

# COUNCIL MEETING

*January 7, 2014*

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

The invocation was given by Rev. Justin Williams from Hoffman United Methodist Church.

## OATH OF OFFICE

Assistant Law Director Brosh administered the Oath of Office to the following: Mayor Michael Coate, Councilmember Susan Willis, and Councilmember Elect Anthony Miller.

Mayor Coate called the meeting to order.

*Present were:* Mayor Coate; *Councilmembers:* Fred Francis, Jason Tinnerman, Scott Fogle, Ora Ashley, and Susan Willis. *Also present were:* Manager Kline, Assistant Law Director Brosh, and Clerk Cantrell. *Absent:* None.

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:* January 7, 2014

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

## CHAIRPERSON OF COUNCIL

Anthony Miller nominated Scott Fogle to be the Chairperson of Council. Fred Francis nominated Susan Willis to be the Chairperson of Council.

Clerk Cantrell gave each Councilmember a blank piece of paper to write down their vote for Chairperson of Council. After collecting each Councilmembers voting ballot, Clerk Cantrell counted the votes. The vote was five (5) for Susan Willis, one (1) for Scott Fogle, and one (1) no on both.

## MOTION TO EXCUSE ABSENT COUNCILMEMBERS

No one was absent from this meeting.

## MINUTES

Jason Tinnerman made a motion, seconded Fred Francis to adopt the December 10, 2013, Council Meeting Minutes. After a roll call vote, the motion passed unanimously. *Abstain: None. Absent: None. Minutes adopted.*

Susan Willis made a motion, seconded by Scott Fogle to adopt the December 10, 2013, Council Workshop Special Meeting Minutes. After a roll call vote, the motion passed unanimously. *Abstain: None. Absent: None. Minutes adopted.*

## OTHER MINUTES

There were no other minutes at this time.

## COMMUNITY PRIDE AWARDS CHRISTMAS LIGHTS

The Community Pride Awards were awarded to the following: David and Vicki Brown; Bob and Marcia Cox; and Jason and Kat Land.

## 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-13-28

Fred Francis made a motion, seconded by Jason Tinnerman to take *Ordinance CM-13-28* off the table and amend as follows:

<u>To The:</u>		<u>New Total:</u>
General Fund	\$12, 850	\$1,874,934
Street Levy Fund	\$ 85,000	\$ 178,000
Street Constr. & Maint.	\$ 1,400	\$ 291,675
Water Capt'l Improve	\$ 1,675	\$ 396,326
Sewer Capt'l Improve	\$ 26,675	\$ 438,981
Water Fund	\$ 1,100	\$ 773,994
Sewer Fund	\$ 900	\$ 442,106
TOTAL APPROPRIATIONS of All Funds		\$4,509,218.16

After a roll call vote, the motion passed unanimously. *Abstain:* None.  
*Absent:* None.

*Ordinance CM-13-28* was read by title only by Assistant Law Director Brosh, AN ORDINANCE TO APPROPRIATE FUNDS NECESSARY FOR THE VARIOUS DEPARTMENTS AND OFFICES OF THE MUNICIPALITY OF WEST MILTON, OHIO, FOR THE YEAR 2014. Jason Tinnerman made a motion, seconded by Susan Willis to adopt *Ordinance CM-13-28* as amended. After a roll call vote, the motion passed unanimously. *Abstain:* None. *Absent:* None. *Ordinance CM-13-28 adopted.*

Ordinance CM-13-32

*Ordinance CM-13-32* was read by title only by Assistant Law Director Brosh, AN ORDINANCE TO AMEND CHAPTER 52 – WATER RULES AND REGULATIONS AND TO SPECIFICALLY AMEND THE DEFINITION ON SECTION 52.003 AND SECTION 52.116 (A) OF THE WEST MILTON MUNICIPAL CODE TITLED WATER RATES AND MUNICIPALITY. Scott Fogle made a motion, seconded by Jason Tinnerman to adopt *Resolution CM-13-32*. After a roll call vote, the motion passed unanimously. *Abstain:* None. *Absent:* None. *Ordinance CM-13-32 adopted.*

Scott Fogle stated we had a resident asking about this Ordinance at the last meeting. He asked Manager Kline if he had been able to work with the resident on this. Manager Kline stated actually the request the resident had was regarding the water rules and regulations legislation. Manager Kline stated he had not talked to the resident; but that several of the Councilmembers talked with him at the meeting.

