the Larrel Lane area for their patience during the sanitary sewer improvements that were made recently. He stated the project is complete underground and the Municipality would be allowing settling along the trench line for the winter and intends to repave all these streets as early as spring will allow. Manager Kline stated during the construction process there were additional quantities of backfill that was needed along with the rebuild of two (2) manholes. He stated these additions resulted in a change-order for additional costs to the project.

Jason Tinnerman made a motion, seconded by Scott Fogle to acknowledge and approve a change order for the Larrel Lane project in the amount of eleven thousand two hundred eighty-two dollars and eighty cents (\$11,282.80). After a roll call vote, the motion passed unanimously. *Abstain:* None. *Absent:* None.

Ben Herron thanked Jim Wilson and Tim Swartztrauber for their work on the Larrel Lane project. Manager Kline thanked Ben Herron, Jim Wilson, and Tim Swartztrauber for their work on the Larrel Lane project.

Manager Kline stated the Municipality of West Milton would be reimbursed three thousand five hundred (\$3,500.00) dollars for the Larrel Lane project. He stated that would make the Municipality's total for the change-order be seven thousand seven hundred eighty-two dollars and eighty cents (\$7,782.80).

Manager Kline also thanked the residents on the north end of West Milton during the Ohio Department of Transportation (ODOT) reconstruction of the bridge culvert on North Miami Street, especially those living on North Jay Street. He stated to combat the increased traffic and to help maintain a semblance of safety the Municipality has employed *No Parking* along the north side of Jay during this construction. Manager Kline stated ODOT tells him they are on schedule and hope to have this project completed by the end of October.

He stated the Police Department has maintained a strong presence in this area during the project.

4) Tim Swartztrauber – Cancer -

Manager Kline asked everyone to support the Swartztrauber family at Fayevores Banquet Hall on Saturday, November 28, 2015. He stated the time is to be determined. Manager Kline stated the activities would start two (2) hours before the OSU/Michigan game. Company 7 BBQ chili, chili dogs, hot dogs, diced onions, shredded cheese, crackers, pies, and cakes would be served. There will be drawings for large and small door prizes. Some of the prizes are a luxury cabin stay, a 50” TV, chainsaws, and gift cards.

5) Fall Leaf Pick-Up –

Manager Kline stated the West Milton Municipal leaf pick-up would begin on Monday, October 19, 2015, and would continue through the month of November 2015. He asked that residents DO NOT rake the leaves out into the street as this causes problems with the storm sewer system. Manager Kline asked the residents to rake the leaves to the edge of the curb. He also asked the residents to NOT include sticks, limbs, rocks, or other such material as the Municipality cannot pick these items up; and if these items get into the vac system it can cause problems and is unsafe for the Municipal employees.

6) Grant Award Announcement –

Manager Kline stated Chief Busse informed him the West Milton Police Department would be receiving a grant in the amount of four thousand one hundred seventy-six (\$4,176.00) dollars from the Miami County Foundation for the purchase of four (4) Automatic External Defibrillators. He stated these would be included in the West Milton patrol vehicles. Manager Kline thanked Officer Ross Grove for spearheading the grant application process.

7) Garbage Contract –

Manager Kline stated it came to his attention that the alternative bid presented by Rumpke does not meet the Municipality of West Milton’s current garbage and refuse ordinance. He stated Chapter 53.04 of the Codified Ordinances of West Milton requires all garbage and recyclables to be picked up on a weekly basis. Manager Kline stated the Rumpke bid only included pick-up of recyclables every other week. He stated both he and the Law Director believes the Municipality of West Milton cannot accept this bid without the potential of some sort of legal action from the other bidding company (*Waste Management*). Manager Kline stated Council has three (3) basic options: 1) reject all bids and bid it again; 2) reject all bids, change Chapter 53.04 of the Municipality of West Milton’s Codified Ordinances (*Garbage Ordinance*) and then bid it again; or 3) accept the Waste Management bid.

Jason Tinnerman asked if Council has to give a reason for rejecting the garbage bids. Law Director Brosh stated there is nothing in the Municipality of West Milton's Codified Ordinances that says Council has to give a reason for rejecting any bids. It was the consensus of Council to reject the bids for the garbage contract and rebid.

