

# COUNCIL MEETING

*October 11, 2016*

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

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

Mayor Fogle called the meeting to order.

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

## MOTION TO EXCUSE ABSENT COUNCILMEMBERS

There were no absent Councilmembers from this meeting.

## MINUTES

Anthony Miller made a motion, seconded by Sarah Copp to adopt the minutes for the September 13, 2016, Council Meeting; the September 20, 2016, Special Council Meeting; and the September 27, 2016, Special Council and Workshop Meeting. After a roll call vote, the motion passed unanimously. *Abstain:* None. *Absent:* None. *Minutes adopted.*

## PUBLIC HEARING FOR GAS AND ELECTRIC AGGREGATION

Mayor Fogle stated this November, the voters of West Milton would be asked to consider the question of aggregation of both gas and electric utilities at the November 8, 2016, election. He stated Ross Calliott from AGE was in attendance to explain how the process would work and answer questions.

Mr. Calliott stated Ohio law allows for local communities to join their residents together to shop for electricity and natural gas as a group. He stated if approved by the majority of the voters, Community Choice Aggregation (CCA) allows the community to join its residents together to shop for electricity and natural gas at a lower rate. Mr. Calliott stated the citizens remain in control of their electricity and natural gas rates. He stated CCA allows the community to request suppliers to bid on the collective energy needs of the entire community. Mr. Calliott stated if a good rate is offered all eligible residents and small businesses would automatically be included in the program without charge; but would have the ability to opt-out at any

time without paying a penalty. He stated it is free to participate in the CCA program; aggregated customers would have bulk buying power; nothing changes except the rate being paid for electricity and natural gas; a customer would continue to call DP&L and Vectren or Dominion for any service or billing questions; and the customer is in control and can opt-out of the CCA program at any time without paying a penalty. Mr. Calliott stated if a customer has already selected a supplier on their own they would not be automatically included in the CCA Program; but at the conclusion of a customer's current contract they could opt-in to the CCA Program under the same terms and conditions as the other participants. Mr. Calliott stated individuals that have already selected a supplier could still vote yes to help their friends, neighbors, and families who have not yet chosen a supplier to save money on their utility bills. He stated the CCA Program would start at the May billing for April's usage. Mr. Calliott stated a customer could move in and out of the CCA Program easily. He stated there is no signup fee or termination fee. Mr. Calliott stated the CCA Program is governed by a Plan of Operation of Government and the Public Utilities Commission governs it. He stated once the program is in place no additional voting process would have to take place; but Council could opt to not renew or renegotiate the CCA Program. AGE is paid by the supplier to handle the CCA Program for them. Manager Kline stated the reason this was put on the ballot this year is because the Municipality did a savings plan through DP&L about 2 ½ years ago and that program ends in May of 2017. A lengthy discussion took place.

Mayor Fogle asked if there were additional signs available for individuals wanting to place them on their property. Mr. Calliott stated he would get additional signs to Manager Kline.

#### AMERICAN LEGION

Dennis Albaugh, Commander of American Legion Post 487 stated they are still functioning at the American Legion Post. He stated they are still participating and holding various events. Commander Albaugh gave information as to the various services they still do. He stated they are willing to get out and serve the community. Commander Albaugh asked that any veterans that are not members to become members. Mayor Fogle asked if there is still a program where someone who cannot afford to pay to be a member could get financial assistance to pay their fees. Commander Albaugh stated, "Yes." Mayor Fogle stated the Post 487 has one hundred fifty-seven (157) members and meets the third Tuesdays at 6:30 p.m. at Fayevores on Garland Road.

#### 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

### Resolution CM-16-31

*Resolution CM-16-31* was introduced by Council and read by Law Director Brosh, A RESOLUTION AWARDDING A CONTRACT FOR THE EMERICK ROAD SANITARY SEWER REHABILITATION PROJECT FOR THE RELINING OF THE SANITARY SEWER LINE. Anthony Miller made a motion, seconded by Don Dohrman to adopt *Resolution CM-16-31*. After a roll call vote, the motion passed unanimously. *Abstain: None. Absent: None. Resolution CM-16-31 adopted.*

### Resolution CM-16-32

*Resolution CM-16-32* was introduced by Council and read by Law Director Brosh, A RESOLUTION AWARDDING A CONTRACT FOR THE EMERICK ROAD SANITARY SEWER REHABILITATION PROJECT FOR THE RELINING OF THE EXISTING MANHOLES.

