

COUNCIL MEETING

April 14, 2015

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

The invocation was given by Rev. Justin Williams of the United Methodist Church.

Mayor Tinnerman called the meeting to order.

Present were: Mayor Tinnerman; *Councilmembers:* Sarah Copp, Fred Francis, Susan Willis, Scott Fogle, Don Dohrman, and Anthony Miller. *Also present were:* Manager Kline, 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: April 14, 2015

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 Sarah Copp from the March 24, 2015, Council Workshop meeting. After a roll call vote, the motion passed unanimously. *Abstain:* None. *Absent:* None.

MINUTES

Fred Francis made a motion, seconded by Scott Fogle to adopt the March 10, 2015, Council 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.

SPECIAL ANNOUNCEMENT

Vice Mayor Susan Willis stated West Milton had been her home since 1991 and that she had served on Council for almost ten (10) years. She stated it is now time to start a new chapter in her life and that effective Tuesday, April 14, 2015, she was

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resigning as Vice Mayor/Councilmember of West Milton. Mayor Tinnerman thanked Ms. Willis for her years of service and wished her good luck.

Fred Francis made a motion, seconded by Scott Fogle to vacate the Vice Mayor's seat held by Susan Willis. After a roll call vote, the motion passed unanimously. *Abstain: None. Absent: None.*

Fred Francis made a motion, seconded by Scott Fogle to vacate a Municipal Councilmember seat. After a roll call vote, the motion passed unanimously. *Abstain: None. Absent: None.*

Mayor Tinnerman swore in Fred Francis as Vice Mayor.

Fred Francis made a motion, seconded by Jason Tinnerman to appoint Scott Fogle as Chairperson of Council. After a roll call vote, the motion passed with Copp, Francis, Dohrman, Miller, and Mayor Tinnerman voting *yes*. *Abstain: Fogle. Absent: None.*

Mayor Tinnerman swore in Scott Fogle as Chairperson of Council.

Mayor Tinnerman stated after ten (10) days Council can fill the vacancy on Council. He stated Council would be accepting applications from citizens to fill this vacancy. Mayor Tinnerman asked that anyone interested in the position send their application to Manager Kline.

CORRESPONDENCE TO COUNCIL

There was no correspondence to Council at this time.

MAYORAL PROCLAMATION

Mayor Tinnerman read a proclamation honoring Ted Studebaker, a former West Milton resident and a 1964 graduate of Milton-Union High School. Mr. Studebaker was an advocate for peace who was murdered in 1971 in Vietnam because he was an American. The Dayton International Peace Museum is honoring Mr. Studebaker's life with a new exhibit. The new exhibit will be open starting April 26, 2015, and on May 2, 2015, there will be a Peace Heroes walk. Mayor Tinnerman declared April 26, 2015, through May 2, 2015, as Ted Studebaker week in West Milton.

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COMMENTS FROM CITIZENS

There were no comments from citizens at this time.

ORDINANCES AND RESOLUTIONS

Ordinance CM-15-12

Ordinance CM-15-12 was read by title only by Law Director Brosh, AN ORDINANCE TO AMEND THE 2015 APPROPRIATIONS. Fred Francis made a motion, seconded by Scott Fogle to adopt *Ordinance CM-15-12*. After a roll call vote, the motion passed unanimously. *Abstain: None. Absent: None. Ordinance CM-15-12 adopted.*

Manager Kline stated the changes to the appropriations are to cover unexpected part-time work.

Resolution CM-15-13

Resolution CM-15-13 was introduced by Council and read by Law Director Brosh, A RESOLUTION TO AWARD A CONTRACT FOR THE 2015 RESURFACING PROGRAM. Fred Francis made a motion, seconded by Scott Fogle to adopt *Resolution CM-15-13*. After a roll call vote, the motion passed unanimously. *Abstain: None. Absent: None. Resolution CM-15-13 adopted.*

Resolution CM-15-14

Resolution CM-15-14 was introduced by Council and read by Law Director Brosh, A RESOLUTION TO AUTHORIZE THE MUNICIPAL MANAGER TO EXECUTE PERTINENT DOCUMENTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR WORK ON THE BRIDGE AT STATE ROUTE 571. Scott Fogle made a motion, seconded by Don Dohrman to adopt *Resolution CM-15-14*. After a roll call vote, the motion passed unanimously. *Abstain: None. Absent: None. Resolution CM-15-14 adopted.*

Manager Kline stated anytime the Ohio Department of Transportation (ODOT) does work within the Municipal limits a Resolution has to be approved. ODOT will be doing work on the St. Rt. 571 abutments.

