

# COUNCIL MEETING

July 9, 2013

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

Mayor Coate called the meeting to order.

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

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:* July 9, 2013

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

## MOTION TO EXCUSE ABSENT COUNCILMEMBERS

Susan Willis made a motion, seconded by Fred Francis to excuse Scott Fogle from the July 9, 2013, Council Meeting. After a roll call vote, the motion passed unanimously. *Abstain:* None. *Absent:* Fogle.

Fred Francis made a motion, seconded by Jason Tinnerman to excuse Debbie Miller from the June 25, 2013, Council Workshop Meeting. After a roll call vote, the motion passed unanimously. *Abstain:* None. *Absent:* Fogle.

## MINUTES

Jason Tinnerman made a motion, seconded Ora Ashley to adopt the June 11, 2013, Council Meeting Minutes. After a roll call vote, the motion passed unanimously. *Abstain:* None. *Absent:* Fogle. *Minutes adopted.*

Susan Willis made a motion, seconded by Fred Francis to adopt the June 25, 2013, Council Workshop Meeting Minutes. After a roll call vote, the motion passed with Francis, Tinnerman, Ashley, Willis, and Mayor Coate voting *yes*. *Abstain:* Miller. *Absent:* Fogle. *Minutes adopted.*

## OTHER MINUTES

There were no other minutes at this time.

## COMMUNITY PRIDE WINNERS

Mayor Coate presented plaques to the following Community Pride Winners:

Gary Pierce  
Matt and Jessica Brown  
Jon and Jacque Spitler

Mayor Coate thanked the Community Pride Award recipients for working to keep their properties looking good.

## CORRESPONDENCE TO COUNCIL

Manager Kline stated he received a letter from Gregory L. Williams, Esq. of Whitt Sturtevant LLP stating Vectren Energy Delivery of Ohio, Inc. is filing an application requesting the Public Utilities Commission of Ohio approve the extension and adjust the scope of the Distribution Replacement Rider.

## COMMENTS FROM CITIZENS

There were no comments from citizens at this time.

## ORDINANCES AND RESOLUTIONS

### Resolution CM-13-10

*Resolution CM-13-10* was introduced by Council and read by Law Director Sell, A RESOLUTION AUTHORIZING AND APPROVING THE SUBMISSION OF AN ALTERNATIVE TAX DOCUMENT FOR THE FISCAL YEAR 2014. Jason Tinnerman made a motion, seconded by Debbie Miller to adopt *Resolution CM-13-10*. After a roll call vote, the motion passed unanimously. *Abstain: None. Absent: Fogle. Resolution CM-13-10 adopted.*

### Resolution CM-13-11

*Resolution CM-13-11* was introduced by Council and read by Law Director Sell, A RESOLUTION OF APPRECIATION TO ERWIN CHRYSLER DODGE JEEP OF TROY, OHIO. Fred Francis made a motion, seconded by Susan Willis to adopt *Resolution CM-13-11*. After a roll call vote, the

motion passed unanimously. *Abstain:* None. *Absent:* Fogle. *Resolution CM-13-11 adopted.*

Mayor Coate presented the resolution of appreciation to Mr. Erwin. Susan Willis stated as Parade Chairman she wanted to thank Mr. Erwin for his continued support year after year by furnishing cars for the parade. Mr. Erwin stated he was glad to do it.

#### Resolution CM-13-12

*Resolution CM-13-12* was introduced by Council and read by Law Director Sell, A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED. Ora Ashley made a motion, seconded by Jason Tinnerman to adopt *Resolution CM-13-12*. After a roll call vote, the motion passed unanimously. *Abstain:* None. *Absent:* Fogle. *Resolution CM-13-12 adopted.*

Manager Kline stated he asked Law Director Sell to not read the part about “Yount Street Sanitary Replacement” due to so much competition and that the Ohio Public Works Commission usually only accepts applications for one project. Mr. Kline stated the West Market Street Reconstruction project is a very important project and a loan is being requested for this project. He stated the Emerick Street Sanitary Rehabilitation project is for a loan and a grant.

#### Resolution CM-13-13

*Resolution CM-13-13* was introduced by Council and read by Law Director Sell, A RESOLUTION TO PERMIT THE MANAGER FOR THE MUNICIPALITY OF WEST MILTON, OHIO, TO ENTER INTO AN AGREEMENT WITH OHIO CORPORATION TO LEASE “RACK SPACE” FROM THE MUNICIPALITY AS A FIBER OPTICS NETWORK TRANSMISSION SITE. Debbie Miller made a motion, seconded by Susan Willis to adopt *Resolution CM-13-13*. After a roll call vote, the motion passed unanimously. *Abstain:* None. *Absent:* Fogle. *Resolution CM-13-13 adopted.*

Manager Kline stated this is a twenty (20) year agreement. He stated the company will be paying the Municipality an up-front fee of fifty-four thousand dollars (\$54,000.00) and a monthly fee of one hundred and twenty-five dollars (\$125.00) which will go up three percent (3%) every

year after. Manager Kline stated this will give the Municipality a point-of-presence.