Jason Tinnerman made a motion, seconded by Karen Grudich to amend *Resolution CM-16-32* by adding the following to Section 1 “for a contract amount of \$24,960.00.” After a roll call vote, the motion passed unanimously. *Abstain: None. Absent: None.*

Jason Tinnerman made a motion, seconded by Anthony Miller to adopt *Resolution CM-16-32* as amended. After a roll call vote, the motion passed unanimously. *Abstain: None. Absent: None. Resolution CM-16-32 adopted.*

### Resolution CM-16-33

*Resolution CM-16-33* was introduced by Council and read by Law Director Brosh, A RESOLUTION AUTHORIZING A COOPERATIVE AGREEMENT FOR THE PLANNING AND DESIGN OF THE LUDLOW FALLS SEWER SYSTEM PROJECT BETWEEN THE VILLAGE OF WEST MILTON, OHIO, AND THE OHIO WATER DEPARTMENT AUTHORITY. Anthony Miller made a motion, seconded by Jason Tinnerman to adopt *Resolution CM-16-33*. After a roll call vote, the motion passed unanimously. *Abstain: None. Absent: None. Resolution CM-16-33 adopted.*

Manager Kline stated this is a Resolution authorizing the application for a planning loan through the Ohio Water Development Authority (OWDA). He stated the Municipality of West Milton has been working toward the goal of constructing

sanitary sewer to Ludlow Falls. Manager Kline stated it is an approximately three million (\$3,000,000.00) project and to accomplish this goal there will be the need for many grants, forgivable loans, and loans. He stated by doing this project it will help protect the home values of owners in Ludlow Falls. Manager Kline stated the first of many grant applications have been sent to the Ohio EPA. He stated the Ohio EPA offers a loan forgiveness program; however, they do not make and announce their decisions until the end of December 2016. Manager Kline stated once EPA says yes the applicant must be under construction contracts by October 2017. He stated to accomplish that goal, a Permit to Install (PTI) must be applied for and granted first. Manager Kline stated there are two other grant programs through other agencies and to be eligible for these grants (*a half million and a \$750K un-sewered communities grant*) the applicant must have a PTI. He stated to get a PTI the entire project must be engineered with construction drawings and ready to bid. Manager Kline stated this would be about six months' worth of work. He stated OWDA offers a planning loan which can be rolled into a construction loan; which the Municipality of West Milton would need to have because all of the grants will not pay for everything. Manager Kline also explained what a planning loan means and how it would work.

## MUNICIPAL MANAGER

### 1) Leaf Season –

Manager Kline stated leaf pickup would start on Monday, October 17, 2016, and go through the end of November weather permitting. He asked the residents to NOT rake the leaves out into the street. Manager Kline stated when leaves are placed in the street it can cause damming of the storm sewers and they make the streets slippery. He asked the residents to rake the leaves to the curb and leave them in the curb strip between the side walk and curb.

### 2) Halloween Events –

Manager Kline stated the Miami Street Imaginarium Community Arts and Music Center would be hosting a Zombie Walk and Open Music Jam on Saturday, October 29, 2016, from 4:00 p.m. to 11:00 p.m.

### 3) Rotary Party and Beggars Night –

Manager Kline stated the Rotary Party and Beggars Night will be held on Monday, October 31, 2016, at 4:00 p.m. to 6:00 p.m. downtown. He stated Rotary would be having hot dogs and other goodies. Manager Kline stated Nick Gnarly, a Milton-Union High School 2010 graduate that was a contestant on America's Got Talent, would be performing a free concert. He stated there would also be a costume parade. Manager Kline stated Beggar's Night would then start at 6:00 p.m. to 8:00 p.m. He asked residents that planned on

participating to turn on their outside lights and asked that vehicles drive slow for the ghost, goblins, and kiddies.

4) Marijuana Moratorium -

Manager Kline stated he and Law Director Brosh would be attending an Ohio Municipal League sponsored webinar which should help give guidelines as the Municipality goes through this process. The webinar will be held on Thursday, October 20, 2016.

5) Workshop/Special Meeting –

A Council Workshop/Special Meeting will be held on Tuesday, October 25, 2016, at 7:30 p.m. in Council Chambers of the West Milton Municipal Building.

COMMENTS FROM COUNCIL

Sarah Copp stated Saturday, October 8, 2016, was the last Farmers Market for 2016; but plans are to continue doing it in 2017.

Anthony Miller reminded voters to vote for the Police and Fire Levy and asked them to support the departments and this renewal.

COMMENTS FROM CITIZENS

Bob Stahlman of Miami Valley Lighting stated DP&L would be inspecting some of their facilities this week. He stated they would be checking the transmission system by helicopter. He explained the process to check the system. Mr. Stahlman stated if anyone had concerns they could call DP&L at 800-433-8500.

EXECUTIVE SESSION

Anthony Miller made a motion seconded by Jason Tinnerman to go into an Executive Session to begin the process of selecting a person for the open Council seat and to consider the appointment of a public official. After a roll call vote, the motion passed unanimously. *Abstain*: None. *Absent*: None.

Council adjourned into Executive Session at 8:40 p.m.

Anthony Miller made a motion, seconded by Jason Tinnerman 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 10:51 p.m.

ADJOURNMENT

Anthony Miller made a motion, seconded by Jason Tinnerman to adjourn the meeting. The meeting adjourned at 10:52 p.m.

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Linda L. Cantrell CAP-OM  
Clerk of Council

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Scott Fogle  
Mayor