Sarah Copp made a motion, seconded by Jason Tinnerman to reject both garbage bids and asked Manager Kline to bid the garbage contract again. After a roll call vote, the motion passed unanimously. *Abstain*: None. *Absent*: None.

Ms. Copp thanked both companies (*Waste Management and Rumpke*) for participating in the previous bid process.

8) Marijuana on the Ballot -

Manager Kline stated typically he does not communicate any sort of political issue during his Manager's report to Council; but he feels it is necessary to listen to the position the Police Chiefs of Miami County along with the Miami County Sheriff's Department are taking in regard to Issues 2 and 3; which is the legalization of marijuana.

Chief Busse read a letter dated October 7, 2015, from the Miami County Police Chief's Association regarding a statement adopted in solidarity with police leaders across the state of Ohio. The letter stated Issues 2 and 3 would allow marijuana to become more prevalent in the communities in Miami County. The letter asked that citizens vote **NO** on Issue 3 and **YES** on Issue 2. The letter stated if Issue 3 passes the communities in Miami County would see an increase in marijuana related vehicle crashes and a rise in other crimes that would come as a result of the passage of Issue 3. The letter stated if Issue 2 passes it would create a legalized drug cartel in the state of Ohio; meaning they could operate a monopoly on marijuana sales in Ohio. The letter stated Issue 2 would stop the monopoly process if Issue 3 passes.

Anthony Miller stated if marijuana is legalized in the state of Ohio kids would be able to receive marijuana with the consent of a parent. Mr. Miller stated currently the law does not allow someone to use medical marijuana in a public place. He stated if marijuana is legalized it would allow individuals to use the medical marijuana in public places. Mr. Miller stated this is not okay with him and he is against marijuana being legalized.

Mayor Francis stated there are no existing laws that would allow cities and municipalities to tell owners of businesses, that could legally sell marijuana, where they can build or have their businesses.

Mayor Francis read a letter from the Ohio Secretary of State regarding the Tuesday, November 3, 2015, election. The letter asked that the following be explained: Issue 1, Issue 2, and Issue 3. Mayor Francis encouraged citizens to go to [www.ohiosecretary.gov](http://www.ohiosecretary.gov) or call 877-767-6446 to become informed about the issues on the ballot for the November 3, 2015, election.

9) Workshop Meeting –

A Council Workshop Meeting will be held on Tuesday, September 27, 2015, at 7:30 p.m. in Council Chambers of the West Milton Municipal Building.

COMMENTS FROM COUNCIL

Sarah Copp stated she and her family have moved into their new home.

COMMENTS FROM CITIZENS

Dorothy Howard of 1321 Sanlor Avenue, West Milton, stated there is a lot near her home where the power grid goes through there. She stated the lot is grown up in weeds and has not been bush-hogged in over a year. Ms. Howard gave Manager Kline the name of the owner of the property. She stated she was just asking that they bush-hog the weeds and keep the property clean. Ms. Howard stated if they need to go through her yard to get to the property to bush-hog the weeds they are welcomed to do so.

Mayor Francis thanked Ms. Howard for bringing this issue to Council's attention. He asked Manager Kline to look into this. Manager Kline stated he would contact the owner and try to get the issue resolved.

EXECUTIVE SESSION

Jason Tinnerman made a motion, seconded by Scott Fogle to adjourn into an Executive Session pursuant to Charter Section 4.12(b)(5)(b) to consider the purchase of property for a public purpose. After a roll call vote, the motion passed unanimously. *Abstain*: None. *Absent*: None.

Council adjourned into Executive Session at 8:33 p.m.

Jason Tinnerman made a motion, seconded by Scott Fogle to reconvene out of Executive Session. After a roll call vote, the motion passed unanimously. *Abstain*: None. *Absent*: None.

Council came back into session at 9:00 p.m.

ADJOURNMENT

Anthony Miller made a motion, seconded by Scott Fogle to adjourn the meeting.  
The meeting adjourned at 9:01 p.m.

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Linda L. Cantrell CAP-OM  
Clerk of Council

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Fredric M. Francis  
Mayor