Resolution CM-15-15

Resolution CM-15-15 was introduced by Council and read by Law Director Brosh, A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO FILE AN APPLICATION TO THE OHIO DEPARTMENT OF NATURAL RESOURCES NATUREWORKS GRANT. Anthony Miller made a motion, seconded by Sarah Copp to adopt *Resolution CM-15-15*. After a roll call vote, the motion passed unanimously. *Abstain: None. Absent: None. Resolution CM-15-15 adopted.*

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Manager Kline stated the ODNR Natureworks grant application is due May 1, 2015. He stated if the Municipality is successful in being awarded the Natureworks grant it would be for the budget year 2016. Manager Kline stated it is a seventy-five (75%) percent grant and the Municipality would have to agree to obligate funds. Manager Kline stated the Park Board is looking at refurbishing or purchasing new playground equipment for the main park. Councilmember Fogle stated the Park Board would be meeting on Wednesday, April 15, 2015, at 6:30 p.m. He stated they would be discussing the grant application process. Mr. Fogle invited the citizens to attend.

Ordinance CM-15-16

Ordinance CM-15-16 was introduced by Council and read by Law Director Brosh, AN ORDINANCE TO AUTHORIZE THE MUNICIPALITY OF WEST MILTON, OHIO, TO ENTER INTO A LOAN AGREEMENT WITH MINSTER BANK TO BORROW MONEY IN ORDER TO FINANCE THE REPLACEMENT AND INSTALLATION OF SANITARY SEWER LINES, MANHOLES, AND SEWER LATERALS. The public hearing for *Ordinance CM-15-16* will be held on Tuesday, May 12, 2015, at 7:30 p.m. in Council Chambers of the Municipal Building.

Manager Kline stated this Ordinance is authorizing the borrowing of funds to complete the replacement and installation of sanitary sewer lines, manholes, and sewer laterals on Larrel Lane and Hawthorne Drive. He stated the second reading of Ordinance CM-15-16 will coincide with the awarding of the project at the May 12, 2015, meeting.

Ordinance CM-15-17

Ordinance CM-15-17 was introduced by Council and read by Law Director Brosh, AN ORDINANCE TO AMEND THE 2015 APPROPRIATIONS. The public hearing for *Ordinance CM-15-17* will be held on Tuesday, May 12, 2015, at 7:30 p.m. in Council Chambers of the Municipal Building.

Manager Kline stated this is the first reading which adjusts the budget primarily for the sewer line project on Larrel Lane and Hawthorne Drive along with the dump truck purchase, the Main Street wing wall project, the Hometown Hero purchase, and a possible economic development study.

MUNICIPAL MANAGER

Manager Kline thanked Susan Willis for her years of service to the Municipality. He stated she would be missed.

Manager Kline congratulated Fred Francis on becoming Vice Mayor and Scott Fogle for becoming Chairperson of Council.

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Manager Kline stated David Wion's mother Nancy Wion passed away. He expressed his condolences to David.

1) Fall Fling –

Manager Kline stated there would be a Fall Fling in September. He stated PJ Wertz announced several months ago that she would not be organizing the Fall Fling for 2015. Manager Kline stated the West Milton Rotary Club would be the new sponsor. He stated it would be an abbreviated version of the past years. Manager Kline stated there would be a car show and that Tom Beck of WMPA had agreed to oversee as DJ so music and announcements could be made. He stated Rotary would be serving hotdogs and hamburgers. Manager Kline stated he believes some of the local bar/restaurants might host beer tents on their property. He stated the focus for the 2015 Fall Fling would be on community groups and local business both participating and benefiting from the people visiting and enjoying the event. Manager Kline stated the 2015 Fall Fling would be held on Saturday, September 19, 2015, probably from 1:00 p.m. to 7:00 p.m. He asked if anyone was interested in participating to call the Municipal Building at (937) 698-1500.