## MUNICIPAL MANAGER

Manager Kline congratulated Mayor Coate, Councilmember Willis, and Councilmember Miller.

### 1) Dam Historical Presentation –

Manager Kline stated because of questions at a recent meeting regarding the removal of the dam he asked Rich Cogen to speak at this meeting. Rich Cogen, Executive Director of the Ohio River Foundation, gave Council a historical perspective of the removal of the low-head dam. Mr. Cogen gave each Councilmember a handout titled West Milton Dam Removal and Stillwater Restoration Project History and Project Timeline and another handout titled West Milton Low-Head Dam Removal and Stillwater River Restoration Project Fact Sheet for their review.

Mr. Cogen stated permits will be issued next summer and the dam should be removed next fall. Jason Tinnerman asked how long this process takes. Mr. Cogen stated several weeks and after the restoration work annual monitoring will take place for five (5) years after the dam has been removed. Scott Fogle asked if the control house would be removed. Mr. Cogen stated all the buildings are expected to be removed. Jason Tinnerman asked what would keep the buildings from being removed. Mr. Cogen stated if they are considered to be historical buildings it would be determined whether they would stay or be torn down. He stated the ODNR instructed that all buildings be removed. Mr. Cogen stated the buildings would have to meet criteria for the historical registry.

Manager Kline stated the Army core of Engineers has extended the time for comments. He asked Mr. Cogen where they in that time period. Mr. Cogen stated they are still receiving comments; but if there are comments to be made they need to be done and should not delay in sending them in.

Manager Kline stated he would like for Tom Beck of WMPA do a historical documentary of the dam.

Mayor Coate stated the dam would not be able to be used for electricity. Fred Francis stated it would take seven million (\$7,000,000.00) dollars to get the dam back up and going. Susan Willis stated residents have stated they think this dam will end up looking like the Englewood area. Mr. Cogen stated that after a certain period of time the dam will look like a regular river again. He explained how in time the fish would be okay. Manager Kline stated Englewood's biological is better. Can we expect the same? Mr. Cogen stated he is not sure. He stated he has not seen the

report on this. Jason Tinnerman stated then the comments that are open to the Army Core of Engineers is not an open hearing to save the dam it is for the historical facts about the dam before it is removed. Mr. Cogen stated anyone can send any comments on any aspect of the dam. Mayor Coate thanked Mr. Cogen for coming.

2) DPL Energy -

Bob Stallman, Director of Community Development of DP&L Energy, stated the community rate reduction program will be ending in May 2014. He explained how electric rates will be changing from a negotiated rate through the PUCO to a more market driven process. Mr. Stallman gave an explanation of aggregation. He also proposed a new community savings program for West Milton. Mr. Stallman gave each Councilmember a handout titled Government Aggregation and Community Savings Program Update for their review.

Manager Kline stated he would like to discuss this at the January 28, 2014, Council Workshop Meeting.

3) Law Director –

Fred Francis made a motion, seconded by Susan Willis to appoint Lenee Brosh as West Milton's Law Director. After a roll call vote, the motion passed unanimously. *Abstain*: None. *Absent*: None.

Manager Kline administered the Oath of Office to Ms. Brosh.

4) Workshop Meeting –

A Council Workshop Meeting will be held on Tuesday, January 28, 2014, at 7:30 p.m. in Council Chambers.

Manager Kline stated today was to be a normal trash day for West Milton. He stated they attempted to come out but their diesel trucks would not work so the trash will be picked up on Thursday.

Manager Kline stated he wanted to recognize Ben Herron and his crew for all the hours they have been putting in. Mr. Herron stated West Milton is a good community to work in. He stated he does not believe there has been any complaints about the storm. Ora Ashley thanked them for their work also. Manager Kline stated with the hard cold there have only been a few fender benders. Mayor Coate thanked Ben Herron and Tim Swartztrauber also.

Manager Kline stated on behalf of Council he would like to wish Vice Mayor Tinnerman a happy birthday.

Manager Kline stated the Park Board will be meeting the third (3<sup>rd</sup>) Tuesday of each month. He stated the joint meeting with the School Board, the Township Trustees, and the West Milton Councilmembers will be held the fourth (4<sup>th</sup>) Thursday of January 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 Susan Willis to adjourn the meeting. The meeting adjourned at 8:33 p.m.

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Linda L. Cantrell CAP-OM  
Clerk of Council

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Michael Coate II  
Mayor