#### Resolution CM-13-14

*Resolution CM-13-14* was introduced by Council and read by Law Director Sell, A RESOLUTION DECLARING THE NECESSITY TO PLACE AN ADDITIONAL OR A REPLACEMENT STREET LEVY ON THE NOVEMBER 2013 BALLOT. Ora Ashley made a motion, seconded by Jason Tinnerman to adopt *Resolution CM-13-14*. After a roll call vote, the motion passed unanimously. *Abstain*: None. *Absent*: Fogle. *Resolution CM-13-14 adopted.*

Manager Kline stated, “We do not take the consideration of this levy lightly.” He stated the current levy is for street maintenance only, was originally passed in 1984, has been renewed three (3) or four (4) times, and the Municipality receives ninety-four thousand dollars (\$94,000.00) a year (*which is 1984 rates*). He stated the Municipality is getting less revenue from the state and county governments. Manager Kline stated the Municipality will be paving some streets this year; but that it has taken four (4) years of collections to do this one (1) project. He stated the Municipality can only pave about one-fifth (1/5<sup>th</sup>) of the amount they could pave back in 1984 with the revenue received from the current levy based on 1984 rates.

Law Director Sell stated the Resolution and Ordinance for the levy requires a two-thirds (2/3rds) approval vote from Council to be placed on the ballot.

#### Ordinance CM-13-15

*Ordinance CM-13-15* was introduced by Council and read by Law Director Sell, AN ORDINANCE DECLARING THE AMOUNT OF TAXES THAT MAY BE RAISED BY LEVY AT THE MAXIMUM RATE AUTHORIZED BY LAW WITHOUT A VOTE OF THE ELECTORS TO BE INSUFFICIENT, AND DECLARING THE NECESSITY THAT LEVY IN EXCESS OF SUCH RATE, FOR IMPROVEMENT OF THE STREETS OF THE MUNICIPALITY, INCLUDING THE STORM SEWERS INCIDENT THERETO. The public hearing for *Ordinance CM-13-15* will be established as soon as information is received from the Miami County Auditor’s Office necessary to place this levy on the ballot for the November 2013 election.

#### Resolution CM-13-16

*Resolution CM-13-16* was introduced by Council and read by Law Director Sell, A RESOLUTION AUTHORIZING THE MANAGER TO EXECUTE A CONTRACT FOR THE REPAIR AND REPLACEMENT OF THE

ROOF AT THE FIRE TRAINING CENTER. Jason Tinnerman made a motion, seconded by Debbie Miller to adopt *Resolution CM-13-16*. After a roll call vote, the motion passed unanimously. *Abstain: None. Absent: Fogle. Resolution CM-13-16 adopted.*

Manager Kline stated thirty thousand dollars (\$30,000.00) was placed in the 2013 Budget for this project. He stated he would like to get started on this project while the weather is good.

## MUNICIPAL MANAGER

### 1) New Parking Lot Update –

Manager Kline stated before the Council Meeting this evening Mayor and Council dedicated the new parking lot where the old PVP building use to be. He stated the parking lot is now open and invited everyone to come downtown and enjoy the many businesses. Manager Kline stated parking is limited to two (2) hours maximum Monday through Saturday from 9:00 a.m. to 6:00 p.m. and any other time from 6:00 p.m. until 9:00 a.m. Monday through Saturday and all day Sundays will not be limited. Manager Kline asked Tom Beck of WMPA to show a brief clip of the dedication. Manager Kline stated signs would be going up soon.

### 2) Board of Adjustment Appointees –

Fred Francis made a motion, seconded by Susan Willis to appoint Bill O'Brien, Bob Herron, and Dawn Jay to the Board of Adjustments for a full term starting immediately. After a roll call vote, the motion passed unanimously. *Abstain: None. Absent: Fogle.*

Manager Kline stated there are currently two (2) other members on the Board of Adjustment – Paul Johnson and Jim Keller.

### 3) Charter Review Update –

Manager Kline stated the Charter Review Commission has been meeting and doing some good work. He stated they found they were rushing to try and put forth to Council a full report before the August deadline to be able to place any issue before the voters for the November 2013 election. Manager Kline stated because the Commission members did not want to let anything slip through the cracks they were going to slow down and recommend to Council any changes which they should put forth to the voters for the May 2014 election.

- 4) Water Meter Bids –  
Manager Kline stated the water meter bids were opened on July 1, 2013. He stated he has made application for grants and loans for the water meters.
- 5) Workshop Meeting –  
There will be a Council Workshop Meeting on Tuesday, July 23, 2013.

#### COMMENTS FROM CITIZENS

There were no comments from citizens at this time.

#### COMMENTS FROM COUNCIL

Ora Ashley stated he wanted to thank the citizens for the new parking lot.

Susan Willis stated she received a phone call from one of the organizers of Troy's Fourth of July Parade asking why West Milton's parade is such a huge success. She stated she replied it simply is the members of the community. She thanked the citizens of the community, Jason Tinnerman for introducing her to Joy Beetley, Joy Beetley and the crew at the Transfiguration Church, Betsy Ryan, Tawni Gettinger, Dan Niswonger, Officer Stevens, Erwin's, Ben Herron, Ann Garner, and Manager Kline for all their assistance with the Fourth of July – Independence Parade. Ms. Willis stated planning for 2014 has started and asked for volunteers.

Jason Tinnerman thanked Susan Willis for heading the committee for the Fourth of July – Independence Parade.

#### ADJOURNMENT

Fred Francis made a motion, seconded by Susan Willis to adjourn the meeting. The meeting adjourned at 8:23 p.m.

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Linda L. Cantrell CAP-OM  
Clerk of Council

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Michael Coate II  
Mayor