2) Police Department Appreciation –

Manager Kline stated what the Police Department believed to be five (5) robberies in West Milton turned out to be seventeen (17) solved theft crimes so far. He stated this included six (6) robberies in Miami County and others from as far away as Lima, OH. Manager Kline stated it could be as many as eighteen (18). He stated it was a team effort that led to multi-jurisdiction cooperation throughout the area.

3) Workshop Meeting –

A Council Workshop Meeting will be held on Tuesday, April 28, 2015, at 7:30 p.m. in Council Chambers.

COMMENTS FROM CITIZENS

There were no comments from citizens at this time.

COMMENTS FROM COUNCIL

Mayor Tinnerman thanked PJ Wertz for organizing the Fall Fling for the last several years. He invited everyone in the community to come and enjoy the festival.

Mayor Tinnerman stated recently he attended a coffee hour with the staff and clients of Riverside of Miami County. He stated if individuals do not know about this

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facility they could learn about them on their website. He stated the facility is located in Troy. Fred Francis stated his son was born two (2) months premature and they helped tremendously for the first two (2) years after he was born. He stated it is a wonderful facility.

Councilmember Sarah Copp stated she had lived entire life in West Milton, that she is a 1998 graduate of Milton-Union High School, is a member of the Community Church, and that she is building a new home on Jay Street in West Milton. She stated their home sold quickly and her parents that live on Emerick Road just outside of the Municipal limits have invited them to live with them until their new home is finished and ready to move into. She asked if it would be okay that she lives outside of municipal limits for a temporary period of approximately four (4) months. Law Director Brosh stated residency is not defined in the Municipal codes. So she researched the Ohio Revised Code Section 35.302. Ms. Brosh explained the contents of this code section and how it relates to Ms. Copp's situation (*a copy of Ms. Brosh's findings will be attached to this set of minutes*). Mayor Tinnerman read Section 4.02 of the Municipal Charter. He stated Council had received the findings of the Law Director; and he is comfortable with Ms. Copp continuing as Councilmember during her temporary living arrangements while her new home is being built.

Fred Francis made a motion, seconded by Don Dohrman stating pursuant to Section 4.02 of the Municipal Charter and Section 35.302 of the Ohio Revised Code that the residency definition for Councilmember Copp is deemed acceptable and does not affect her ability to perform her duties as a Councilmember of the West Milton Municipal Council. After a roll call vote, the motion passed with Fogle, Francis, Dohrman, Miller, and Mayor Tinnerman voting *yes*. *Abstain: Copp. Absent: None*.

Scott Fogle stated he and Sarah Copp would be taking Susan Willis' place helping Joy Beatley with the Fourth of July Parade.

Fred Francis made a motion, seconded by Scott Fogle to appoint Don Dohrman to the Park Board to fill the vacancy left due to Susan Willis' resignation. After a roll call vote, the motion passed with Copp, Fogle, Francis, Miller, and Mayor Tinnerman voting *yes*. *Abstain: Dohrman. Absent: None*.

Jason Tinnerman stated the May 5, 2015, election is coming up. He stated the levy on the ballot for the streets is not an increase in taxes it is just to make the levy

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permanent. He also encouraged everyone to support Fred Francis for his bid for the Mayor's seat.

EXECUTIVE SESSION

Fred Francis made a motion, seconded by Scott Fogle to adjourn into an Executive Session as provided by Section 4.12(5)(b) of the Charter, to consider the purchase of property for public purposes because premature disclosure would give an unfair bargaining advantage. After a roll call vote, the motion passed unanimously.

Abstain: None. *Absent:* None.

Council adjourned into Executive Session at 8:30 p.m.

Fred Francis made a motion, seconded by Sarah Copp 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 9:10 p.m.

ADJOURNMENT

Fred Francis made a motion, seconded by Sarah Copp to adjourn the meeting. The meeting adjourned at 9:11 p.m.

Linda L. Cantrell CAP-OM
Clerk of Council

Jason Tinnerman
Mayor